
ENGROSSED Senate Bill 6386

State of Washington 60th Legislature 2008 Regular Session

By Senators Stevens, Hargrove, Morton, Delvin, McCaslin, and Rasmussen

Read first time 01/16/08. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to publishing the personal information of a minor
2 or information describing the locations where minors may be found;
3 adding a new section to chapter 9.68A RCW; adding new sections to
4 chapter 4.24 RCW; creating a new section; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds:

7 (a) The sexual abuse of a child is a most serious crime and an act
8 repugnant to moral instincts;

9 (b) A pedophile is a person who has fantasies, urges, or behaviors
10 that involve sexual activity with a child; and

11 (c) When a person acts on a pedophilic urge, he or she has
12 committed a criminal act against the most vulnerable segment of our
13 society, children. The main method for preventing pedophilia is
14 avoiding situations that may promote pedophilic acts.

15 (2) It is the intent of the legislature to criminalize conduct that
16 is intended to provide a person the information necessary to commit a
17 pedophilic act.

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

3 (1) Every person who knowingly publishes information relating to
4 the location of children or a place where children regularly gather, or
5 the specific time and location in which children or a particular child
6 may be found, or the personal information of a child, for the purpose
7 of arousing or gratifying the sexual desire of any person, is guilty of
8 a gross misdemeanor. It is a defense to a charge against an internet
9 service provider or social networking site that the internet service
10 provider or social networking site had only constructive knowledge and
11 not actual knowledge.

12 (2) It is not a defense to prosecution under this section that the
13 information includes a specific disclaimer of intention to incite a
14 sexual offense against a child if it is clear from the overall
15 character of the communication that its purpose is to promote the
16 commission of a sexual offense against a child.

17 (3) For the purposes of this act:

18 (a) "Location of children or a place where children regularly
19 gather" means any public facility or private facility whose primary
20 purpose, at any time, is to provide for the education, care, or
21 recreation of a child.

22 (b) "Child" means any person under the age of sixteen.

23 (c) "Personal information" means the name of the public or private
24 elementary, middle, or high school attended by a child; a child's
25 school address, home address, home telephone number, cell phone number,
26 and home e-mail address; directions to a child's school or home;
27 physical description of a child; or photographs of a child.

28 (d) "Public facility" means a facility operated by a unit of local
29 or state government, or by a nonprofit organization.

30 (e) "Publishes" means makes information available to another person
31 through any medium including, but not limited to, the internet, the
32 world wide web, or e-mail.

33 NEW SECTION. **Sec. 3.** A new section is added to chapter 4.24 RCW
34 to read as follows:

35 (1) Whenever it appears that any person is committing or has
36 committed any act that constitutes a violation of section 2 of this
37 act, the prosecuting attorney or the parents or guardian of any child

1 harmed by an alleged violation of section 2 of this act may initiate a
2 civil proceeding in superior court to enjoin such violation, and may
3 petition the court to issue an order for the discontinuance of the
4 publication of the information in violation of section 2 of this act.

5 (2) An action under this section shall be brought in the county in
6 which the violation is alleged to have taken place, and shall be
7 commenced by the filing of a verified complaint, or shall be
8 accompanied by an affidavit.

9 (3) If it is shown to the satisfaction of the court, either by
10 verified complaint or affidavit, that a person is committing or has
11 committed any act that constitutes a violation of section 2 of this
12 act, the court may issue a temporary restraining order to abate and
13 prevent the continuance or recurrence of the act.

14 (4) The court may issue a permanent injunction to restrain, abate,
15 or prevent the continuance or recurrence of the violation of section 2
16 of this act. The court may grant declaratory relief, mandatory orders,
17 or any other relief deemed necessary to accomplish the purposes of the
18 injunction. The court may retain jurisdiction of the case for the
19 purpose of enforcing its orders.

20 NEW SECTION. **Sec. 4.** A new section is added to chapter 4.24 RCW
21 to read as follows:

22 (1) The parents or guardian of any child whose personal information
23 is published in violation of section 2 of this act and who suffers
24 damages as a result of such conduct may bring a cause of action against
25 the person who published such information, for actual damages sustained
26 and reasonable attorneys' fees and costs.

27 (2) If a court has found that any person has engaged in any act
28 that constitutes a violation of section 2 of this act the court shall
29 award liquidated damages to the child whose personal information is
30 published in violation of section 2 of this act in the amount of ten
31 thousand dollars for each violation.

32 NEW SECTION. **Sec. 5.** If any provision of this act or its
33 application to any person or circumstance is held invalid, the
34 remainder of the act or the application of the provision to other

1 persons or circumstances is not affected.

--- END ---