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**SUBSTITUTE SENATE BILL 6251**

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**State of Washington**

**62nd Legislature**

**2012 Regular Session**

**By** Senate Judiciary (originally sponsored by Senators Kohl-Welles, Delvin, Eide, Chase, Pflug, Conway, Kline, Ranker, Stevens, Fraser, Regala, Nelson, Roach, and Frockt)

READ FIRST TIME 02/02/12.

1           AN ACT Relating to advertising commercial sexual abuse of a minor;  
2 adding a new section to chapter 9.68A RCW; creating a new section; and  
3 prescribing penalties.

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

5           NEW SECTION.   **Sec. 1.** The legislature finds it unacceptable that  
6 Washington's children are being sold for sex in advertisements. A 2008  
7 Seattle human services department report estimated that there are three  
8 hundred to five hundred children being exploited for sex in the Seattle  
9 area alone each year. The legislature finds that the practice of  
10 escort services advertising includes minors who are being sold for sex,  
11 a form of sex trafficking and commercial sexual abuse of minors.  
12 According to the Seattle police department, since the beginning of  
13 2010, at least twenty-two children have been advertised online in the  
14 Seattle area for commercial sex and were recovered by the police  
15 department. The legislature is committed to eliminating sex  
16 trafficking of minors by individuals, corporations, limited liability  
17 companies, or other business entities in Washington state.

1           NEW SECTION.   **Sec. 2.** A new section is added to chapter 9.68A RCW  
2 to read as follows:

3           (1) A person, corporation, limited liability company, partnership,  
4 joint stock association, or an unincorporated association commits the  
5 offense of advertising commercial sexual abuse of a minor if he or she  
6 knowingly sells or offers to sell an advertisement, and an act of  
7 commercial sexual abuse of a minor as defined in RCW 9.68A.100 or  
8 prostitution as defined in RCW 9A.88.030 results in this state, subject  
9 to subsection (2) of this section.

10          (2) For a corporation, joint stock association, or limited  
11 liability company to "knowingly sell or offer to sell an advertisement"  
12 under subsection (1) of this section:

13           (a) The conduct must consist of an omission to discharge a specific  
14 duty of performance imposed on corporations, joint stock associations,  
15 or limited liability companies by law; or

16           (b) The conduct must be engaged in, authorized, solicited,  
17 requested, commanded, or tolerated by the board of directors or by a  
18 high managerial agent, as defined in RCW 9A.08.030, acting within the  
19 scope of his or her employment and on behalf of the corporation, joint  
20 stock association, or limited liability company; or

21           (c) The conduct must be engaged in by an agent, as defined in RCW  
22 9A.08.030, of the corporation, joint stock association, or limited  
23 liability company, other than a high managerial agent, while acting  
24 within the scope of his or her employment and in behalf of the  
25 corporation, joint stock association, or limited liability company.

26          (3) "Advertisement" means notice or an announcement in a public  
27 medium promoting a product, service, or event, or publicizing a job  
28 vacancy.

29          (4) In a prosecution under this statute it is not a defense that  
30 the defendant did not know the age of the minor depicted in the  
31 advertisement. It is a defense, which the defendant must prove by a  
32 preponderance of the evidence, that at the time of the offense, the  
33 defendant made a reasonable bona fide attempt to ascertain the true age  
34 of the minor appearing in the advertisement by requiring the minor to  
35 appear in person and present a driver's license, marriage license,  
36 birth certificate, or other governmental or educational identification  
37 card or paper and did not rely solely on oral or written allegations of  
38 the minor's age or the apparent age of the minor.

1           (5) Advertising commercial sexual abuse of a minor is a class C  
2 felony.

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