
SENATE BILL 5094

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By Senators Dhingra, Wagoner, Holy, Salomon, Wellman, Trudeau, Cleveland, Bateman, C. Wilson, Chapman, Nobles, Orwall, and Valdez

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1 AN ACT Relating to sexually explicit depictions of minors;
2 amending RCW 9.68A.011 and 9.68A.040; and reenacting and amending RCW
3 9A.04.080.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 9.68A.011 and 2024 c 88 s 1 are each amended to read
6 as follows:

7 Unless the context clearly indicates otherwise, the definitions
8 in this section apply throughout this chapter.

9 (1) "Digitization" means creating or altering any visual or
10 printed matter to depict (~~(an identifiable)~~) a minor in a realistic
11 manner utilizing images of another person or computer-generated
12 images, regardless of whether such creation or alteration is
13 accomplished manually or through an automated process. "Digitization"
14 includes, but is not limited to, creation or alteration of any visual
15 or printed matter by using artificial intelligence.

16 (2) "~~Fabricated depiction ((of an identifiable minor" and~~
17 ~~"fabricated depiction))"~~ ((~~mean~~)) means any visual or printed matter
18 that depicts a minor (~~(who is identifiable from the matter itself or~~
19 ~~from information displayed with or otherwise connected to the matter,~~
20 ~~and)~~) that was created or altered by digitization to depict the minor
21 engaging in sexually explicit conduct in which the minor did not

1 actually engage, regardless of whether they are identifiable from the
2 matter itself or information displayed with or connected to the
3 matter.

4 (3) An "internet session" means a period of time during which an
5 internet user, using a specific internet protocol address, visits or
6 is logged into an internet site for an uninterrupted period of time.

7 (4) "Live performance" means any play, show, skit, dance, or
8 other exhibition performed or presented to or before an audience of
9 one or more, with or without consideration.

10 (5) "Minor" means any person under eighteen years of age.

11 (6) To "photograph" means to make a print, negative, slide,
12 digital image, motion picture, or videotape. A "photograph" means
13 anything tangible or intangible produced by photographing.

14 (7) "Sexually explicit conduct" means actual or simulated:

15 (a) Sexual intercourse, including genital-genital, oral-genital,
16 anal-genital, or oral-anal, whether between persons of the same or
17 opposite sex or between humans and animals;

18 (b) Penetration of the vagina or rectum by any object;

19 (c) Masturbation;

20 (d) Sadomasochistic abuse;

21 (e) Defecation or urination for the purpose of sexual stimulation
22 of the viewer;

23 (f) Depiction of the genitals or unclothed pubic or rectal areas
24 of any minor, or the unclothed breast of a female minor, for the
25 purpose of sexual stimulation of the viewer. For the purposes of this
26 subsection (7)(f), it is not necessary that the minor know that he or
27 she is participating in the described conduct, or any aspect of it;
28 and

29 (g) Touching of a person's clothed or unclothed genitals, pubic
30 area, buttocks, or breast area for the purpose of sexual stimulation
31 of the viewer.

32 (8) "Visual or printed matter" means any photograph or other
33 material that contains a reproduction of a photograph. "Visual or
34 printed matter" includes, but is not limited to, any such photograph
35 or other material that constitutes a fabricated depiction (~~of an~~
36 ~~identifiable minor~~).

37 **Sec. 2.** RCW 9.68A.040 and 1989 c 32 s 2 are each amended to read
38 as follows:

1 (1) A person is guilty of sexual exploitation of a minor if the
2 person:

3 (a) Compels a minor by threat or force to engage in sexually
4 explicit conduct, knowing that such conduct will be photographed or
5 part of a live performance;

6 (b) Aids, invites, employs, authorizes, or causes a minor to
7 engage in sexually explicit conduct, knowing that such conduct will
8 be photographed or part of a live performance; (~~(e)~~)

9 (c) Being a parent, legal guardian, or person having custody or
10 control of a minor, permits the minor to engage in sexually explicit
11 conduct, knowing that the conduct will be photographed or part of a
12 live performance; or

13 (d) Knowingly causes a minor to be photographed or part of a live
14 performance which depicts the minor engaged in sexually explicit
15 conduct where the minor is unconscious or unaware of the photograph
16 or recording.

17 (2) Sexual exploitation of a minor is a class B felony punishable
18 under chapter 9A.20 RCW.

19 **Sec. 3.** RCW 9A.04.080 and 2024 c 298 s 16 and 2024 c 297 s 11
20 are each reenacted and amended to read as follows:

21 (1) Prosecutions for criminal offenses shall not be commenced
22 after the periods prescribed in this section.

23 (a) The following offenses may be prosecuted at any time after
24 their commission:

25 (i) Murder;

26 (ii) Homicide by abuse;

27 (iii) Arson if a death results;

28 (iv) Vehicular homicide;

29 (v) Vehicular assault if a death results;

30 (vi) Hit-and-run injury-accident if a death results (RCW
31 46.52.020(4));

32 (vii) Rape in the first degree (RCW 9A.44.040) if the victim is
33 under the age of sixteen;

34 (viii) Rape in the second degree (RCW 9A.44.050) if the victim is
35 under the age of sixteen;

36 (ix) Rape of a child in the first degree (RCW 9A.44.073);

37 (x) Rape of a child in the second degree (RCW 9A.44.076);

38 (xi) Rape of a child in the third degree (RCW 9A.44.079);

1 (xii) Sexual misconduct with a minor in the first degree (RCW
2 9A.44.093);
3 (xiii) Custodial sexual misconduct in the first degree (RCW
4 9A.44.160);
5 (xiv) Child molestation in the first degree (RCW 9A.44.083);
6 (xv) Child molestation in the second degree (RCW 9A.44.086);
7 (xvi) Child molestation in the third degree (RCW 9A.44.089);
8 (xvii) Sexual exploitation of a minor (RCW 9.68A.040);
9 (xviii) Rape in the first degree (RCW 9A.44.040) if the
10 perpetrator is a first responder as defined in RCW 70.54.430 and if
11 the first responder used the first responder's position to facilitate
12 the commission of the offense;
13 (xix) Rape in the second degree (RCW 9A.44.050) if the
14 perpetrator is a first responder as defined in RCW 70.54.430 and if
15 the first responder used the first responder's position to facilitate
16 the commission of the offense;
17 (xx) Rape in the third degree (RCW 9A.44.060) if the perpetrator
18 is a first responder as defined in RCW 70.54.430 and if the first
19 responder used the first responder's position to facilitate the
20 commission of the offense;
21 (xxi) Trafficking (RCW 9A.40.100) if the victim is under the age
22 of 18;
23 (xxii) Commercial sexual abuse of a minor (RCW 9.68A.100);
24 (xxiii) Promoting commercial sexual abuse of a minor (RCW
25 9.68A.101);
26 (xxiv) Promoting travel for commercial sexual abuse of a minor
27 (RCW 9.68A.102); and
28 (xxv) Permitting commercial sexual abuse of a minor (RCW
29 9.68A.103).
30 (b) Except as provided in (a) of this subsection, the following
31 offenses may not be prosecuted more than 20 years after its
32 commission:
33 (i) Rape in the first degree (RCW 9A.44.040);
34 (ii) Rape in the second degree (RCW 9A.44.050); or
35 (iii) Indecent liberties (RCW 9A.44.100).
36 (c) The following offenses may not be prosecuted more than
37 (~~ten~~) 10 years after its commission:
38 (i) Any felony committed by a public officer if the commission is
39 in connection with the duties of his or her office or constitutes a

1 breach of his or her public duty or a violation of the oath of
2 office;

3 (ii) Arson if no death results;

4 (iii) Rape in the third degree (RCW 9A.44.060);

5 (iv) Attempted murder; (~~or~~)

6 (v) Trafficking under RCW 9A.40.100;

7 (vi) Dealing in depictions of a minor engaged in sexually
8 explicit conduct in the first degree (RCW 9.68A.050(1));

9 (vii) Dealing in depictions of a minor engaged in sexually
10 explicit conduct in the second degree (RCW 9.68A.050(2));

11 (viii) Possession of depictions of a minor engaged in sexually
12 explicit conduct in the first degree (RCW 9.68A.070(1));

13 (ix) Possession of depictions of a minor engaged in sexually
14 explicit conduct in the second degree (RCW 9.68A.070(2));

15 (x) Sending, bringing into state depictions of a minor engaged in
16 sexually explicit conduct in the first degree (RCW 9.68A.060(1));

17 (xi) Sending, bringing into state depictions of a minor engaged
18 in sexually explicit conduct in the second degree (RCW 9.68A.060(2));

19 (xii) Viewing depictions of a minor engaged in sexually explicit
20 conduct in the first degree (RCW 9.68A.075(1)); or

21 (xii) Viewing depictions of a minor engaged in sexually explicit
22 conduct in the second degree (RCW 9.68A.075(2)).

23 (d) A violation of this offense listed in this subsection (1)(d)
24 may be prosecuted up to 10 years after its commission or, if
25 committed against a victim under the age of 18, up to the victim's
26 30th birthday, whichever is later: RCW 9A.64.020 (incest).

27 (e) A violation of RCW 9A.36.170 may be prosecuted up to 10 years
28 after its commission, or if committed against a victim under the age
29 of 18, up to the victim's 28th birthday, whichever is later.

30 (f) The following offenses may not be prosecuted more than six
31 years after its commission or discovery, whichever occurs later:

32 (i) Violations of RCW 9A.82.060 or 9A.82.080;

33 (ii) Any felony violation of chapter 9A.83 RCW;

34 (iii) Any felony violation of chapter 9.35 RCW;

35 (iv) Theft in the first or second degree under chapter 9A.56 RCW
36 when accomplished by color or aid of deception;

37 (v) Theft from a vulnerable adult under RCW 9A.56.400;

38 (vi) Trafficking in stolen property in the first or second degree
39 under chapter 9A.82 RCW in which the stolen property is a motor

1 vehicle or major component part of a motor vehicle as defined in RCW
2 46.80.010; or

3 (vii) Violations of RCW 82.32.290 (2)(a)(iii) or (4).

4 (g) The following offenses may not be prosecuted more than five
5 years after its commission: Any class C felony under chapter 74.09,
6 82.36, or 82.38 RCW.

7 (h) Bigamy may not be prosecuted more than three years after the
8 time specified in RCW 9A.64.010.

9 (i) A violation of RCW 9A.56.030 may not be prosecuted more than
10 three years after the discovery of the offense when the victim is a
11 tax exempt corporation under 26 U.S.C. Sec. 501(c)(3).

12 (j) No other felony may be prosecuted more than three years after
13 its commission; except that in a prosecution under RCW 9A.44.115, if
14 the person who was viewed, photographed, or filmed did not realize at
15 the time that he or she was being viewed, photographed, or filmed,
16 the prosecution must be commenced within two years of the time the
17 person who was viewed or in the photograph or film first learns that
18 he or she was viewed, photographed, or filmed.

19 (k) No gross misdemeanor, except as provided under (e) of this
20 subsection, may be prosecuted more than two years after its
21 commission.

22 (l) No misdemeanor may be prosecuted more than one year after its
23 commission.

24 (2) The periods of limitation prescribed in subsection (1) of
25 this section do not run during any time when the person charged is
26 not usually and publicly resident within this state.

27 (3) In any prosecution for a sex offense as defined in RCW
28 9.94A.030, the periods of limitation prescribed in subsection (1) of
29 this section run from the date of commission or four years from the
30 date on which the identity of the suspect is conclusively established
31 by deoxyribonucleic acid testing or by photograph as defined in RCW
32 9.68A.011, whichever is later.

33 (4) If, before the end of a period of limitation prescribed in
34 subsection (1) of this section, an indictment has been found or a
35 complaint or an information has been filed, and the indictment,
36 complaint, or information is set aside, then the period of limitation
37 is extended by a period equal to the length of time from the finding
38 or filing to the setting aside.

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