

HOUSE BILL REPORT

HB 2533

As Reported by House Committee On:
Public Safety

Title: An act relating to protecting minors from sexual exploitation.

Brief Description: Protecting minors from sexual exploitation.

Sponsors: Representatives Kilduff, Caldier, Sawyer, Orwall, Appleton, Jenkins, Van De Wege, Reykdal, Frame, McBride, Ormsby, Farrell, Gregerson and Stanford.

Brief History:

Committee Activity:

Public Safety: 1/27/16, 1/29/16 [DP].

Brief Summary of Bill

- Assesses a fee of \$1,000 for each conviction of Dealing in Depictions of a Minor Engaged in Sexually Explicit Conduct and Sending or Bringing into the State Depictions of a Minor Engaged in Sexually Explicit Conduct.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass. Signed by 9 members: Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Griffey, Moscoso, Pettigrew and Wilson.

Staff: Kelly Leonard (786-7147).

Background:

Crimes Involving Depictions of Minors Engaged in Sexually Explicit Conduct. A person commits the crime of Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct in the first or second degree when he or she knowingly possesses a visual or printed matter depicting a minor engaged in sexually explicit conduct.

A person commits the crime of Dealing in Depictions of a Minor Engaged in Sexually Explicit Conduct in the first degree or second degree when he or she knowingly develops,

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duplicates, publishes, prints, disseminates, exchanges, finances, attempts to finance, or sells a visual or printed matter that depicts a minor engaged in sexually explicit conduct. The crime is also committed when a person possesses the visual or printed matter with the intent to develop, duplicate, publish, print, disseminate, exchange, or sell it.

A person commits the crime of Sending or Bringing into the State Depictions of a Minor Engaged in Sexually Explicit Conduct in the first or second degree when he or she knowingly sends or causes to be sent, or brings or causes to be brought, into this state for sale or distribution, a visual or printed matter that depicts a minor engaged in sexually explicit conduct.

The degree of the crime and the class of felony depends on the type of conduct depicted.

Child Rescue Fund. In 2015 the Legislature created a new fee for convictions of Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct in the first and second degrees. A defendant is assessed a fee of \$1,000 upon conviction. Receipts from the fee are deposited into the Child Rescue Fund. Twenty-five percent of the receipts are disbursed to child advocacy centers and 75 percent of the receipts are disbursed to the Washington State Internet Crimes Against Children Task Force.

Summary of Bill:

A \$1,000 fine is assessed for each conviction of Dealing in Depictions of a Minor Engaged in Sexually Explicit Conduct in the first degree or second degree and Sending or Bringing into the State Depictions of a Minor Engaged in Sexually Explicit Conduct in the first or second degree. The fees are deposited into the Child Rescue Fund.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Sexual abuse and exploitation of children robs victims of their childhood and irrevocably interferes with their emotional and psychological development. Victims of child pornography often experience severe and lasting harm from the crimes committed against them. In 2015 the Legislature took action and created the fee in order to fund efforts to combat this problem, including child advocacy centers and the Washington Internet Crimes Against Children Task Force. This bill expands the fee to additional crimes relating to dealing with or sending and bringing the pornographic depictions into the state. The fee is

only applied after due process and after a conviction. The state has a compelling and moral interest in protecting children from these crimes.

(Opposed) Child pornography is a public health crisis, and the state should focus its resources differently in order to combat the issue. This is an increasing problem, especially with the expansion of the Internet and hand-held devices connected to the Internet. Both children and adults are viewing child pornography, and people are developing deviant arousal systems. The law enforcement model for dealing with the problem is an interdiction approach, like with drug crimes. But this approach is not working, and it will not solve the problem. More criminal prosecutions will not change anything. People need help, intervention, and treatment. Studies demonstrate that treatment works. The state should focus resources into treatment rather than law enforcement.

Persons Testifying: (In support) Representative Kilduff, prime sponsor.

(Opposed) Brad Meryhew, Washington Association of Criminal Defense Lawyers.

Persons Signed In To Testify But Not Testifying: None.