

SB 6257 - S AMD 26

By Senator Kline

ADOPTED 02/08/2012

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 9.68A.101 and 2010 c 289 s 14 are each amended to  
4 read as follows:

5 (1) A person is guilty of promoting commercial sexual abuse of a  
6 minor if he or she knowingly advances commercial sexual abuse or a  
7 sexually explicit act of a minor or profits from a minor engaged in  
8 sexual conduct or a sexually explicit act.

9 (2) Promoting commercial sexual abuse of a minor is a class A  
10 felony.

11 (3) For the purposes of this section:

12 (a) A person "advances commercial sexual abuse of a minor" if,  
13 acting other than as a minor receiving compensation for personally  
14 rendered sexual conduct or as a person engaged in commercial sexual  
15 abuse of a minor, he or she causes or aids a person to commit or engage  
16 in commercial sexual abuse of a minor, procures or solicits customers  
17 for commercial sexual abuse of a minor, provides persons or premises  
18 for the purposes of engaging in commercial sexual abuse of a minor,  
19 operates or assists in the operation of a house or enterprise for the  
20 purposes of engaging in commercial sexual abuse of a minor, or engages  
21 in any other conduct designed to institute, aid, cause, assist, or  
22 facilitate an act or enterprise of commercial sexual abuse of a minor.

23 (b) A person "profits from commercial sexual abuse of a minor" if,  
24 acting other than as a minor receiving compensation for personally  
25 rendered sexual conduct, he or she accepts or receives money or other  
26 property pursuant to an agreement or understanding with any person  
27 whereby he or she participates or will participate in the proceeds of  
28 commercial sexual abuse of a minor.

29 (c) A "sexually explicit act" is a public, private, or live

1 photographed, recorded, or videotaped act or show intended to arouse or  
2 satisfy the sexual desires or appeal to the prurient interests of  
3 patrons.

4 (4) For purposes of this section, "sexual conduct" means sexual  
5 intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

6 **Sec. 2.** RCW 9A.40.100 and 2011 c 111 s 1 are each amended to read  
7 as follows:

8 (1)(a) A person is guilty of trafficking in the first degree when:

9 (i) Such person:

10 (A) Recruits, harbors, transports, transfers, provides, obtains, or  
11 receives by any means another person knowing that force, fraud, or  
12 coercion as defined in RCW 9A.36.070 will be used to cause the person  
13 to engage in forced labor, involuntary servitude, a sexually explicit  
14 act, or a commercial sex act; or

15 (B) Benefits financially or by receiving anything of value from  
16 participation in a venture that has engaged in acts set forth in  
17 (a)(i)(A) of this subsection; and

18 (ii) The acts or venture set forth in (a)(i) of this subsection:

- 19 (A) Involve committing or attempting to commit kidnapping;
- 20 (B) Involve a finding of sexual motivation under RCW 9.94A.835;
- 21 (C) Involve the illegal harvesting or sale of human organs; or
- 22 (D) Result in a death.

23 (b) Trafficking in the first degree is a class A felony.

24 (2)(a) A person is guilty of trafficking in the second degree when  
25 such person:

26 (i) Recruits, harbors, transports, transfers, provides, obtains, or  
27 receives by any means another person knowing that force, fraud, or  
28 coercion as defined in RCW 9A.36.070 will be used to cause the person  
29 to engage in forced labor, involuntary servitude, a sexually explicit  
30 act, or a commercial sex act; or

31 (ii) Benefits financially or by receiving anything of value from  
32 participation in a venture that has engaged in acts set forth in (a)(i)  
33 of this subsection.

34 (b) Trafficking in the second degree is a class A felony.

35 (3) For purposes of this section, "sexually explicit act" means a  
36 public, private, or live photographed, recorded, or videotaped act or

1 show intended to arouse or satisfy the sexual desires or appeal to the  
2 prurient interests of patrons."

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3 On page 1, line 1 of the title, after "Relating to" strike the  
4 remainder of the title and insert "a sexually explicit act; amending  
5 RCW 9.68A.101 and 9A.40.100; and prescribing penalties."

EFFECT: Changes sexually explicit performance to sexually explicit  
act.

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