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

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

NEW SECTION.  Sec. 1. The legislature finds it unacceptable that Washington's children are being sold for sex in advertisements. A 2008 Seattle human services department report estimated that there are three hundred to five hundred children being exploited for sex in the Seattle area alone each year. The legislature finds that the practice of escort services advertising includes minors who are being sold for sex, a form of sex trafficking and commercial sexual abuse of minors. According to the Seattle police department, since the beginning of 2010, at least twenty-two children have been advertised online in the Seattle area for commercial sex and were recovered by the police department. The legislature is committed to eliminating sex trafficking of minors in Washington state.

NEW SECTION.  Sec. 2. A new section is added to chapter 9.68A RCW to read as follows:
A person commits the offense of advertising commercial sexual abuse of a minor if he or she knowingly sells or offers to sell an advertisement that would appear to a reasonable person to be for the purpose of engaging in what would be commercial sexual abuse of a minor, if occurring in this state.

(a) To commit the offense of advertising commercial sexual abuse of a minor, a minor must be depicted in the advertisement, or commercial sexual abuse of a minor must occur as a result of the advertisement.

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

(c) "Minor" means an individual who is less than eighteen years old.

(2) In a prosecution under this statute it is not a defense that the defendant did not know the age of the minor depicted in the advertisement. It is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense, the defendant made a reasonable bona fide attempt to ascertain the true age of the minor appearing in the advertisement by requiring, prior to publication of the advertisement, production of a driver's license, marriage license, birth certificate, or other governmental or educational identification card or paper of the minor depicted in the advertisement and did not rely solely on oral or written allegations of the minor's age or the apparent age of the minor.

(3) Advertising commercial sexual abuse of a minor is a class C felony.

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