
**Public Safety & Emergency Preparedness
Committee**

ESSB 6252

Brief Description: Addressing commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, and promoting prostitution in the first degree.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Kline, Zarelli, Kohl-Welles, Shin, Conway, Eide, Chase, Delvin, Litzow, Stevens, Fraser, Pflug, Regala, Nelson, Keiser and Roach).

Brief Summary of Engrossed Substitute Bill

- Includes Commercial Sexual Abuse of a Minor and Promoting Commercial Sexual Abuse of a Minor under the definition of criminal profiteering.
- Allows victims and prosecuting attorneys to sue to recover damages and civil penalties for Commercial Sex Abuse of a Minor, Promoting Commercial Sex Abuse of a Minor, and Promoting Prostitution in the first degree.

Hearing Date: 2/15/12

Staff: Sarah Koster (786-7303).

Background:

Criminal profiteering is any act that is committed for financial gain and which is chargeable as one of a list of 43 offenses, even if the act is not charged or indicted. The offenses listed include, but are not limited to: Murder, Kidnapping, Theft, Extortion, Leading Organized Crime, Sexual Exploitation of Children, Mortgage Fraud, Unlicensed Practice of a Profession, and Unlawful Possession of Fictitious Identification.

A pattern of criminal profiteering is at least three acts of criminal profiteering in a five year period with similar intent, results, accomplices, principals, victims, or methods of commission.

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 person who sustains injury to his or her person, business, or property by an act of criminal profiteering that is part of a pattern of criminal profiteering activity may file an action in superior court for the recovery of damages and the costs of the suit, including reasonable investigative and attorney's fees. Also, a person who sustains injury from an act of trafficking, leading organized crime, or use of proceeds of criminal profiteering may file such an action, even if the offense was not part of a pattern of criminal profiteering.

Alternately, the Attorney General or a county's prosecuting attorney may file a civil action based on criminal profiteering, use of proceeds of criminal profiteering, trafficking, or leading organized crime. An action filed by a prosecutor can be:

- i. on behalf of those persons injured;
- ii. on behalf of the state or a county, if injured; or
- iii. to prevent, restrain, or remedy a pattern of criminal profiteering activity or a violation of trafficking, leading organized crime, or use of proceeds of criminal profiteering.

In the first two types of actions, the court may award damages and costs. In the third type of action, the court may impose a civil penalty of up to \$250,000 and issue orders to prevent, restrain or remedy a pattern of criminal profiteering activity or a violation of trafficking, leading organized crime, or use of proceeds of criminal profiteering. Such orders may include: mandatory dissolution of an enterprise or divesture of a person's interest in that enterprise; payment of triple damages to persons injured; and forfeiture to individuals injured, then the state.

Summary of Bill:

An act which could be chargeable as Commercial Sex Abuse of a Minor or Promoting Commercial Sex Abuse of a Minor and was committed for financial gain is included in the definition of criminal profiteering.

A person injured by an act of Commercial Sex Abuse of a Minor, Promoting Sex Abuse of a Minor, or Promoting Prostitution in the first degree may file an action for the recovery of damages and the costs of the suit. Similarly, the Attorney General or a county prosecutor may file an action on behalf of the injured person or the county or state to recover damages, impose a civil penalty, or prevent or remedy an offense.

Appropriation: None.

Fiscal Note: Requested on February 13, 2012.

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