
SENATE BILL 5223

State of Washington

68th Legislature

2023 Regular Session

By Senators C. Wilson and Dhingra

1 AN ACT Relating to protecting minors from sexual exploitation;
2 and amending RCW 9.68A.040 and 9.68A.053.

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

4 **Sec. 1.** RCW 9.68A.040 and 1989 c 32 s 2 are each amended to read
5 as follows:

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

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

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

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

18 (d) Knowingly causes a minor to be photographed or part of a live
19 performance which depicts the minor engaged in sexually explicit
20 conduct where the minor is unconscious or unaware of the photograph
21 or recording.

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

3 **Sec. 2.** RCW 9.68A.053 and 2019 c 128 s 4 are each amended to
4 read as follows:

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

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

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

23 (ii) Minor dealing in depictions of another minor thirteen years
24 of age or older engaged in sexually explicit conduct in the second
25 degree is a misdemeanor.

26 (2) (a) A person under age eighteen commits the crime of minor
27 dealing in depictions of another minor twelve years of age or younger
28 engaged in sexually explicit conduct in the first degree when he or
29 she:

30 (i) Knowingly develops, duplicates, publishes, prints,
31 disseminates, exchanges, finances, attempts to finance, or sells a
32 visual or printed matter that depicts another minor twelve years of
33 age or younger engaged in an act of sexually explicit conduct as
34 defined in RCW 9.68A.011(4) (a) through (e); or

35 (ii) Possesses with intent to develop, duplicate, publish, print,
36 disseminate, exchange, or sell any visual or printed matter that
37 depicts another minor twelve years of age or younger engaged in an
38 act of sexually explicit conduct as defined in RCW 9.68A.011(4) (a)
39 through (e).

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

4 (3)(a) A person under age eighteen commits the crime of minor
5 dealing in depictions of another minor twelve years of age or younger
6 engaged in sexually explicit conduct in the second degree when he or
7 she:

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

13 (ii) Possesses with intent to develop, duplicate, publish, print,
14 disseminate, exchange, or sell any visual or printed matter that
15 depicts another minor twelve years of age or younger engaged in an
16 act of sexually explicit conduct as defined in RCW 9.68A.011(4) (f)
17 or (g).

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

21 (4)(a) Any person under the age of eighteen commits the crime of
22 minor financing or selling depictions of another minor engaged in
23 sexually explicit conduct when he or she finances, attempts to
24 finance, or sells a visual or printed matter that depicts a minor
25 engaged in an act of sexually explicit conduct as defined in RCW
26 9.68A.011(4) (a) through (g).

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

30 (5)(a) A person under the age of eighteen commits the crime of
31 minor selling depictions of himself or herself engaged in sexually
32 explicit conduct when he or she sells a visual or printed matter that
33 depicts himself or herself engaged in an act of sexually explicit
34 conduct as defined in RCW 9.68A.011(4) (a) through (g) and that
35 visual or printed matter does not include any depiction of another
36 minor engaged in an act of sexually explicit conduct as defined in
37 RCW 9.68A.011(4).

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

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

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

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