

FINAL BILL REPORT

ESB 6257

C 144 L 12
Synopsis as Enacted

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.

Senate Committee on Judiciary
House Committee on Public Safety & Emergency Preparedness

Background: A person is guilty of promoting commercial sexual abuse of a minor if the person knowingly advances commercial sexual abuse of a minor or profits from a minor engaged in sexual conduct. A person advances commercial sexual abuse of a minor if the person causes or aids a person to commit or engage in the abuse, procures or solicits customers for the abuse, provides the premises for the purposes of engaging in the abuse, operates or assists in the operation of a house or enterprise for the purposes of engaging in the abuse, or engages in any other conduct designed to institute, aid, cause, assist, or facilitate an act or enterprise of the abuse. Sexual conduct means sexual intercourse or contact. Promoting commercial sexual abuse of a minor is a class A felony.

A person is guilty of trafficking in the second degree when the person 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 the person benefits financially by receiving anything of value from participation in a venture that has engaged in acts as set out above. A person is guilty of trafficking in the first degree when the person commits trafficking in the second degree and the acts, or venture as set out above, involve committing or attempting to commit kidnapping; a finding of sexual motivation; the illegal harvest or sale of human organs; or result in death. Trafficking in the first and second degrees are class A felonies.

Summary: Sexually explicit acts are added to the crimes of trafficking and commercial sexual abuse of a minor. A sexually explicit act, with regard to promoting the sexual abuse of a minor, is 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 and for which something of value is given or received. A sexually explicit act, with regard to trafficking, is 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.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Definitions are provided for patron and advances a sexually explicit act of a minor.

Votes on Final Passage:

Senate	48	0	
House	96	0	(House amended)
Senate	49	0	(Senate concurred)

Effective: June 7, 2012