

FINAL BILL REPORT

ESHB 2692

PARTIAL VETO C 136 L 12 Synopsis as Enacted

Brief Description: Concerning the reduction of the commercial sale of sex.

Sponsors: House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Orwall, Asay, Parker, Carlyle, Kelley, Hurst, Ormsby, Kagi, Dickerson, Upthegrove, Goodman, Pettigrew, Maxwell, Dahlquist, Dammeier, Moscoso, Pearson and Kenney).

House Committee on Public Safety & Emergency Preparedness
Senate Committee on Judiciary

Background:

Offense: Patronizing a Prostitute.

A person is guilty of the misdemeanor of Patronizing a Prostitute if:

- pursuant to a prior understanding, he or she pays a fee to another person as compensation for such person or a third person having engaged in sexual conduct with him or her;
- he or she pays or agrees to pay a fee to another person pursuant to an understanding that in return therefor such person will engage in sexual conduct with him or her; or
- he or she solicits or requests another person to engage in sexual conduct with him or her in return for a fee.

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 assessed in connection with a prosecution for Patronizing a Prostitute is \$150, in addition to criminal penalties or other fees.

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.

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.

Prostitution Prevention and Intervention Account.

The additional fees imposed for these offenses are collected by the clerk of the 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.

Educational Programs for Offenders ("John Schools").

Some cities in Washington, including Tacoma and Seattle, have created "john schools," court-ordered educational programs for persons arrested for patronizing a prostitute. These programs, which typically involve presentations by former prostitutes, are designed to show offenders the impact of prostitution on individuals involved in the sex trade, as well as the risks of prostitution to purchasers of sexual services.

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

Summary:

Fines for Prostitution Offenses.

The additional fine imposed in connection with a prosecution for Patronizing a Prostitute is \$1,500 for a first offense, \$2,500 for a second offense, and \$5,000 for a third or subsequent offense. These fines may not be reduced, suspended, or waived unless the court finds, on the record, that the offender is unable to pay, in which case, the fees may be reduced by up to two-thirds. 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 to help individuals transition out of the commercial sex industry such as: mental health and substance abuse counseling, parenting skills training, housing relief, education, vocational training, drop-in centers, and employment counseling.

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

Nonmonetary Penalties.

First-time offenders are required to fulfill the terms of a program, such as a "john school," designed to educate offenders about the negative costs of prostitution. The specific program will be designated by the sentencing court.

Votes on Final Passage:

House	96	0	
Senate	48	0	(Senate amended)
House	96	0	(House concurred)

Effective: June 7, 2012

Partial Veto Summary: The Governor vetoed the section increasing additional fee amounts imposed in connection to committing the offense of Patronizing a Prostitute because the section duplicates, and conflicts with, a section of Engrossed Substitute House Bill 1983.