

What To Do Now?: Washington State's Sweeping Law On "Commercial Sex" Advertisements SENATE BILL 6251 - EFFECTIVE JUNE 7, 2012 Through print or electronic media "publishes, disseminates." or displays, or causes directly or indirectly, to be published. NO disseminated, or displayed, any [implicit or explicit] advertisement for a commercial sex act"? YES "Include the depiction of any minor"? ■ Minor is person under the age of 18 No Liability Under the Act ■ Strict liability as to age - if depiction is in fact of minor, this element is satisfied YĖS Do so "knowingly"? NO ■ "Conscious disregard" qualifies as "knowing" YĖS "Commercial sex act" to take place in the state of Washington? NO YĖS YES Affirmative defense of "in-person" verification available? Defendant prove by preponderance of evidence that made "reasonable and bona fide" Guilty of Class C Felony attempt to determine true age of depicted minor? ■ Up to 5 years ■ Driver's license? ■ Other governmental or educational I.D.? **←**NOimprisonment ■ Able to produce record of identification to law enforcement? ■ Marriage license? ■ \$10,000 fine ■ Birth certificate? ■ Note: Insufficient to simply rely on "oral or written representations of the minor's age or the apparent age of the minor" What to do? ■ Devise age verification program incorporating video links to gain benefit of affirmative defense ■ Segregate "adult sections" from "personals" and review posting guidelines and mechanics Corporate Social Responsibility Practice ■ Review current policing/filtering approach



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