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SENATE BILL 6251

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State of Washington

62nd Legislature

2012 Regular Session

By Senators Kohl-Welles, Delvin, Eide, Chase, Pflug, Conway, Kline, Ranker, Stevens, Fraser, Regala, Nelson, Roach, and Frockt

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

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 in Washington state.

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

1 (1) A person commits the offense of advertising commercial sexual  
2 abuse of a minor if he or she knowingly sells or offers to sell an  
3 advertisement that would appear to a reasonable person to be for the  
4 purpose of engaging in what would be commercial sexual abuse of a  
5 minor, if occurring in this state.

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

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

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

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

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

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