

CERTIFICATION OF ENROLLMENT

**ENGROSSED SENATE BILL 6257**

62nd Legislature  
2012 Regular Session

Passed by the Senate March 6, 2012  
YEAS 49 NAYS 0

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**President of the Senate**

Passed by the House February 27, 2012  
YEAS 96 NAYS 0

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 6257** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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ENGROSSED SENATE BILL 6257

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AS AMENDED BY THE HOUSE

Passed Legislature - 2012 Regular Session

**State of Washington**                      **62nd Legislature**                      **2012 Regular Session**

**By** Senators Roach, Conway, Swecker, Fraser, Pflug, Kohl-Welles, Eide, Delvin, Stevens, Padden, Regala, Chase, Tom, Kastama, Haugen, Litzow, Brown, Kline, Shin, Nelson, and Keiser

Read first time 01/16/12. Referred to Committee on Judiciary.

1            AN ACT Relating to a sexually explicit act; amending RCW 9.68A.101  
2 and 9A.40.100; and prescribing penalties.

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

4            **Sec. 1.** RCW 9.68A.101 and 2010 c 289 s 14 are each amended to read  
5 as follows:

6            (1) A person is guilty of promoting commercial sexual abuse of a  
7 minor if he or she knowingly advances commercial sexual abuse or a  
8 sexually explicit act of a minor or profits from a minor engaged in  
9 sexual conduct or a sexually explicit act.

10           (2) Promoting commercial sexual abuse of a minor is a class A  
11 felony.

12           (3) For the purposes of this section:

13           (a) A person "advances commercial sexual abuse of a minor" if,  
14 acting other than as a minor receiving compensation for personally  
15 rendered sexual conduct or as a person engaged in commercial sexual  
16 abuse of a minor, he or she causes or aids a person to commit or engage  
17 in commercial sexual abuse of a minor, procures or solicits customers  
18 for commercial sexual abuse of a minor, provides persons or premises  
19 for the purposes of engaging in commercial sexual abuse of a minor,

1 operates or assists in the operation of a house or enterprise for the  
2 purposes of engaging in commercial sexual abuse of a minor, or engages  
3 in any other conduct designed to institute, aid, cause, assist, or  
4 facilitate an act or enterprise of commercial sexual abuse of a minor.

5 (b) A person "profits from commercial sexual abuse of a minor" if,  
6 acting other than as a minor receiving compensation for personally  
7 rendered sexual conduct, he or she accepts or receives money or other  
8 property pursuant to an agreement or understanding with any person  
9 whereby he or she participates or will participate in the proceeds of  
10 commercial sexual abuse of a minor.

11 (c) A person "advances a sexually explicit act of a minor" if he or  
12 she causes or aids a sexually explicit act of a minor, procures or  
13 solicits customers for a sexually explicit act of a minor, provides  
14 persons or premises for the purposes of a sexually explicit act of a  
15 minor, or engages in any other conduct designed to institute, aid,  
16 cause, assist, or facilitate a sexually explicit act of a minor.

17 (d) A "sexually explicit act" is a public, private, or live  
18 photographed, recorded, or videotaped act or show intended to arouse or  
19 satisfy the sexual desires or appeal to the prurient interests of  
20 patrons and for which something of value is given or received.

21 (e) A "patron" is a person who pays or agrees to pay a fee to  
22 another person as compensation for a sexually explicit act of a minor  
23 or who solicits or requests a sexually explicit act of a minor in  
24 return for a fee.

25 (4) For purposes of this section, "sexual conduct" means sexual  
26 intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

27 **Sec. 2.** RCW 9A.40.100 and 2011 c 111 s 1 are each amended to read  
28 as follows:

29 (1)(a) A person is guilty of trafficking in the first degree when:

30 (i) Such person:

31 (A) Recruits, harbors, transports, transfers, provides, obtains, or  
32 receives by any means another person knowing that force, fraud, or  
33 coercion as defined in RCW 9A.36.070 will be used to cause the person  
34 to engage in forced labor, involuntary servitude, a sexually explicit  
35 act, or a commercial sex act; or

36 (B) Benefits financially or by receiving anything of value from

1 participation in a venture that has engaged in acts set forth in  
2 (a)(i)(A) of this subsection; and  
3 (ii) The acts or venture set forth in (a)(i) of this subsection:  
4 (A) Involve committing or attempting to commit kidnapping;  
5 (B) Involve a finding of sexual motivation under RCW 9.94A.835;  
6 (C) Involve the illegal harvesting or sale of human organs; or  
7 (D) Result in a death.  
8 (b) Trafficking in the first degree is a class A felony.  
9 (2)(a) A person is guilty of trafficking in the second degree when  
10 such person:  
11 (i) Recruits, harbors, transports, transfers, provides, obtains, or  
12 receives by any means another person knowing that force, fraud, or  
13 coercion as defined in RCW 9A.36.070 will be used to cause the person  
14 to engage in forced labor, involuntary servitude, a sexually explicit  
15 act, or a commercial sex act; or  
16 (ii) Benefits financially or by receiving anything of value from  
17 participation in a venture that has engaged in acts set forth in (a)(i)  
18 of this subsection.  
19 (b) Trafficking in the second degree is a class A felony.  
20 (3) For purposes of this section, "sexually explicit act" means a  
21 public, private, or live photographed, recorded, or videotaped act or  
22 show intended to arouse or satisfy the sexual desires or appeal to the  
23 prurient interests of patrons.

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