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**SENATE BILL 6184**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Senator Rivers

1 AN ACT Relating to deepfake artificial intelligence-generated  
2 pornographic material involving minors; amending RCW 9.68A.011;  
3 reenacting and amending RCW 9A.44.010 and 9.94A.515; adding a new  
4 section to chapter 9.68A RCW; and prescribing penalties.

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

6 **Sec. 1.** RCW 9A.44.010 and 2023 c 470 s 3007 are each reenacted  
7 and amended to read as follows:

8 As used in this chapter:

9 (1) "Abuse of a supervisory position" means:

10 (a) To use a direct or indirect threat or promise to exercise  
11 authority to the detriment or benefit of a minor; or

12 (b) To exploit a significant relationship in order to obtain the  
13 consent of a minor.

14 (2) "Consent" means that at the time of the act of sexual  
15 intercourse or sexual contact there are actual words or conduct  
16 indicating freely given agreement to have sexual intercourse or  
17 sexual contact.

18 (3) "Forcible compulsion" means physical force which overcomes  
19 resistance, or a threat, express or implied, that places a person in  
20 fear of death or physical injury to herself or himself or another

1 person, or in fear that she or he or another person will be  
2 kidnapped.

3 (4) "Frail elder or vulnerable adult" means a person sixty years  
4 of age or older who has the functional, mental, or physical inability  
5 to care for himself or herself. "Frail elder or vulnerable adult"  
6 also includes a person who has been placed under a guardianship under  
7 RCW 11.130.265 or a conservatorship under RCW 11.130.360, a person  
8 over eighteen years of age who has a developmental disability under  
9 chapter 71A.10 RCW, a person admitted to a long-term care facility  
10 that is licensed or required to be licensed under chapter 18.20,  
11 18.51, 72.36, or 70.128 RCW, and a person receiving services from a  
12 home health, hospice, or home care agency licensed or required to be  
13 licensed under chapter 70.127 RCW.

14 (5) "Health care provider" for purposes of RCW 9A.44.050 and  
15 9A.44.100 means a person who is, holds himself or herself out to be,  
16 or provides services as if he or she were: (a) A member of a health  
17 care profession under chapter 18.130 RCW; or (b) registered under  
18 chapter 18.19 RCW or licensed under chapter 18.225 RCW, regardless of  
19 whether the health care provider is licensed, certified, or  
20 registered by the state.

21 (6) (a) "Indistinguishable from an actual and identifiable minor"  
22 means a reasonable person would conclude that the image is of an  
23 actual and identifiable minor.

24 (b) "Indistinguishable from an actual and identifiable minor"  
25 includes a computer-generated image that has been created, adapted,  
26 or modified to appear as an actual and identifiable minor.

27 (c) "Indistinguishable from an actual and identifiable minor"  
28 does not include images or items depicting minors that are:

29 (i) Drawings;

30 (ii) Cartoons;

31 (iii) Sculptures; or

32 (iv) Paintings.

33 (7) "Married" means one who is legally married to another, but  
34 does not include a person who is living separate and apart from his  
35 or her spouse and who has filed in an appropriate court for legal  
36 separation or for dissolution of his or her marriage.

37 ~~((7))~~ (8) "Mental incapacity" is that condition existing at the  
38 time of the offense which prevents a person from understanding the  
39 nature or consequences of the act of sexual intercourse whether that

1 condition is produced by illness, defect, the influence of a  
2 substance or from some other cause.

3 ~~((8))~~ (9) "Person with a developmental disability," for  
4 purposes of RCW 9A.44.050(1)(c) and 9A.44.100(1)(c), means a person  
5 with a developmental disability as defined in RCW 71A.10.020.

6 ~~((9))~~ (10) "Person with a mental disorder" for the purposes of  
7 RCW 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person with a "mental  
8 disorder" as defined in RCW 71.05.020.

9 ~~((10))~~ (11) "Person with a substance use disorder" for purposes  
10 of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person with a  
11 "substance use disorder" as defined in RCW 71.05.020.

12 ~~((11))~~ (12) "Person with supervisory authority," for purposes  
13 of RCW 9A.44.050(1)(c) or (e) and 9A.44.100(1)(c) or (e), means any  
14 proprietor or employee of any public or private care or treatment  
15 facility who directly supervises developmentally disabled, mentally  
16 disordered, or chemically dependent persons at the facility.

17 ~~((12))~~ (13) "Physically helpless" means a person who is  
18 unconscious or for any other reason is physically unable to  
19 communicate unwillingness to an act.

20 ~~((13))~~ (14) "Sexual contact" means any touching of the sexual  
21 or other intimate parts of a person done for the purpose of  
22 gratifying sexual desire of either party or a third party.

23 ~~((14))~~ (15) "Sexual intercourse" (a) has its ordinary meaning  
24 and occurs upon any penetration, however slight, and

25 (b) Also means any penetration of the vagina or anus however  
26 slight, by an object, when committed on one person by another,  
27 whether such persons are of the same or opposite sex, except when  
28 such penetration is accomplished for medically recognized treatment  
29 or diagnostic purposes, and

30 (c) Also means any act of sexual contact between persons  
31 involving the sex organs of one person and the mouth or anus of  
32 another whether such persons are of the same or opposite sex.

33 ~~((15))~~ (16) "Significant relationship" means a situation in  
34 which the perpetrator is:

35 (a) A person who undertakes the responsibility, professionally or  
36 voluntarily, to provide education, health, welfare, or organized  
37 recreational activities principally for minors;

38 (b) A person who in the course of his or her employment  
39 supervises minors; or

1 (c) A person who provides welfare, health or residential  
2 assistance, personal care, or organized recreational activities to  
3 frail elders or vulnerable adults, including a provider, employee,  
4 temporary employee, volunteer, or independent contractor who supplies  
5 services to long-term care facilities licensed or required to be  
6 licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW, and home  
7 health, hospice, or home care agencies licensed or required to be  
8 licensed under chapter 70.127 RCW, but not including a consensual  
9 sexual partner.

10 (~~(16)~~) (17) "Treatment" for purposes of RCW 9A.44.050 and  
11 9A.44.100 means the active delivery of professional services by a  
12 health care provider which the health care provider holds himself or  
13 herself out to be qualified to provide.

14 **Sec. 2.** RCW 9.68A.011 and 2010 c 227 s 3 are each amended to  
15 read as follows:

16 Unless the context clearly indicates otherwise, the definitions  
17 in this section apply throughout this chapter.

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

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

24 (3) "Visual or printed matter" means any photograph or other  
25 material that contains a reproduction of a photograph.

26 (4) "Sexually explicit conduct" means actual or simulated:

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

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

31 (c) Masturbation;

32 (d) Sadomasochistic abuse;

33 (e) Defecation or urination for the purpose of sexual stimulation  
34 of the viewer;

35 (f) Depiction of the genitals or unclothed pubic or rectal areas  
36 of any minor, or the unclothed breast of a female minor, for the  
37 purpose of sexual stimulation of the viewer. For the purposes of this  
38 subsection (4) (f), it is not necessary that the minor know that he or

1 she is participating in the described conduct, or any aspect of it;  
2 and

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

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

7 (6) "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 (7) (a) "Indistinguishable from an actual and identifiable minor"  
11 means a reasonable person would conclude that the image is of an  
12 actual and identifiable minor.

13 (b) "Indistinguishable from an actual and identifiable minor"  
14 includes a computer-generated image that has been created, adapted,  
15 or modified to appear as an actual and identifiable minor.

16 (c) "Indistinguishable from an actual and identifiable minor"  
17 does not include images or items depicting minors that are:

18 (i) Drawings;

19 (ii) Cartoons;

20 (iii) Sculptures; or

21 (vi) Paintings.

22 **Sec. 3.** RCW 9.94A.515 and 2023 c 196 s 3 and 2023 c 7 s 3 are  
23 each reenacted and amended to read as follows:

24 TABLE 2

25 CRIMES INCLUDED WITHIN EACH  
26 SERIOUSNESS LEVEL

27 XVI Aggravated Murder 1 (RCW 10.95.020)

28 XV Homicide by abuse (RCW 9A.32.055)

29 Malicious explosion 1 (RCW

30 70.74.280(1))

31 Murder 1 (RCW 9A.32.030)

32 XIV Murder 2 (RCW 9A.32.050)

33 Trafficking 1 (RCW 9A.40.100(1))

34 XIII Malicious explosion 2 (RCW

35 70.74.280(2))

1 Malicious placement of an explosive 1  
2 (RCW 70.74.270(1))  
3 XII Assault 1 (RCW 9A.36.011)  
4 Assault of a Child 1 (RCW 9A.36.120)  
5 Malicious placement of an imitation  
6 device 1 (RCW 70.74.272(1)(a))  
7 Promoting Commercial Sexual Abuse of  
8 a Minor (RCW 9.68A.101)  
9 Rape 1 (RCW 9A.44.040)  
10 Rape of a Child 1 (RCW 9A.44.073)  
11 Trafficking 2 (RCW 9A.40.100(3))  
12 XI Manslaughter 1 (RCW 9A.32.060)  
13 Rape 2 (RCW 9A.44.050)  
14 Rape of a Child 2 (RCW 9A.44.076)  
15 Vehicular Homicide, by being under the  
16 influence of intoxicating liquor or  
17 any drug (RCW 46.61.520)  
18 Vehicular Homicide, by the operation of  
19 any vehicle in a reckless manner  
20 (RCW 46.61.520)  
21 X Child Molestation 1 (RCW 9A.44.083)  
22 Criminal Mistreatment 1 (RCW  
23 9A.42.020)  
24 Indecent Liberties (with forcible  
25 compulsion) (RCW  
26 9A.44.100(1)(a))  
27 Kidnapping 1 (RCW 9A.40.020)  
28 Leading Organized Crime (RCW  
29 9A.82.060(1)(a))  
30 Malicious explosion 3 (RCW  
31 70.74.280(3))  
32 Sexually Violent Predator Escape (RCW  
33 9A.76.115)  
34 IX Abandonment of Dependent Person 1  
35 (RCW 9A.42.060)

1 Assault of a Child 2 (RCW 9A.36.130)  
2 Explosive devices prohibited (RCW  
3 70.74.180)  
4 Hit and Run—Death (RCW  
5 46.52.020(4)(a))  
6 Homicide by Watercraft, by being under  
7 the influence of intoxicating liquor  
8 or any drug (RCW 79A.60.050)  
9 Inciting Criminal Profiteering (RCW  
10 9A.82.060(1)(b))  
11 Malicious placement of an explosive 2  
12 (RCW 70.74.270(2))  
13 Robbery 1 (RCW 9A.56.200)  
14 Sexual Exploitation (RCW 9.68A.040)  
15 VIII Arson 1 (RCW 9A.48.020)  
16 Commercial Sexual Abuse of a Minor  
17 (RCW 9.68A.100)  
18 Homicide by Watercraft, by the  
19 operation of any vessel in a reckless  
20 manner (RCW 79A.60.050)  
21 Manslaughter 2 (RCW 9A.32.070)  
22 Promoting Prostitution 1 (RCW  
23 9A.88.070)  
24 Theft of Ammonia (RCW 69.55.010)  
25 VII Air bag diagnostic systems (causing  
26 bodily injury or death) (RCW  
27 46.37.660(2)(b))  
28 Air bag replacement requirements  
29 (causing bodily injury or death)  
30 (RCW 46.37.660(1)(b))  
31 Burglary 1 (RCW 9A.52.020)  
32 Child Molestation 2 (RCW 9A.44.086)  
33 Civil Disorder Training (RCW  
34 9A.48.120)

1 Custodial Sexual Misconduct 1 (RCW  
2 9A.44.160)

3 Dealing in depictions of minor engaged  
4 in sexually explicit conduct 1  
5 (RCW 9.68A.050(1))

6 Drive-by Shooting (RCW 9A.36.045)

7 False Reporting 1 (RCW  
8 9A.84.040(2)(a))

9 Homicide by Watercraft, by disregard  
10 for the safety of others (RCW  
11 79A.60.050)

12 Indecent Liberties (without forcible  
13 compulsion) (RCW 9A.44.100(1)  
14 (b) and (c))

15 Introducing Contraband 1 (RCW  
16 9A.76.140)

17 Malicious placement of an explosive 3  
18 (RCW 70.74.270(3))

19 Manufacture or import counterfeit,  
20 nonfunctional, damaged, or  
21 previously deployed air bag  
22 (causing bodily injury or death)  
23 (RCW 46.37.650(1)(b))

24 Negligently Causing Death By Use of a  
25 Signal Preemption Device (RCW  
26 46.37.675)

27 Sell, install, or reinstall counterfeit,  
28 nonfunctional, damaged, or  
29 previously deployed airbag (RCW  
30 46.37.650(2)(b))

31 Sending, bringing into state depictions  
32 of minor engaged in sexually  
33 explicit conduct 1 (RCW  
34 9.68A.060(1))

35 Unlawful Possession of a Firearm in the  
36 first degree (RCW 9.41.040(1))



1 Use of a Machine Gun or Bump-fire  
2 Stock in Commission of a Felony  
3 (RCW 9A.41.225)  
4 Vehicular Homicide, by disregard for  
5 the safety of others (RCW  
6 46.61.520)  
7 VI Bail Jumping with Murder 1 (RCW  
8 9A.76.170(3)(a))  
9 Bribery (RCW 9A.68.010)  
10 Incest 1 (RCW 9A.64.020(1))  
11 Intimidating a Judge (RCW 9A.72.160)  
12 Intimidating a Juror/Witness (RCW  
13 9A.72.110, 9A.72.130)  
14 Malicious placement of an imitation  
15 device 2 (RCW 70.74.272(1)(b))  
16 Possession of Depictions of a Minor  
17 Engaged in Sexually Explicit  
18 Conduct 1 (RCW 9.68A.070(1))  
19 Rape of a Child 3 (RCW 9A.44.079)  
20 Theft of a Firearm (RCW 9A.56.300)  
21 Theft from a Vulnerable Adult 1 (RCW  
22 9A.56.400(1))  
23 Unlawful Storage of Ammonia (RCW  
24 69.55.020)  
25 V Abandonment of Dependent Person 2  
26 (RCW 9A.42.070)  
27 Advancing money or property for  
28 extortionate extension of credit  
29 (RCW 9A.82.030)  
30 Air bag diagnostic systems (RCW  
31 46.37.660(2)(c))  
32 Air bag replacement requirements  
33 (RCW 46.37.660(1)(c))  
34 Bail Jumping with class A Felony  
35 (RCW 9A.76.170(3)(b))

1 Child Molestation 3 (RCW 9A.44.089)  
2 Criminal Mistreatment 2 (RCW  
3 9A.42.030)  
4 Custodial Sexual Misconduct 2 (RCW  
5 9A.44.170)  
6 Dealing in Depictions of Minor  
7 Engaged in Sexually Explicit  
8 Conduct 2 (RCW 9.68A.050(2))  
9 Domestic Violence Court Order  
10 Violation (RCW 7.105.450,  
11 10.99.040, 10.99.050, 26.09.300,  
12 26.26B.050, or 26.52.070)  
13 Extortion 1 (RCW 9A.56.120)  
14 Extortionate Extension of Credit (RCW  
15 9A.82.020)  
16 Extortionate Means to Collect  
17 Extensions of Credit (RCW  
18 9A.82.040)  
19 Incest 2 (RCW 9A.64.020(2))  
20 Kidnapping 2 (RCW 9A.40.030)  
21 Manufacture or import counterfeit,  
22 nonfunctional, damaged, or  
23 previously deployed air bag (RCW  
24 46.37.650(1)(c))  
25 Perjury 1 (RCW 9A.72.020)  
26 Persistent prison misbehavior (RCW  
27 9.94.070)  
28 Possession of a Stolen Firearm (RCW  
29 9A.56.310)  
30 Rape 3 (RCW 9A.44.060)  
31 Rendering Criminal Assistance 1 (RCW  
32 9A.76.070)  
33 Sell, install, or reinstall counterfeit,  
34 nonfunctional, damaged, or  
35 previously deployed airbag (RCW  
36 46.37.650(2)(c))

1 Sending, Bringing into State Depictions  
2 of Minor Engaged in Sexually  
3 Explicit Conduct 2 (RCW  
4 9.68A.060(2))  
5 Sexual Misconduct with a Minor 1  
6 (RCW 9A.44.093)  
7 Sexually Violating Human Remains  
8 (RCW 9A.44.105)  
9 Stalking (RCW 9A.46.110)  
10 Taking Motor Vehicle Without  
11 Permission 1 (RCW 9A.56.070)  
12 IV Arson 2 (RCW 9A.48.030)  
13 Assault 2 (RCW 9A.36.021)  
14 Assault 3 (of a Peace Officer with a  
15 Projectile Stun Gun) (RCW  
16 9A.36.031(1)(h))  
17 Assault 4 (third domestic violence  
18 offense) (RCW 9A.36.041(3))  
19 Assault by Watercraft (RCW  
20 79A.60.060)  
21 Bribing a Witness/Bribe Received by  
22 Witness (RCW 9A.72.090,  
23 9A.72.100)  
24 Cheating 1 (RCW 9.46.1961)  
25 Commercial Bribery (RCW 9A.68.060)  
26 Counterfeiting (RCW 9.16.035(4))  
27 Driving While Under the Influence  
28 (RCW 46.61.502(6))  
29 Endangerment with a Controlled  
30 Substance (RCW 9A.42.100)  
31 Escape 1 (RCW 9A.76.110)  
32 Generating Obscene Images (section 4  
33 of this act)  
34 Hate Crime (RCW 9A.36.080)

1 Hit and Run—Injury (RCW  
2 46.52.020(4)(b))  
3 Hit and Run with Vessel—Injury  
4 Accident (RCW 79A.60.200(3))  
5 Identity Theft 1 (RCW 9.35.020(2))  
6 Indecent Exposure to Person Under Age  
7 14 (subsequent sex offense) (RCW  
8 9A.88.010)  
9 Influencing Outcome of Sporting Event  
10 (RCW 9A.82.070)  
11 Physical Control of a Vehicle While  
12 Under the Influence (RCW  
13 46.61.504(6))  
14 Possession of Depictions of a Minor  
15 Engaged in Sexually Explicit  
16 Conduct 2 (RCW 9.68A.070(2))  
17 Residential Burglary (RCW 9A.52.025)  
18 Robbery 2 (RCW 9A.56.210)  
19 Theft of Livestock 1 (RCW 9A.56.080)  
20 Threats to Bomb (RCW 9.61.160)  
21 Trafficking in Stolen Property 1 (RCW  
22 9A.82.050)  
23 Unlawful factoring of a credit card or  
24 payment card transaction (RCW  
25 9A.56.290(4)(b))  
26 Unlawful transaction of health coverage  
27 as a health care service contractor  
28 (RCW 48.44.016(3))  
29 Unlawful transaction of health coverage  
30 as a health maintenance  
31 organization (RCW 48.46.033(3))  
32 Unlawful transaction of insurance  
33 business (RCW 48.15.023(3))  
34 Unlicensed practice as an insurance  
35 professional (RCW 48.17.063(2))

1 Use of Proceeds of Criminal  
2 Profiteering (RCW 9A.82.080 (1)  
3 and (2))  
4 Vehicle Prowling 2 (third or subsequent  
5 offense) (RCW 9A.52.100(3))  
6 Vehicular Assault, by being under the  
7 influence of intoxicating liquor or  
8 any drug, or by the operation or  
9 driving of a vehicle in a reckless  
10 manner (RCW 46.61.522)  
11 Viewing of Depictions of a Minor  
12 Engaged in Sexually Explicit  
13 Conduct 1 (RCW 9.68A.075(1))  
14 III Animal Cruelty 1 (Sexual Conduct or  
15 Contact) (RCW 16.52.205(3))  
16 Assault 3 (Except Assault 3 of a Peace  
17 Officer With a Projectile Stun Gun)  
18 (RCW 9A.36.031 except subsection  
19 (1)(h))  
20 Assault of a Child 3 (RCW 9A.36.140)  
21 Bail Jumping with class B or C Felony  
22 (RCW 9A.76.170(3)(c))  
23 Burglary 2 (RCW 9A.52.030)  
24 Communication with a Minor for  
25 Immoral Purposes (RCW  
26 9.68A.090)  
27 Criminal Gang Intimidation (RCW  
28 9A.46.120)  
29 Custodial Assault (RCW 9A.36.100)  
30 Cyber Harassment (RCW  
31 9A.90.120(2)(b))  
32 Escape 2 (RCW 9A.76.120)  
33 Extortion 2 (RCW 9A.56.130)  
34 False Reporting 2 (RCW  
35 9A.84.040(2)(b))  
36 Harassment (RCW 9A.46.020)

1 Hazing (RCW 28B.10.901(2)(b))  
2 Intimidating a Public Servant (RCW  
3 9A.76.180)  
4 Introducing Contraband 2 (RCW  
5 9A.76.150)  
6 Malicious Injury to Railroad Property  
7 (RCW 81.60.070)  
8 Manufacture of Untraceable Firearm  
9 with Intent to Sell (RCW 9.41.190)  
10 Manufacture or Assembly of an  
11 Undetectable Firearm or  
12 Untraceable Firearm (RCW  
13 9.41.325)  
14 Mortgage Fraud (RCW 19.144.080)  
15 Negligently Causing Substantial Bodily  
16 Harm By Use of a Signal  
17 Preemption Device (RCW  
18 46.37.674)  
19 Organized Retail Theft 1 (RCW  
20 9A.56.350(2))  
21 Perjury 2 (RCW 9A.72.030)  
22 Possession of Incendiary Device (RCW  
23 9.40.120)  
24 Possession of Machine Gun, Bump-Fire  
25 Stock, Undetectable Firearm, or  
26 Short-Barreled Shotgun or Rifle  
27 (RCW 9.41.190)  
28 Promoting Prostitution 2 (RCW  
29 9A.88.080)  
30 Retail Theft with Special Circumstances  
31 1 (RCW 9A.56.360(2))  
32 Securities Act violation (RCW  
33 21.20.400)  
34 Tampering with a Witness (RCW  
35 9A.72.120)

1 Telephone Harassment (subsequent  
2 conviction or threat of death) (RCW  
3 9.61.230(2))  
4 Theft of Livestock 2 (RCW 9A.56.083)  
5 Theft with the Intent to Resell 1 (RCW  
6 9A.56.340(2))  
7 Trafficking in Stolen Property 2 (RCW  
8 9A.82.055)  
9 Unlawful Hunting of Big Game 1 (RCW  
10 77.15.410(3)(b))  
11 Unlawful Imprisonment (RCW  
12 9A.40.040)  
13 Unlawful Misbranding of Fish or  
14 Shellfish 1 (RCW 77.140.060(3))  
15 Unlawful possession of firearm in the  
16 second degree (RCW 9.41.040(2))  
17 Unlawful Taking of Endangered Fish or  
18 Wildlife 1 (RCW 77.15.120(3)(b))  
19 Unlawful Trafficking in Fish, Shellfish,  
20 or Wildlife 1 (RCW  
21 77.15.260(3)(b))  
22 Unlawful Use of a Nondesignated  
23 Vessel (RCW 77.15.530(4))  
24 Vehicular Assault, by the operation or  
25 driving of a vehicle with disregard  
26 for the safety of others (RCW  
27 46.61.522)  
28 II Commercial Fishing Without a License  
29 1 (RCW 77.15.500(3)(b))  
30 Computer Trespass 1 (RCW 9A.90.040)  
31 Counterfeiting (RCW 9.16.035(3))  
32 Electronic Data Service Interference  
33 (RCW 9A.90.060)  
34 Electronic Data Tampering 1 (RCW  
35 9A.90.080)  
36 Electronic Data Theft (RCW 9A.90.100)

1 Engaging in Fish Dealing Activity  
2 Unlicensed 1 (RCW 77.15.620(3))  
3 Escape from Community Custody  
4 (RCW 72.09.310)  
5 Failure to Register as a Sex Offender  
6 (second or subsequent offense)  
7 (RCW 9A.44.130 prior to June 10,  
8 2010, and RCW 9A.44.132)  
9 Health Care False Claims (RCW  
10 48.80.030)  
11 Identity Theft 2 (RCW 9.35.020(3))  
12 Improperly Obtaining Financial  
13 Information (RCW 9.35.010)  
14 Malicious Mischief 1 (RCW 9A.48.070)  
15 Organized Retail Theft 2 (RCW  
16 9A.56.350(3))  
17 Possession of Stolen Property 1 (RCW  
18 9A.56.150)  
19 Possession of a Stolen Vehicle (RCW  
20 9A.56.068)  
21 Retail Theft with Special Circumstances  
22 2 (RCW 9A.56.360(3))  
23 Scrap Processing, Recycling, or  
24 Supplying Without a License  
25 (second or subsequent offense)  
26 (RCW 19.290.100)  
27 Theft 1 (RCW 9A.56.030)  
28 Theft of a Motor Vehicle (RCW  
29 9A.56.065)  
30 Theft of Rental, Leased, Lease-  
31 purchased, or Loaned Property  
32 (valued at \$5,000 or more) (RCW  
33 9A.56.096(5)(a))  
34 Theft with the Intent to Resell 2 (RCW  
35 9A.56.340(3))



1 Trafficking in Insurance Claims (RCW  
2 48.30A.015)  
3 Unlawful factoring of a credit card or  
4 payment card transaction (RCW  
5 9A.56.290(4)(a))  
6 Unlawful Participation of Non-Indians  
7 in Indian Fishery (RCW  
8 77.15.570(2))  
9 Unlawful Practice of Law (RCW  
10 2.48.180)  
11 Unlawful Purchase or Use of a License  
12 (RCW 77.15.650(3)(b))  
13 Unlawful Trafficking in Fish, Shellfish,  
14 or Wildlife 2 (RCW  
15 77.15.260(3)(a))  
16 Unlicensed Practice of a Profession or  
17 Business (RCW 18.130.190(7))  
18 Voyeurism 1 (RCW 9A.44.115)  
19 I Attempting to Elude a Pursuing Police  
20 Vehicle (RCW 46.61.024)  
21 False Verification for Welfare (RCW  
22 74.08.055)  
23 Forgery (RCW 9A.60.020)  
24 Fraudulent Creation or Revocation of a  
25 Mental Health Advance Directive  
26 (RCW 9A.60.060)  
27 Malicious Mischief 2 (RCW 9A.48.080)  
28 Mineral Trespass (RCW 78.44.330)  
29 Possession of Stolen Property 2 (RCW  
30 9A.56.160)  
31 Reckless Burning 1 (RCW 9A.48.040)  
32 Spotlighting Big Game 1 (RCW  
33 77.15.450(3)(b))  
34 Suspension of Department Privileges 1  
35 (RCW 77.15.670(3)(b))

1 Taking Motor Vehicle Without  
2 Permission 2 (RCW 9A.56.075)  
3 Theft 2 (RCW 9A.56.040)  
4 Theft from a Vulnerable Adult 2 (RCW  
5 9A.56.400(2))  
6 Theft of Rental, Leased, Lease-  
7 purchased, or Loaned Property  
8 (valued at \$750 or more but less  
9 than \$5,000) (RCW  
10 9A.56.096(5)(b))  
11 Transaction of insurance business  
12 beyond the scope of licensure  
13 (RCW 48.17.063)  
14 Unlawful Fish and Shellfish Catch  
15 Accounting (RCW 77.15.630(3)(b))  
16 Unlawful Issuance of Checks or Drafts  
17 (RCW 9A.56.060)  
18 Unlawful Possession of Fictitious  
19 Identification (RCW 9A.56.320)  
20 Unlawful Possession of Instruments of  
21 Financial Fraud (RCW 9A.56.320)  
22 Unlawful Possession of Payment  
23 Instruments (RCW 9A.56.320)  
24 Unlawful Possession of a Personal  
25 Identification Device (RCW  
26 9A.56.320)  
27 Unlawful Production of Payment  
28 Instruments (RCW 9A.56.320)  
29 Unlawful Releasing, Planting,  
30 Possessing, or Placing Deleterious  
31 Exotic Wildlife (RCW  
32 77.15.250(2)(b))  
33 Unlawful Trafficking in Food Stamps  
34 (RCW 9.91.142)  
35 Unlawful Use of Food Stamps (RCW  
36 9.91.144)

1 Unlawful Use of Net to Take Fish 1

2 (RCW 77.15.580(3)(b))

3 Vehicle Prowl 1 (RCW 9A.52.095)

4 Violating Commercial Fishing Area or

5 Time 1 (RCW 77.15.550(3)(b))

6 NEW SECTION. **Sec. 4.** A new section is added to chapter 9.68A  
7 RCW to read as follows:

8 (1) A person commits the crime of generating obscene images if  
9 the person:

10 (a) Knowingly creates or possesses and retains a film, videotape,  
11 photograph, or other visual representation showing a computer-  
12 generated image that is indistinguishable from an actual and  
13 identifiable minor under the age of 16 years:

14 (i) Engaged as a subject of sadomasochistic abuse; or

15 (ii) Engaged in sexually explicit conduct; or

16 (b) Knowingly accesses and views a film, videotape, photograph,  
17 or other visual representation showing a computer-generated image  
18 that is indistinguishable from an actual and identifiable minor under  
19 the age of 16 years:

20 (i) Engaged as a subject of sadomasochistic abuse; or

21 (ii) Engaged in sexually explicit conduct.

22 (2) The crime of generating obscene images:

23 (a) Is a gross misdemeanor on the first offense; or

24 (b) Is a class C felony if the defendant has one or more prior  
25 convictions for generating obscene images.

26 (3) Nothing in this section may be construed to prohibit a parent  
27 from possessing visual representations of the parent's own child  
28 unless the visual representations show the child engaged:

29 (a) As a subject of sadomasochistic abuse; or

30 (b) In sexually explicit conduct.

31 (4) It is an affirmative defense to a charge of violating this  
32 section that the person promptly and in good faith:

33 (a) Took reasonable steps to destroy each visual representation;  
34 or

35 (b) Reported the matter to a law enforcement agency.

--- END ---