
SUBSTITUTE SENATE BILL 5105

State of Washington

69th Legislature

2025 Regular Session

By Senate Law & Justice (originally sponsored by Senators Orwall, Christian, Dhingra, Nobles, Salomon, Wellman, and C. Wilson)

READ FIRST TIME 01/24/25.

1 AN ACT Relating to sexually explicit depictions of minors;
2 amending RCW 9.68A.050, 9.68A.053, 9.68A.060, 9.68A.070, 9.68A.075,
3 9.68A.110, and 9.68A.040; reenacting and amending RCW 9.68A.011 and
4 9A.04.080; adding a new section to chapter 9.68A RCW; creating a new
5 section; and prescribing penalties.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that rapid
8 advancements in artificial intelligence and other digital tools have
9 enabled users to easily create or alter images in a realistic manner,
10 resulting in the widespread proliferation of fabricated depictions
11 that are virtually indistinguishable from authentic images.

12 The legislature further finds that images of child sexual abuse
13 have been reported in training datasets for artificial intelligence
14 image generation, and that artificial intelligence and other digital
15 tools are increasingly capable of generating realistic images of
16 minors engaging in sexually explicit conduct.

17 The legislature further finds that artificial intelligence and
18 other digital tools have introduced significant barriers to the
19 detection and prosecution of crimes involving depictions of minors
20 engaging in sexually explicit conduct, including by contributing to
21 the increased volume of child sexual abuse material available online,

1 facilitating the alteration of real images of child sexual abuse to
2 evade conventional detection methods, and subverting conventional
3 digital detection tools such as hash match identification.

4 The legislature further finds that even where a fabricated
5 depiction of a minor engaging in sexually explicit conduct does not
6 depict an identifiable victim, exposure to such material may
7 nonetheless desensitize the creator and viewers to the sexual
8 exploitation and abuse of minors, distort perceptions of healthy
9 sexuality and relationships, and increase the likelihood of future
10 victimization.

11 The legislature further finds that it has a legitimate and
12 compelling interest in preventing the sexual exploitation and abuse
13 of children, and that even fabricated depictions of such conduct are
14 patently offensive and may be regulated without infringing on
15 constitutionally protected activity.

16 Therefore, the legislature intends to expand Washington's
17 existing prohibitions against fabricated depictions of minors engaged
18 in sexually explicit conduct to include circumstances where the
19 depicted minor is not identifiable.

20 **Sec. 2.** RCW 9.68A.011 and 2024 c 88 s 1 are each reenacted and
21 amended to read as follows:

22 Unless the context clearly indicates otherwise, the definitions
23 in this section apply throughout this chapter.

24 (1) "Digitization" means creating or altering any visual or
25 printed matter to depict ~~((an identifiable))~~ a minor in a realistic
26 manner utilizing images of another person or computer-generated
27 images, regardless of whether such creation or alteration is
28 accomplished manually or through an automated process. "Digitization"
29 includes, but is not limited to, creation or alteration of any visual
30 or printed matter by using artificial intelligence.

31 (2) ~~"Fabricated ((depiction of an identifiable minor" and~~
32 ~~"fabricated depiction" mean))~~ depiction" means any visual or printed
33 matter that ~~((depicts))~~ was created or altered by digitization to
34 depict a minor ~~((who is identifiable from the matter itself or from~~
35 ~~information displayed with or otherwise connected to the matter, and~~
36 ~~that was created or altered by digitization to depict the minor))~~
37 engaging in sexually explicit conduct ~~((in which the minor did not~~
38 ~~actually engage)), and that is obscene.~~

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

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

7 (5) "Minor" means any person under (~~(eighteen)~~) 18 years of age.

8 (6) "Obscene" means any matter:

9 (a) Which the average person, applying contemporary community
10 standards, would find, when considered as a whole, appeals to the
11 prurient interest;

12 (b) Which the average person, applying contemporary community
13 standards, would find explicitly depicts or describes patently
14 offensive representations or descriptions of sexually explicit
15 conduct; and

16 (c) Which, when considered as a whole, and in the context in
17 which it is used, lacks serious literary, artistic, political, or
18 scientific value.

19 (7) To "photograph" means to make a print, negative, slide,
20 digital image, motion picture, or videotape. A "photograph" means
21 anything tangible or intangible produced by photographing.

22 (~~(+7)~~) (8) "Sexually explicit conduct" means actual or
23 simulated:

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

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

28 (c) Masturbation;

29 (d) Sadomasochistic abuse;

30 (e) Defecation or urination for the purpose of sexual stimulation
31 of the viewer;

32 (f) Depiction of the genitals or unclothed pubic or rectal areas
33 of any minor, or the unclothed breast of a female minor, for the
34 purpose of sexual stimulation of the viewer. For the purposes of this
35 subsection (~~(+7)~~) (8)(f), it is not necessary that the minor know
36 that he or she is participating in the described conduct, or any
37 aspect of it; (~~and~~) or

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

1 (~~(+8)~~) (9) "Visual or printed matter" means any photograph or
2 other material that contains a reproduction of a photograph. "Visual
3 or printed matter" includes, but is not limited to, any such
4 photograph or other material that constitutes a fabricated depiction
5 (~~(of an identifiable minor)~~).

6 **Sec. 3.** RCW 9.68A.050 and 2019 c 128 s 3 are each amended to
7 read as follows:

8 (1) (a) A person (~~(eighteen)~~) 18 years of age or older commits the
9 crime of dealing in depictions of a minor engaged in sexually
10 explicit conduct in the first degree when he or she:

11 (i) Knowingly develops, duplicates, publishes, prints,
12 disseminates, exchanges, finances, attempts to finance, or sells a
13 visual or printed matter that depicts a minor engaged in an act of
14 sexually explicit conduct as defined in RCW 9.68A.011(~~(+4)~~) (8) (a)
15 through (e); or

16 (ii) Possesses with intent to develop, duplicate, publish, print,
17 disseminate, exchange, or sell any visual or printed matter that
18 depicts a minor engaged in an act of sexually explicit conduct as
19 defined in RCW 9.68A.011(~~(+4)~~) (8) (a) through (e).

20 (b) Dealing in depictions of a minor engaged in sexually explicit
21 conduct in the first degree is a class B felony punishable under
22 chapter 9A.20 RCW.

23 (c) For the purposes of determining the unit of prosecution under
24 this subsection, each depiction or image of visual or printed matter
25 constitutes a separate offense.

26 (2) (a) A person (~~(eighteen)~~) 18 years of age or older commits the
27 crime of dealing in depictions of a minor engaged in sexually
28 explicit conduct in the second degree when he or she:

29 (i) Knowingly develops, duplicates, publishes, prints,
30 disseminates, exchanges, finances, attempts to finance, or sells any
31 visual or printed matter that depicts a minor engaged in an act of
32 sexually explicit conduct as defined in RCW 9.68A.011(~~(+4)~~) (8) (f)
33 or (g); or

34 (ii) Possesses with intent to develop, duplicate, publish, print,
35 disseminate, exchange, or sell any visual or printed matter that
36 depicts a minor engaged in an act of sexually explicit conduct as
37 defined in RCW 9.68A.011(~~(+4)~~) (8) (f) or (g).

1 (b) Dealing in depictions of a minor engaged in sexually explicit
2 conduct in the second degree is a class B felony punishable under
3 chapter 9A.20 RCW.

4 (c) For the purposes of determining the unit of prosecution under
5 this subsection, each incident of dealing in one or more depictions
6 or images of visual or printed matter constitutes a separate offense.

7 **Sec. 4.** RCW 9.68A.053 and 2019 c 128 s 4 are each amended to
8 read as follows:

9 (1)(a)(i) A person under the age of (~~(eighteen)~~) 18 commits the
10 crime of a minor dealing in depictions of another minor (~~(thirteen)~~)
11 13 years of age or older engaged in sexually explicit conduct in the
12 first degree when he or she knowingly distributes, publishes,
13 transfers, disseminates, or exchanges a visual or printed matter that
14 depicts another minor (~~(thirteen)~~) 13 years of age or older engaged
15 in an act of sexually explicit conduct as defined in RCW
16 9.68A.011(~~((4))~~) (8) (a) through (e).

17 (ii) Minor dealing in depictions of another minor (~~(thirteen)~~) 13
18 years of age or older engaged in sexually explicit conduct in the
19 first degree is a gross misdemeanor.

20 (b)(i) A person under the age of (~~(eighteen)~~) 18 commits the
21 crime of a minor dealing in depictions of another minor (~~(thirteen)~~)
22 13 years of age or older engaged in sexually explicit conduct in the
23 second degree when he or she knowingly distributes, publishes,
24 transfers, disseminates, or exchanges a visual or printed matter that
25 depicts another minor (~~(thirteen)~~) 13 years of age or older engaged
26 in an act of sexually explicit conduct as defined in RCW
27 9.68A.011(~~((4))~~) (8) (f) or (g).

28 (ii) Minor dealing in depictions of another minor (~~(thirteen)~~) 13
29 years of age or older engaged in sexually explicit conduct in the
30 second degree is a misdemeanor.

31 (2)(a) A person under age (~~(eighteen)~~) 18 commits the crime of
32 minor dealing in depictions of another minor (~~(twelve)~~) 12 years of
33 age or younger engaged in sexually explicit conduct in the first
34 degree when he or she:

35 (i) Knowingly develops, duplicates, publishes, prints,
36 disseminates, exchanges, finances, attempts to finance, or sells a
37 visual or printed matter that depicts another minor (~~(twelve)~~) 12
38 years of age or younger engaged in an act of sexually explicit
39 conduct as defined in RCW 9.68A.011(~~((4))~~) (8) (a) through (e); or

1 (ii) Possesses with intent to develop, duplicate, publish, print,
2 disseminate, exchange, or sell any visual or printed matter that
3 depicts another minor (~~(twelve)~~) 12 years of age or younger engaged
4 in an act of sexually explicit conduct as defined in RCW
5 9.68A.011(~~(+4)~~) (8) (a) through (e).

6 (b) Minor dealing in depictions of another minor (~~(twelve)~~) 12
7 years of age or younger engaged in sexually explicit conduct in the
8 first degree is a class B felony punishable under chapter 9A.20 RCW.

9 (3) (a) A person under age (~~(eighteen)~~) 18 commits the crime of
10 minor dealing in depictions of another minor (~~(twelve)~~) 12 years of
11 age or younger engaged in sexually explicit conduct in the second
12 degree when he or she:

13 (i) Knowingly develops, duplicates, publishes, prints,
14 disseminates, exchanges, finances, attempts to finance, or sells any
15 visual or printed matter that depicts another minor (~~(twelve)~~) 12
16 years of age or younger engaged in an act of sexually explicit
17 conduct as defined in RCW 9.68A.011(~~(+4)~~) (8) (f) or (g); or

18 (ii) Possesses with intent to develop, duplicate, publish, print,
19 disseminate, exchange, or sell any visual or printed matter that
20 depicts another minor (~~(twelve)~~) 12 years of age or younger engaged
21 in an act of sexually explicit conduct as defined in RCW
22 9.68A.011(~~(+4)~~) (8) (f) or (g).

23 (b) Minor dealing in depictions of a minor (~~(twelve)~~) 12 years of
24 age or younger engaged in sexually explicit conduct in the second
25 degree is a class B felony punishable under chapter 9A.20 RCW.

26 (4) (a) Any person under the age of (~~(eighteen)~~) 18 commits the
27 crime of minor financing or selling depictions of another minor
28 engaged in sexually explicit conduct when he or she finances,
29 attempts to finance, or sells a visual or printed matter that depicts
30 a minor engaged in an act of sexually explicit conduct as defined in
31 RCW 9.68A.011(~~(+4)~~) (8) (a) through (g).

32 (b) Minor financing or selling depictions of another minor
33 engaged in sexually explicit conduct is a class B felony punishable
34 under chapter 9A.20 RCW.

35 (5) (a) A person under the age of (~~(eighteen)~~) 18 commits the
36 crime of minor selling depictions of himself or herself engaged in
37 sexually explicit conduct when he or she sells a visual or printed
38 matter that depicts himself or herself engaged in an act of sexually
39 explicit conduct as defined in RCW 9.68A.011(~~(+4)~~) (8) (a) through
40 (g).

1 (b) Minor selling depictions of himself or herself engaged in
2 sexually explicit conduct is a misdemeanor.

3 (6) This section does not apply to a person under (~~(eighteen)~~) 18
4 years of age who finances, attempts to finance, develops, duplicates,
5 publishes, prints, disseminates, exchanges, or possesses a visual or
6 printed matter that depicts himself or herself engaged in an act of
7 sexually explicit conduct as defined in RCW 9.68A.011(~~((4))~~) (8).

8 (7) For the purposes of determining the unit of prosecution under
9 this section, each depiction or image of visual or printed matter
10 constitutes a separate offense.

11 **Sec. 5.** RCW 9.68A.060 and 2019 c 128 s 5 are each amended to
12 read as follows:

13 (1)(a) Except as provided in subsections (3) and (4) of this
14 section, a person commits the crime of sending or bringing into the
15 state depictions of a minor engaged in sexually explicit conduct in
16 the first degree when he or she knowingly sends or causes to be sent,
17 or brings or causes to be brought, into this state for sale or
18 distribution, a visual or printed matter that depicts a minor engaged
19 in sexually explicit conduct as defined in RCW 9.68A.011(~~((4))~~) (8)
20 (a) through (e).

21 (b) Sending or bringing into the state depictions of a minor
22 engaged in sexually explicit conduct in the first degree is a class B
23 felony punishable under chapter 9A.20 RCW.

24 (c) For the purposes of determining the unit of prosecution under
25 this subsection, each depiction or image of visual or printed matter
26 constitutes a separate offense.

27 (2)(a) Except as provided in subsections (3) and (4) of this
28 section, a person commits the crime of sending or bringing into the
29 state depictions of a minor engaged in sexually explicit conduct in
30 the second degree when he or she knowingly sends or causes to be
31 sent, or brings or causes to be brought, into this state for sale or
32 distribution, any visual or printed matter that depicts a minor
33 engaged in sexually explicit conduct as defined in RCW
34 9.68A.011(~~((4))~~) (8) (f) or (g).

35 (b) Sending or bringing into the state depictions of a minor
36 engaged in sexually explicit conduct in the second degree is a class
37 B felony punishable under chapter 9A.20 RCW.

38 (c) For the purposes of determining the unit of prosecution under
39 this subsection, each incident of sending or bringing into the state

1 one or more depictions or images of visual or printed matter
2 constitutes a separate offense.

3 (3) This section does not apply to a minor who knowingly sends or
4 causes to be sent, or brings or causes to be brought, into this state
5 for distribution, visual or printed matter depicting any minor
6 (~~(thirteen)~~) 13 years of age or older engaged in sexually explicit
7 conduct.

8 (4) This section does not apply to a person under (~~(thirteen)~~) 13
9 years of age who knowingly sends or causes to be sent, or brings or
10 causes to be brought, into this state for distribution, visual or
11 printed matter depicting himself or herself engaged in sexually
12 explicit conduct.

13 **Sec. 6.** RCW 9.68A.070 and 2019 c 128 s 6 are each amended to
14 read as follows:

15 (1)(a) Except as provided in subsections (3) and (4) of this
16 section, a person commits the crime of possession of depictions of a
17 minor engaged in sexually explicit conduct in the first degree when
18 he or she knowingly possesses a visual or printed matter depicting a
19 minor engaged in sexually explicit conduct as defined in RCW
20 9.68A.011(~~(+4)~~) (8) (a) through (e).

21 (b) Possession of depictions of a minor engaged in sexually
22 explicit conduct in the first degree is a class B felony punishable
23 under chapter 9A.20 RCW.

24 (c) For the purposes of determining the unit of prosecution under
25 this subsection, each depiction or image of visual or printed matter
26 constitutes a separate offense.

27 (2)(a) Except as provided in subsections (3) and (4) of this
28 section, a person commits the crime of possession of depictions of a
29 minor engaged in sexually explicit conduct in the second degree when
30 he or she knowingly possesses any visual or printed matter depicting
31 a minor engaged in sexually explicit conduct as defined in RCW
32 9.68A.011(~~(+4)~~) (8) (f) or (g).

33 (b) Possession of depictions of a minor engaged in sexually
34 explicit conduct in the second degree is a class B felony punishable
35 under chapter 9A.20 RCW.

36 (c) For the purposes of determining the unit of prosecution under
37 this subsection, each incident of possession of one or more
38 depictions or images of visual or printed matter constitutes a
39 separate offense.

1 (3) This section does not apply to a minor's possession of visual
2 or printed matter depicting any minor (~~(thirteen)~~) 13 years of age or
3 older engaged in sexually explicit conduct.

4 (4) This section does not apply to a person under (~~(thirteen)~~) 13
5 years of age in possession of visual or printed matter depicting
6 himself or herself engaged in sexually explicit conduct.

7 **Sec. 7.** RCW 9.68A.075 and 2019 c 128 s 7 are each amended to
8 read as follows:

9 (1) Except as provided in subsections (5) and (6) of this
10 section, a person who intentionally views over the internet visual or
11 printed matter depicting a minor engaged in sexually explicit conduct
12 as defined in RCW 9.68A.011(~~(+4)~~) (8) (a) through (e) is guilty of
13 viewing depictions of a minor engaged in sexually explicit conduct in
14 the first degree, a class B felony punishable under chapter 9A.20
15 RCW.

16 (2) Except as provided in subsections (5) and (6) of this
17 section, a person who intentionally views over the internet visual or
18 printed matter depicting a minor engaged in sexually explicit conduct
19 as defined in RCW 9.68A.011(~~(+4)~~) (8) (f) or (g) is guilty of
20 viewing depictions of a minor engaged in sexually explicit conduct in
21 the second degree, a class C felony punishable under chapter 9A.20
22 RCW.

23 (3) For the purposes of determining whether a person
24 intentionally viewed over the internet a visual or printed matter
25 depicting a minor engaged in sexually explicit conduct in subsection
26 (1) or (2) of this section, the trier of fact shall consider the
27 title, text, and content of the visual or printed matter, as well as
28 the internet history, search terms, thumbnail images, downloading
29 activity, expert computer forensic testimony, number of visual or
30 printed matter depicting minors engaged in sexually explicit conduct,
31 defendant's access to and control over the electronic device and its
32 contents upon which the visual or printed matter was found, or any
33 other relevant evidence. The state must prove beyond a reasonable
34 doubt that the viewing was initiated by the user of the computer
35 where the viewing occurred.

36 (4) For the purposes of this section, each separate internet
37 session of intentionally viewing over the internet visual or printed
38 matter depicting a minor engaged in sexually explicit conduct
39 constitutes a separate offense.

1 (5) This section does not apply to a minor who intentionally
2 views over the internet visual or printed matter depicting a minor
3 (~~(thirteen)~~) 13 years of age or older engaged in sexually explicit
4 conduct.

5 (6) This section does not apply to a person under (~~(thirteen)~~) 13
6 years of age who intentionally views over the internet visual or
7 printed matter depicting himself or herself engaged in sexually
8 explicit conduct.

9 **Sec. 8.** RCW 9.68A.110 and 2024 c 88 s 3 are each amended to read
10 as follows:

11 (1) In a prosecution under RCW 9.68A.040, it is not a defense
12 that the defendant was involved in activities of law enforcement and
13 prosecution agencies in the investigation and prosecution of criminal
14 offenses. Law enforcement and prosecution agencies shall not employ
15 minors to aid in the investigation of a violation of RCW 9.68A.090 or
16 9.68A.100 through 9.68A.102, except for the purpose of facilitating
17 an investigation where the minor is also the alleged victim and the:

18 (a) Investigation is authorized pursuant to RCW
19 9.73.230(1)(b)(ii) or 9.73.210(1)(b); or

20 (b) Minor's aid in the investigation involves only telephone or
21 electronic communication with the defendant.

22 (2) In a prosecution under RCW 9.68A.050, 9.68A.060, 9.68A.070,
23 or 9.68A.080, it is not a defense that the defendant did not know the
24 age of the child depicted in the visual or printed matter. It is a
25 defense, which the defendant must prove by a preponderance of the
26 evidence, that at the time of the offense the defendant was not in
27 possession of any facts on the basis of which he or she should
28 reasonably have known that the person depicted was a minor.

29 (3) In a prosecution under RCW 9.68A.040, 9.68A.090, 9.68A.100,
30 9.68A.101, or 9.68A.102, it is not a defense that the defendant did
31 not know the alleged victim's age. It is a defense, which the
32 defendant must prove by a preponderance of the evidence, that at the
33 time of the offense, the defendant made a reasonable bona fide
34 attempt to ascertain the true age of the minor by requiring
35 production of a driver's license, marriage license, birth
36 certificate, or other governmental or educational identification card
37 or paper and did not rely solely on the oral allegations or apparent
38 age of the minor.

1 (4) In a prosecution under RCW 9.68A.050, 9.68A.060, 9.68A.070,
2 or 9.68A.075, it shall be an affirmative defense that the defendant
3 was a law enforcement officer or a person specifically authorized, in
4 writing, to assist a law enforcement officer and acting at the
5 direction of a law enforcement officer in the process of conducting
6 an official investigation of a sex-related crime against a minor, or
7 that the defendant was providing individual case treatment as a
8 recognized medical facility or as a psychiatrist or psychologist
9 licensed under Title 18 RCW. Nothing in chapter 227, Laws of 2010 is
10 intended to in any way affect or diminish the immunity afforded an
11 electronic communication service provider, remote computing service
12 provider, or domain name registrar acting in the performance of its
13 reporting or preservation responsibilities under 18 U.S.C. Secs.
14 2258a, 2258b, or 2258c.

15 (5) In a prosecution under RCW 9.68A.050, 9.68A.060, 9.68A.070,
16 or 9.68A.075, the state is not required to establish the identity of
17 the alleged victim (~~((unless the charged offense involves a fabricated~~
18 ~~depiction))~~).

19 (6) In a prosecution under RCW 9.68A.070 or 9.68A.075, it shall
20 be an affirmative defense that:

21 (a) The defendant was employed at or conducting research in
22 partnership or in cooperation with any institution of higher
23 education as defined in RCW 28B.07.020 or 28B.10.016, and:

24 (i) He or she was engaged in a research activity;

25 (ii) The research activity was specifically approved prior to the
26 possession or viewing activity being conducted in writing by a
27 person, or other such entity vested with the authority to grant such
28 approval by the institution of higher education; and

29 (iii) Viewing or possessing the visual or printed matter is an
30 essential component of the authorized research; or

31 (b) The defendant was an employee of the Washington state
32 legislature engaged in research at the request of a member of the
33 legislature and:

34 (i) The request for research is made prior to the possession or
35 viewing activity being conducted in writing by a member of the
36 legislature;

37 (ii) The research is directly related to a legislative activity;
38 and

1 (iii) Viewing or possessing the visual or printed matter is an
2 essential component of the requested research and legislative
3 activity.

4 (7) In a prosecution under RCW 9.68A.050, 9.68A.053, 9.68A.060,
5 9.68A.070, or 9.68A.075 where the charged offense involves a
6 fabricated depiction, ~~((it))~~ the state is not required to establish
7 that the minor depicted actually exists. It is not a defense that the
8 defendant lacked knowledge of whether the fabricated depiction had
9 been created or altered by digitization, or that the defendant lacked
10 knowledge of whether the minor depicted actually exists.

11 (8) Nothing in this section authorizes otherwise unlawful viewing
12 or possession of visual or printed matter depicting a minor engaged
13 in sexually explicit conduct.

14 **Sec. 9.** RCW 9.68A.040 and 1989 c 32 s 2 are each amended to read
15 as follows:

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

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

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

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

28 (d) Knowingly causes a minor to be photographed or part of a live
29 performance which depicts the minor engaged in sexually explicit
30 conduct where the minor is unconscious or unaware of the photograph
31 or recording.

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

34 NEW SECTION. **Sec. 10.** A new section is added to chapter 9.68A
35 RCW to read as follows:

36 (1) A person who, in the course of processing or producing visual
37 or printed matter as part of an action to prevent, detect, protect
38 against, report, or respond to the production, generation,

1 incorporation, or synthesization through artificial intelligence of
2 fabricated depictions, has reasonable cause to believe that the
3 visual or printed matter depicts a minor engaged in sexually explicit
4 conduct shall immediately report such incident, or cause a report to
5 be made, to the proper law enforcement agency. Persons failing to do
6 so are guilty of a gross misdemeanor.

7 (2) A person who makes a report in good faith under this section
8 is immune from criminal liability resulting from the report.

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

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

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

15 (i) Murder;

16 (ii) Homicide by abuse;

17 (iii) Arson if a death results;

18 (iv) Vehicular homicide;

19 (v) Vehicular assault if a death results;

20 (vi) Hit-and-run injury-accident if a death results (RCW
21 46.52.020(4));

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

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

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

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

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

29 (xii) Sexual misconduct with a minor in the first degree (RCW
30 9A.44.093);

31 (xiii) Custodial sexual misconduct in the first degree (RCW
32 9A.44.160);

33 (xiv) Child molestation in the first degree (RCW 9A.44.083);

34 (xv) Child molestation in the second degree (RCW 9A.44.086);

35 (xvi) Child molestation in the third degree (RCW 9A.44.089);

36 (xvii) Sexual exploitation of a minor (RCW 9.68A.040);

37 (xviii) Rape in the first degree (RCW 9A.44.040) if the
38 perpetrator is a first responder as defined in RCW 70.54.430 and if

1 the first responder used the first responder's position to facilitate
2 the commission of the offense;

3 (xix) Rape in the second degree (RCW 9A.44.050) if the
4 perpetrator is a first responder as defined in RCW 70.54.430 and if
5 the first responder used the first responder's position to facilitate
6 the commission of the offense;

7 (xx) Rape in the third degree (RCW 9A.44.060) if the perpetrator
8 is a first responder as defined in RCW 70.54.430 and if the first
9 responder used the first responder's position to facilitate the
10 commission of the offense;

11 (xxi) Trafficking (RCW 9A.40.100) if the victim is under the age
12 of 18;

13 (xxii) Commercial sexual abuse of a minor (RCW 9.68A.100);

14 (xxiii) Promoting commercial sexual abuse of a minor (RCW
15 9.68A.101);

16 (xxiv) Promoting travel for commercial sexual abuse of a minor
17 (RCW 9.68A.102); and

18 (xxv) Permitting commercial sexual abuse of a minor (RCW
19 9.68A.103).

20 (b) Except as provided in (a) of this subsection, the following
21 offenses may not be prosecuted more than 20 years after its
22 commission:

23 (i) Rape in the first degree (RCW 9A.44.040);

24 (ii) Rape in the second degree (RCW 9A.44.050); or

25 (iii) Indecent liberties (RCW 9A.44.100).

26 (c) The following offenses may not be prosecuted more than
27 (~~ten~~) 10 years after its commission:

28 (i) Any felony committed by a public officer if the commission is
29 in connection with the duties of his or her office or constitutes a
30 breach of his or her public duty or a violation of the oath of
31 office;

32 (ii) Arson if no death results;

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

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

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

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

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

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

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

5 (x) Sending or bringing into the state depictions of a minor
6 engaged in sexually explicit conduct in the first degree (RCW
7 9.68A.060(1));

8 (xi) Sending or bringing into the state depictions of a minor
9 engaged in sexually explicit conduct in the second degree (RCW
10 9.68A.060(2));

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

13 (xiii) Viewing depictions of a minor engaged in sexually explicit
14 conduct in the second degree (RCW 9.68A.075(2)).

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

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

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

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

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

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

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

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

30 (vi) Trafficking in stolen property in the first or second degree
31 under chapter 9A.82 RCW in which the stolen property is a motor
32 vehicle or major component part of a motor vehicle as defined in RCW
33 46.80.010; or

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

35 (g) The following offenses may not be prosecuted more than five
36 years after its commission: Any class C felony under chapter 74.09,
37 82.36, or 82.38 RCW.

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

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

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

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

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

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

19 (3) In any prosecution for a sex offense as defined in RCW
20 9.94A.030, the periods of limitation prescribed in subsection (1) of
21 this section run from the date of commission or four years from the
22 date on which the identity of the suspect is conclusively established
23 by deoxyribonucleic acid testing or by photograph as defined in RCW
24 9.68A.011, whichever is later.

25 (4) If, before the end of a period of limitation prescribed in
26 subsection (1) of this section, an indictment has been found or a
27 complaint or an information has been filed, and the indictment,
28 complaint, or information is set aside, then the period of limitation
29 is extended by a period equal to the length of time from the finding
30 or filing to the setting aside.

31 NEW SECTION. **Sec. 12.** If any provision of this act or its
32 application to any person or circumstance is held invalid, the
33 remainder of the act or the application of the provision to other
34 persons or circumstances is not affected.

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