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HOUSE BILL 2666

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State of Washington                      52nd Legislature                      1992 Regular Session

By Representatives McLean, Rasmussen, Broback, Appelwick, Padden,  
Sheldon, Mielke, H. Myers, Neher and Ludwig

Read first time 01/23/92. Referred to Committee on Judiciary.

1            AN ACT Relating to sale of certain publications to minors; adding  
2 a new chapter to Title 9 RCW; and prescribing penalties.

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

4            NEW SECTION.    **Sec. 1.**            Unless the context clearly requires  
5 otherwise, the definitions in this section apply throughout this  
6 chapter.

7            (1) "Minor" means any person under age eighteen.

8            (2) "Person" means any individual, corporation, or other  
9 organization.

10           (3) "Deadly weapon" means any explosive, loaded or unloaded  
11 firearm, ammunition, weapon, device, instrument, article, or substance  
12 which, under the circumstances in which it is used, attempted to be  
13 used, or threatened to be used, is readily capable of causing death or  
14 substantial bodily harm. "Substantial bodily harm," as used in this

1 definition, means bodily injury which involves a temporary but  
2 substantial loss or impairment of the function of any bodily part or  
3 organ, or which causes a fracture of any bodily part.

4 (4) "Dealers," "distributors," and "exhibitors" mean persons  
5 engaged in the sale, distribution, or exhibition of printed material.

6 (5) "Explosive" means any chemical compound or mechanical mixture  
7 that is commonly used or intended for the purpose of producing an  
8 explosion and which contains any oxidizing and combustible units, or  
9 other ingredients, in such proportions, quantities or packing, that an  
10 ignition by fire, friction, concussion, percussion, or detonation of  
11 any part of the compound or mixture may cause such a sudden generation  
12 of highly heated gases that the resultant gaseous pressures are capable  
13 of producing destructive effects on contiguous objects or of destroying  
14 life or limb.

15 NEW SECTION. **Sec. 2.** (1) When it appears that material  
16 containing instructions or descriptions for making explosives or deadly  
17 weapons is being sold, distributed, or exhibited to minors in this  
18 state, the prosecuting attorney of the county in which the sale,  
19 distribution, or exhibition is taking place may apply to the superior  
20 court for a hearing to determine the character of the material with  
21 respect to whether it contains instructions or descriptions for making  
22 explosives or deadly weapons.

23 (2) Notice of the hearing shall immediately be served upon the  
24 dealer, distributor, or exhibitor selling or otherwise distributing or  
25 exhibiting the material allegedly containing instructions or  
26 descriptions for making explosives or deadly weapons. The superior  
27 court shall hold a hearing not later than five days from the service of  
28 notice to determine whether the subject matter is material containing  
29 instructions or descriptions for making explosives or deadly weapons.

1 (3) If the superior court rules that the subject material is  
2 material containing instructions or descriptions for making explosives  
3 or deadly weapons, then, following such adjudication:

4 (a) The court shall issue an order requiring that an "adults only"  
5 label be placed on the publication, if the publication is going to  
6 continue to be distributed. Whenever the superior court orders a  
7 publication to have an "adults only" label placed on it, the label  
8 shall be impressed on the front cover of all copies of the publication  
9 sold or otherwise distributed in the state of Washington. The label  
10 shall be in forty-eight point bold face type located in a conspicuous  
11 place on the front cover of the publication. Dealers and distributors  
12 may not display publications that are subject to this subsection in  
13 their store windows, on outside newsstands on public thoroughfares, or  
14 in any other manner so as to make them readily accessible to minors.

15 (b) Failure to comply with a court order issued under the  
16 provisions of this section subjects the dealer, distributor, or  
17 exhibitor to contempt proceedings.

18 (c) Any person who, after the court determines material to be  
19 subject to this subsection, sells, distributes, or exhibits the  
20 material to a minor is guilty of violating this chapter and subject to  
21 the following penalties:

22 (i) For the first offense, a misdemeanor, and upon conviction, a  
23 fine of not more than five hundred dollars or confinement in the county  
24 jail for not more than six months;

25 (ii) For the second offense, a gross misdemeanor, and upon  
26 conviction, a fine of not more than one thousand dollars or confinement  
27 in the county jail for not more than one year;

28 (iii) For all subsequent offenses, a felony, and upon conviction,  
29 a fine of not more than five thousand dollars or confinement in the  
30 county jail for not less than one year.

1        NEW SECTION.    **Sec. 3.**        (1) It is unlawful for a minor to  
2 misrepresent his or her age or status as the child, stepchild, or ward  
3 of a person accompanying him or her, for the purpose of purchasing or  
4 obtaining access to any material containing instructions or  
5 descriptions for making explosives or deadly weapons.

6        (2) It is unlawful for a person accompanying a minor to  
7 misrepresent his or her status as a parent, spouse of a parent, or  
8 guardian of the minor for the purpose of enabling the minor to purchase  
9 or obtain access to material containing instructions or descriptions  
10 for making explosives or deadly weapons.

11        NEW SECTION.    **Sec. 4.**        No retailer, wholesaler, or exhibitor  
12 may be deprived of service from a wholesaler or wholesaler-distributor  
13 of books, magazines, motion pictures, or other materials or subjected  
14 to loss of his or her franchise or right to deal or exhibit as a result  
15 of his or her attempts to comply with this chapter. A publisher,  
16 distributor, or other person, or combination of such persons, that  
17 withdraws or attempts to withdraw a franchise or other right to sell at  
18 retail or wholesale or to exhibit materials on account of the  
19 retailer's, wholesaler's, or exhibitor's attempts to comply with this  
20 chapter shall incur civil liability to the retailer, wholesaler, or  
21 exhibitor for three times the actual damages resulting from the  
22 withdrawal or attempted withdrawal.

23        NEW SECTION.    **Sec. 5.**        Nothing in this chapter applies to the  
24 circulation of any material containing instructions or descriptions for  
25 making explosives or deadly weapons by a recognized historical society  
26 or museum, county law library, public library, library of a college or  
27 university, the state library, the state law library, or an archive or

1 library under the supervision and control of the state or a county,  
2 municipality, or other political subdivision.

3 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act shall  
4 constitute a new chapter in Title 9 RCW.