
SUBSTITUTE SENATE BILL 6435

State of Washington

63rd Legislature

2014 Regular Session

By Senate Law & Justice (originally sponsored by Senators O'Ban, Kohl-Welles, Bailey, Kline, Angel, Becker, and Chase)

READ FIRST TIME 02/07/14.

1 AN ACT Relating to victims of sexual exploitation of children;
2 adding a new section to chapter 9.68A RCW; and adding a new section to
3 chapter 9.94A RCW.

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

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

7 (1) Any person who violates the provisions of this chapter is
8 subject to civil liability and legal action for damages, to be brought
9 by any other person claiming that a violation of this chapter injured
10 his or her property or person. A person so injured is entitled to
11 actual damages, including mental pain and suffering endured by him or
12 her on account of a violation of this chapter, plus reasonable
13 attorneys' fees and court costs.

14 (2) A conviction for a violation of this chapter is not a condition
15 precedent to maintenance of a civil action authorized by this section.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.94A RCW
17 to read as follows:

1 (1) Notwithstanding RCW 9.94A.750 and 9.94A.753, and in addition to
2 any other civil or criminal penalty authorized by law, the court shall
3 order restitution for any offense under chapter 9.68A RCW.

4 (2) The order of restitution under this section shall direct the
5 defendant to pay the victim through appropriate court mechanism the
6 full amount of the victim's losses as determined by the court pursuant
7 to subsection (5)(a) of this section.

8 (3) The issuance of a restitution order under this section is
9 mandatory. A court may not decline to issue an order under this
10 section because of the economic circumstances of the defendant or the
11 fact that the victim has, or is entitled to receive, compensation for
12 his or her injuries from the proceeds of insurance or another source.

13 (4) If the defendant participated in the crime with another person
14 or other persons, all such participants shall be jointly and severally
15 responsible for the payment of restitution ordered pursuant to this
16 section.

17 (5) For purposes of this section:

18 (a) "Full amount of the victim's losses" includes any costs
19 incurred by the victim for:

20 (i) Medical services relating to physical, psychiatric, or
21 psychological care;

22 (ii) Physical and occupational therapy or rehabilitation;

23 (iii) Necessary transportation, temporary housing, and child care
24 expenses;

25 (iv) Lost income;

26 (v) Attorneys' fees and other legal costs;

27 (vi) Any other losses suffered by the victim as a proximate result
28 of the offense.

29 (b) "Victim" means the individual harmed as a result of the
30 commission of a crime under chapter 9.68A RCW including, in the case of
31 a victim who is under eighteen years of age, incompetent,
32 incapacitated, or deceased, the legal guardian of the victim or
33 representative of the victim's estate, another family member, or any
34 other person appointed as suitable by the court, but in no event shall
35 the defendant be named as such representative or guardian.

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