

FINAL BILL REPORT

SSB 5718

PARTIAL VETO

C 368 L 07

Synopsis as Enacted

Brief Description: Imposing penalties for engaging in the commercial sexual abuse of minors.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Hargrove, Regala, Stevens, Keiser and Rasmussen).

Senate Committee on Human Services & Corrections

House Committee on Public Safety & Emergency Preparedness

Background: A person is guilty of patronizing a juvenile prostitute if that person engages or agrees or offers to engage in sexual conduct with a minor in return for a fee and is guilty of a class C felony.

When engaged in juvenile prostitution, a person is guilty of promoting prostitution in the first degree if the person advances or profits from prostitution of a person less than 18 years old. Promoting prostitution in the first degree is a class B felony.

A person who patronizes a juvenile prostitute may also be charged with the rape of a child or child molestation. Rape of a child in the first and second degree and molestation of a child in the first degree are class A felonies; molestation of a child is a class B felony; and rape of a child in the third degree and molestation of a child in the third degree are class C felonies.

The Prostitution Prevention and Intervention Services grant program was established with the Department of Community, Trade, and Economic Development (CTED) in 1995. That fund was to provide prevention and intervention services to prostitutes or those seeking to leave prostitution, such as counseling, parenting, housing relief, education, and vocational training.

Summary: A person is guilty of commercial sexual abuse of a minor if the person pays a fee to engage in sexual conduct with a minor, pays or agrees to pay a fee pursuant to an understanding that the minor will engage in sexual conduct with him or her, or he or she solicits, offers, or requests to engage in sexual conduct with a minor. This crime is a class C felony.

A person is guilty of promoting commercial sexual abuse of a minor if he or she knowingly advances or profits from a minor engaged in sexual conduct. This crime is a class B felony.

A person commits the offense of promoting travel for commercial sexual abuse of a minor if he or she knowingly sells or offers to sell travel services to facilitate commercial sexual abuse of a minor. This crime is a class C felony.

A person is guilty of permitting commercial sexual abuse of a minor if the person has control of premises which he or she knows are being used for commercial sexual abuse of a minor. This crime is a gross misdemeanor.

Promoting commercial sexual abuse of a minor and promoting travel for the commercial sexual abuse of a minor are added to those crimes for which lack of knowledge as to the age of the victim is not a defense.

A one-year sentence enhancement for Rape of a Child and Child Molestation is imposed when the perpetrator engaged, agreed or offered to engage the victim in sexual conduct for a fee after the effective date of the act.

A special verdict process is created for the purpose of determining whether the defendant engaged, agreed, offered, attempted, solicited another, or conspired to engage the victim in sexual conduct in return for a fee in prosecutions for Rape of a Child in the first, second, and third degrees; Child Molestation in the first, second, and third degrees; and anticipatory crimes related to the offenses. The prosecution is required to prove the special verdict to a jury (or to the court if no jury is had) beyond a reasonable doubt.

A person who has entered into a statutory or nonstatutory diversion agreement for the commercial sexual abuse of a minor or the crimes of indecent exposure, prostitution, permitting prostitution, or patronizing a prostitute is subject to the same financial penalties as those that apply to a person who has been convicted of the crime.

If funds are appropriated to the prostitution prevention and intervention account, CTED must prioritize the funds to provide services to minors who have a history of engaging in sexual conduct for a fee or are victims of commercial sexual abuse of a minor as well as the training of law enforcement and community outreach and education on minors who have a history of engaging in sexual conduct for a fee or are victims of commercial sexual abuse of a minor.

Votes on Final Passage:

Senate	47	0	
House	96	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 22, 2007

Partial Veto Summary: Provisions requiring that funds appropriated to the prostitution and intervention account be prioritized for services geared toward preventing the commercial sexual abuse of minors are removed.