

HOUSE BILL REPORT

SB 6256

As Passed House:
March 2, 2012

Title: An act relating to adding commercial sexual abuse of a minor to the list of criminal street gang-related offenses.

Brief Description: Adding commercial sexual abuse of a minor to the list of criminal street gang-related offenses.

Sponsors: Senators Conway, Delvin, Roach, Chase, Kohl-Welles, Eide, Litzow, Fraser, Stevens, Pflug, Regala, Nelson, Keiser and Holmquist Newbry.

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 2/15/12, 2/21/12 [DP].

Floor Activity:

Passed House: 3/2/12, 97-0.

Brief Summary of Bill

- Adds Promoting Commercial Sexual Abuse of a Minor to the definition of criminal street gang-related offense.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: 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).

Background:

A criminal street gang-related offense is any felony or misdemeanor offense that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

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.

- to gain admission, prestige, or promotion within the gang;
- to increase or maintain the gang's size, membership, prestige, dominance, or control;
- to exact revenge or retribution for the gang;
- to obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;
- to directly or indirectly cause any advantage for the gang; or
- to provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance, Arson, Trafficking in Stolen Property, Promoting Prostitution, human Trafficking, or Promoting Pornography.

A determination that an offense is a criminal street gang-related offense can result in a sentencing enhancement if it is found that the defendant compensated, threatened, or solicited a minor in order to involve the minor in the commission of the offense.

Summary of Bill:

The bill expands the definition of criminal street gang-related offense to include any felony or misdemeanor that is committed to provide the gang with an advantage in the criminal market of Promoting Commercial Sexual Abuse of a Minor.

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) This is the simplest of bills. It adds Promoting Commercial Sexual Abuse of a Minor to the list of gang related offenses. This was an oversight that should be fixed. This is part of a package of 10 bills with bipartisan support. The 2012 legislative session is the tenth anniversary of Washington's anti-trafficking legislation. Washington has led the way for the country on this issue. All Trafficking victims should be treated equally and Trafficking codes must be made comprehensive. Human Trafficking is a human rights issue. This provision was included in a prior gang bill. More and more gangs are finding that it is more profitable to sell their girlfriends instead of narcotics because they can be sold over and over again. This is exactly where this provision belongs in the code.

(Opposed) None.

Persons Testifying: Senator Conway, prime sponsor; Senator Kohl-Welles; Velma Veloria and Sutapa Basu, University of Washington Women's Center; Emma Catague, Asian and Pacific Islander Women and Family Safety Center; Rose Gunderson, Washington Engage; Craig Engelking and Jim Pugel, City of Seattle Police Department; Chris Johnson, Office of the Attorney General; and Seth Dawson, Youth Care and Child Advocacy Centers.

Persons Signed In To Testify But Not Testifying: None.