
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; and prescribing penalties.

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

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

8 (1) Any person or organization who publishes the personal
9 information of a minor or information describing the locations where
10 minors may be found, with the intent that another person use the
11 information to commit a crime against a minor and the publication of
12 the information is likely to aid in the imminent commission of a crime
13 against a minor, is guilty of a gross misdemeanor.

14 (2) For the purposes of this section:

15 (a) "Locations where minors may be found" means any public facility
16 or private facility whose primary purpose, at any time, is to provide
17 for the education, care, or recreation of a minor.

18 (b) "Minor" means any person under the age of eighteen.

1 (c) "Personal information" means: The name of the public or
2 private elementary, middle, or high school attended by a minor; a
3 minor's school address, home address, home telephone number, cell phone
4 number, and home e-mail address; directions to a minor's school or
5 home; physical description of a minor; or photographs of a minor.

6 (d) "Photograph" means anything tangible or intangible produced by
7 photographing. To "photograph" means to make a print, negative, slide,
8 digital image, motion picture, or videotape.

9 (e) "Public facility" means a facility operated by a unit of local
10 or state government, or by a nonprofit organization.

11 (f) "Publish" means making information available to another person
12 through any medium, including, but not limited to, the internet, the
13 world wide web, or e-mail.
14

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 4.24 RCW
16 to read as follows:

17 (1) Whenever it appears that any person or organization is engaged
18 in or about to engage in any act that constitutes or will constitute a
19 violation of section 1 of this act, the prosecuting attorney or the
20 parents or guardian of any minor harmed by an alleged violation of
21 section 1 of this act may initiate a civil proceeding in superior court
22 to enjoin such violation, and may petition the court to issue an order
23 for the discontinuance of the publication of the information in
24 violation of section 1 of this act.

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

29 (3) If it is shown to the satisfaction of the court, either by
30 verified complaint or affidavit, that a person or organization is
31 engaged in or about to engage in any act that constitutes a violation
32 of section 1 of this act, the court may issue a temporary restraining
33 order to abate and prevent the continuance or recurrence of the act.

34 (4) The court may issue a permanent injunction to restrain, abate,
35 or prevent the continuance or recurrence of the violation of section 1
36 of this act. The court may grant declaratory relief, mandatory orders,

1 or any other relief deemed necessary to accomplish the purposes of the
2 injunction. The court may retain jurisdiction of the case for the
3 purpose of enforcing its orders.
4

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

7 The parents or guardian of any minor whose personal information is
8 published in violation of section 1 of this act and who suffers damages
9 as a result of such conduct may bring an action against the person or
10 organization who publishes such information, for actual damages
11 sustained plus damages in an amount not to exceed one thousand dollars
12 for each day the personal information was published, and reasonable
13 attorneys' fees and costs.
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15 NEW SECTION. **Sec. 4.** If any provision of this act or its
16 application to any person or circumstance is held invalid, the
17 remainder of the act or the application of the provision to other
18 persons or circumstances is not affected.

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