

FINAL BILL REPORT

ESHB 1983

C 134 L 12
Synopsis as Enacted

Brief Description: Concerning prostitution and trafficking crimes.

Sponsors: House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Parker, Kenney, McCune, Hunt, Johnson, Pearson, Ryu, Fagan and Nealey).

House Committee on Public Safety & Emergency Preparedness
Senate Committee on Human Services & Corrections

Background:

Indecent Exposure and Prostitution Fees.

A person who has been convicted, been given a deferred sentence or prosecution, or entered into a statutory or nonstatutory diversion agreement as a result of an arrest for Indecent Exposure, Prostitution, Promoting Prostitution in the first or second degree, Permitting Prostitution, or Patronizing a Prostitute (or a similar county or municipal ordinance), is assessed a fee. The fee is assessed in addition to the criminal penalties for commission of the crime.

The additional fees are as follows:

- For Promoting Prostitution in the first or second degree, the additional fee is \$300.
- For Indecent Exposure, Prostitution, or Permitting Prostitution, the additional fee is \$50.
- For Patronizing a Prostitute, the additional fee is \$150.

A statutory or nonstatutory diversion agreement is a written agreement between a person and a court, county, or city prosecutor, or designee thereof, where the person agrees to fulfill certain conditions in lieu of prosecution.

A deferred sentence is a sentence that will not be carried out if the defendant meets certain requirements, such as complying with the conditions of probation.

The additional fees imposed for these offenses are collected by the clerk of court and distributed each month for deposit in a state account, the Prostitution Prevention and

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Intervention Account (Account). The funds in the Account may be used to: (1) support programs that provide mental health and substance abuse counseling, parenting skills training, housing relief, education, and vocational training for youth who have been diverted for a prostitution or prostitution loitering offense; (2) fund services provided to sexually exploited children in secure and semi-secure crisis residential centers with access to staff trained to meet their specific needs; (3) fund services for sexually exploited children; and (4) fund a grant program to enhance prostitution prevention and intervention services.

Typically, a certain percentage of the fines, fees, penalties, and costs collected by the courts must be remitted to the state.

Sex Offender Registration.

An offender convicted of a sex offense is required to register with the sheriff of the county in which he or she resides, works, or attends school.

Summary:

Indecent Exposure and Prostitution Fees.

The additional fees imposed in connection with a prosecution for Promoting Prostitution in the first or second degree is increased from \$300 to \$3,000 if the defendant has no prior convictions for this offense, \$6,000 if the defendant has one prior conviction for this offense, and \$10,000 if the defendant has two or more prior convictions for this offense.

The additional fee imposed in connection with a prosecution for Permitting Prostitution or Patronizing a Prostitute is increased from \$50 to \$1,500 if the defendant has no prior convictions for this offense, \$2,500 if the defendant has one prior conviction for the offense, and \$5,000 if the defendant has two or more prior convictions for this offense.

A fee of \$3,000 will be imposed on a person who is either convicted or given a deferred sentence or deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for a violation of a trafficking crime.

The revenue raised from these fees is collected by the clerk of the court and remitted to the county where the offense occurred for the county general fund, except if the offense occurred within a city or town which provides for its own law enforcement, in which case the funds will be deposited in the city or town general fund.

The funds must be used for local efforts to reduce the commercial sale of sex including prevention and increased enforcement of commercial sex laws. Specifically, at least half of the funds must be spent on prevention, including education programs for offenders, such as john schools, and rehabilitative services such as: mental health and substance abuse counseling, parenting skills training, housing relief, education, vocational training, drop-in centers, and employment counseling, to help individuals transition out of the commercial sex industry.

These fees are exempt from distribution statutes that require a certain percentage of funds collected by courts to be remitted to the state.

Sex Offender Registration.

If an offender has a prior conviction for Promoting Prostitution in the first or second degree, a subsequent conviction is considered a sex offense, requiring the offender to register as a sex offender.

Votes on Final Passage:

House	97	0	
Senate	48	0	(Senate amended)
House	98	0	(House concurred)

Effective: June 7, 2012