
**Public Safety & Emergency Preparedness
Committee**

ESB 6257

Brief Description: Addressing a sexually explicit act.

Sponsors: Senators Roach, Conway, Swecker, Fraser, Pflug, Kohl-Welles, Eide, Delvin, Stevens, Padden, Regala, Chase, Tom, Kastama, Haugen, Litzow, Brown, Kline, Shin, Nelson and Keiser.

Brief Summary of Engrossed Bill

- Expands the offense of Promoting Commercial Sexual Abuse of a Minor to include advancing or profiting from a sexually explicit act of a minor.
- Includes individuals forced, defrauded, or coerced into performing a sexually explicit act under the definition of Trafficking.
- Defines "sexually explicit act" as a public, private, or live photographed, recorded, or videotaped act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons.

Hearing Date: 2/15/12

Staff: Sarah Koster (786-7303).

Background:

Promoting Commercial Sexual Abuse of a Minor.

A person is guilty of Promoting Commercial Sexual Abuse of a Minor if he or she knowingly advances Commercial Sexual Abuse of a Minor or profits from a minor engaged in sexual conduct, meaning sexual intercourse or sexual contact.

"Advancing Commercial Sexual Abuse of a Minor" is defined as causing or aiding a person to commit or engage in Commercial Sexual Abuse of a Minor, procuring or soliciting customers for Commercial Sexual Abuse of a Minor, providing persons or premises for the purposes of

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engaging in Commercial Sexual Abuse of a Minor, operating or assisting in the operation of a house or enterprise for the purposes of engaging in Commercial Sexual Abuse of a Minor, or engaging in any other conduct designed to institute, aid, cause, assist, or facilitate an act or enterprise of Commercial Sexual Abuse of a Minor.

Promoting Commercial Sexual Abuse of a Minor is a class A felony.

Trafficking.

A person is guilty of Trafficking in the first degree when he or she:

1. recruits, harbors, transports, transfers, provides, obtains, or receives by any means another person knowing that force, fraud, or coercion will be used to cause the person to engage in forced labor, involuntary servitude, or a commercial sex act; or
2. benefits financially or by receiving anything of value from participation in a venture that has engaged in the acts described above and the acts:
 - (a) involve committing or attempting to commit kidnapping;
 - (b) involve a finding of sexual motivation under RCW 9.94A.835;
 - (c) involve the illegal harvesting or sale of human organs; or
 - (d) result in a death.

Trafficking in the first degree is a class A felony.

A person is guilty of Trafficking in the second degree when he or she:

1. recruits, harbors, transports, transfers, provides, obtains, or receives another person knowing that force, fraud, or coercion will be used to cause the person to engage in forced labor, involuntary servitude, or a commercial sex act; or
2. benefits financially or by receiving anything of value from participation in a venture that has engaged in the acts described above.

Trafficking in the second degree is a class A felony.

Summary of Bill:

"Sexually explicit act" is defined as a public, private, or live photographed, recorded, or videotaped act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons.

Promoting Commercial Sexual Abuse of a Minor.

A person is guilty of Promoting Commercial Sexual Abuse of a Minor if he or she knowingly advances commercial sexual abuse of a minor or a sexually explicit act or profits from a minor engaged in sexual conduct or a sexually explicit act.

Trafficking.

A person is guilty of Trafficking in the first degree when he or she:

1. recruits, harbors, transports, transfers, provides, obtains, or receives by any means another person knowing that force, fraud, or coercion will be used to cause the person to engage in forced labor, involuntary servitude, a sexually explicit act, or a commercial sex act; or
2. benefits financially or by receiving anything of value from participation in a venture that has engaged in the acts described above and the acts:
 - (a) involve committing or attempting to commit kidnapping;
 - (b) involve a finding of sexual motivation;
 - (c) involve the illegal harvesting or sale of human organs; or
 - (d) result in a death.

A person is guilty of Trafficking in the second degree when he or she:

1. recruits, harbors, transports, transfers, provides, obtains, or receives another person knowing that force, fraud, or coercion will be used to cause the person to engage in forced labor, involuntary servitude, a sexually explicit act, or a commercial sex act; or
2. benefits financially or by receiving anything of value from participation in a venture that has engaged in the acts described above.

Appropriation: None.

Fiscal Note: Requested on February 13, 2012.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.