

FINAL BILL REPORT

SB 5813

C 126 L 17
Synopsis as Enacted

Brief Description: Concerning crimes against minors.

Sponsors: Senator Padden.

Senate Committee on Law & Justice
House Committee on Public Safety

Background: Under current Washington law, a person who commits a sex offense against a child faces a higher penalty than a person who commits the same offense against an adult victim. A child is less able to understand adult behavior or recognize risks in order to avoid becoming a crime victim. When the seriousness of an offense depends on the victim's age, a defendant's mistake about the victim's age is not a defense to the crime. Children and adults may be trafficking victims. Trafficking is not limited to sexually explicit or commercial sex acts, but may also include other forms of labor trafficking. Trafficking of a child is a more serious offense than trafficking of an adult for the same reasons that a higher penalty applies to sex offenses against a child. Under current law, trafficking crimes that impose a higher penalty when the victim is a child do not expressly preclude a defendant from claiming a defense that victim's age was unknown or mistaken.

Possessing or dealing in sexual abuse imagery involving children are state law crimes. Similar federal laws prohibit a person from producing, distributing, or possessing child pornography. The federal penalties for child pornography are generally more severe than Washington's Class C felony penalties for similar crimes.

Summary: A defendant cannot claim unknown or mistaken age of a child victim as a defense to trafficking crimes. The crimes of possessing depictions of minors in sexually explicit conduct and dealing in depictions of minors in sexually explicit conduct are increased from Class C to Class B felonies.

Votes on Final Passage:

Senate	48	0
House	97	0

Effective: July 23, 2017

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.