

HOUSE BILL REPORT

ESHB 1983

As Amended by the Senate

Title: An act relating to increasing fee assessments for prostitution crimes.

Brief Description: Increasing fee assessments for prostitution crimes.

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

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 1/17/12, 1/31/12 [DPS].

Floor Activity:

Passed House: 2/10/12, 97-0.

Senate Amended.

Passed Senate: 2/29/12, 48-0.

Brief Summary of Engrossed Substitute Bill

- Increases the additional fees imposed for Promoting Prostitution in the first or second degrees from \$300 to \$3,000 for a first offense, \$6,000 for a second offense, and \$10,000 for a third or subsequent offense.
- Directs the revenue to the arresting city or county for increased enforcement of sex crimes and preventative measures, including educational programs for offenders and rehabilitative programs for individuals involved in the sex trade.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Hurst, Chair; Ladenburg, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton, Armstrong, Goodman, Hope, Kirby, Moscoso and Ross.

Staff: Sarah Koster (786-7303).

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.

Background:

A person is guilty of Promoting Prostitution in the first degree if he or she knowingly advances prostitution by compelling a person by threat or force to engage in prostitution or profits from prostitution which results from such threat or force.

A person is guilty of Promoting Prostitution in the second degree if he or she knowingly:

- profits from prostitution; or
- advances prostitution.

Promoting Prostitution in the first degree is a class B felony. Promoting Prostitution in the second degree is a class C felony.

Under current law, a person who has been convicted, 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 fee for Promoting Prostitution in the first or second degree is \$300.

"Statutory or nonstatutory diversion agreement" is defined as 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.

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

Prostitution Prevention and Intervention Account.

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 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.

Summary of Engrossed Substitute Bill:

House Bill 1983 increases the amount of fines imposed on an individual in connection to a conviction, deferred sentence or prosecution or entry into a diversion agreement as a result of an arrest for Promoting Prostitution from \$300 to \$3,000 for a first offense, \$6,000 for a second offense, and \$10,000 for a third offense. These fines may not be reduced, suspended, or waived.

The revenue raised from this fine 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.

Typically, a certain percentage of the fines, fees, penalties, and costs collected by the courts must be remitted to the state. The revenue from the fines imposed under this bill is not subject to this requirement.

EFFECT OF SENATE AMENDMENT(S):

The amendment imposes a \$3,000 fee in connection with a conviction, deferred sentence, deferred prosecution, or statutory or nonstatutory diversion agreement for the crime of trafficking in the first or second degree; increases the fee for permitting prostitution from \$50 to \$1,500 if there is no prior offense, \$2,500 if there is one prior offense, and \$5,000 if there are two or more prior offenses; and increases the fee for patronizing a prostitute from \$150 to \$1,500 if there are no prior offenses, \$2,500 if there is one prior offense, and \$5,000 if there are two or more prior offenses. The court may reduce any of these fees, or the fees in the underlying bill, by up to two-thirds if it finds on the record that the defendant does not have the ability to pay the fee. If there is 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.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The penalty needs to be high enough to not be just the cost of doing business. We need a stiff penalty to send a message that human trafficking is an issue that Washington takes seriously.

(Opposed) None.

Persons Testifying: Representative Parker, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.