
Public Safety Committee

HB 1281

Brief Description: Concerning the sexual exploitation of minors.

Sponsors: Representatives Sawyer, Orwall, Hurst, Blake, Stokesbary, Tarleton, Walsh, Kirby, Appleton, G. Hunt, Pettigrew, Jinkins, Carlyle, Fey, Ortiz-Self, Senn, Walkinshaw, Moeller, Kilduff, Robinson, Van De Wege, Stanford, Ryu, Lytton, Sells, Riccelli, Kagi, Bergquist, Clibborn, Santos, Buys and Gregerson.

Brief Summary of Bill

- Assesses a fine of \$1,000 for each depiction or image of visual or printed matter that constitutes a separate conviction for possession of depictions of a minor engaged in sexually explicit conduct.
- Creates the Internet Crimes Against Children Account.
- Transfers one-third of unclaimed lottery prize money to the Internet Crimes Against Children Account.

Hearing Date: 1/30/15

Staff: Cassie Jones (786-7303).

Background:

A person commits the crime of Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct when he or she knowingly possesses a visual or printed matter depicting a minor engaged in sexually explicit conduct. Sexually explicit conduct means actual or simulated:

- sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals;
- penetration of the vagina or rectum by any object;
- masturbation;
- sadomasochistic abuse;
- defecation or urination for the purpose of sexual stimulation of the viewer;

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- depiction of the genitals or unclothed pubic or rectal areas of any minor, or the unclothed breast of a female minor, for the purpose of sexual stimulation of the viewer; and
- touching of a person's clothed or unclothed genitals, pubic area, buttocks, or breast area for the purpose of sexual stimulation of the viewer.

Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct is either a class B felony, punishable by up to 10 years in prison and a \$20,000 fine, or a class C felony punishable by up to five years in prison and a \$10,000 fine, depending on the content of the images.

The Washington State Internet Crimes Against Children Task Force is made up of local, state, and federal law enforcement agencies working to identify, arrest, and convict those individuals who victimize children by way of the Internet. Crimes investigated by the unit include: Communication with a Minor for Immoral Purposes, Sexual Exploitation of a Minor, Possession of Depictions of Minors Engaged in Sexually Explicit Conduct, and Dealing in Depictions of Minors Engaged in Sexually Explicit Conduct. The Seattle Police Department is the lead agency for the Washington State Internet Crimes Against Children Task Force, which is one of 61 such task forces in the United States funded by the United States Department of Justice.

Lottery prize money that goes unclaimed is retained in the State Lottery Account for the person entitled to it for 180 days after the prize is won or after the official end of the game. If no claim is made for the prize within 180 days, all rights to the prize are extinguished and the prize is retained in the lottery fund for further use as prizes, except that one-third is deposited into the Economic Development Strategic Reserve Account.

Summary of Bill:

A person convicted of Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct shall be assessed a fine of \$1,000, for each conviction. The fees assessed shall be deposited into the Internet Crimes Against Children Account (Account).

The Account is created in the custody of the State Treasurer. Only the Attorney General or his or her designee may authorize expenditures from the Account. Twenty-five percent of the receipts will be granted to organizations providing mental health services to victims of child sexual abuse and 75 percent of the receipts will be granted to the Washington State Internet Crimes Against Children Task Force.

One-third of unclaimed lottery prize money shall be deposited in the Account.

Appropriation: None.

Fiscal Note: Requested on January 21, 2015.

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