

SENATE BILL REPORT

SB 5545

As Reported by Senate Committee On:
Human Services & Corrections, February 17, 2011

Title: An act relating to police investigations of commercial sexual exploitation of children and human trafficking.

Brief Description: Addressing police investigations of commercial sexual exploitation of children and human trafficking.

Sponsors: Senators Delvin, Kohl-Welles, Hargrove, Stevens, Fraser, Swecker, Chase, McAuliffe, White, Eide, Roach, Shin and Regala.

Brief History:

Committee Activity: Human Services & Corrections: 2/08/11, 2/17/11 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5545 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Baxter, Carrell, Harper and McAuliffe.

Staff: Kevin Black (786-7747)

Background: As part of a criminal investigation, a law enforcement officer above the rank of line supervisor may authorize the interception and recording of a conversation when one party to the conversation has consented and there is probable cause to believe the conversation involves the unlawful manufacture, delivery, or sale of controlled substances. A record must be kept of this authorization which must be submitted to the court for review within two judicial days. Notice that the recording has occurred must subsequently be mailed to the non-consenting party.

Law enforcement officers are prohibited from employing minors to aid in the investigation of the offenses of commercial sex abuse of a minor or communication with a minor for immoral purposes.

Summary of Bill (Recommended Substitute): Law enforcement is authorized to follow procedures for the interception and recording of a conversation with the consent of only one

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party to the conversation when there is probable cause to believe the conversation involves the commercial sexual abuse of a minor. Law enforcement is authorized to use a minor as a cooperating witness in such a case if the minor is an alleged victim and the minor's aid involves only telephone or electronic communication with the defendant. If the cooperating witness is a confidential informant who is a minor or an alleged victim of commercial sex abuse of a minor, no notice must be given.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Substitute): If the cooperating witness is a confidential informant who is a minor or an alleged victim of commercial sex abuse of a minor, no notice must be given.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: We don't want to put a juvenile in danger, but if the juvenile is willing to cooperate, there is often a narrow window of time in which significant progress can be made. These juveniles should be viewed as victims and not as criminals. Commercial sexual abuse of a minor has a terrible effect on children. Washington is known as a destination state for people who traffic in minors. We should use every tool to prevent this, to raise the cost associated with breaking the law. We need to be able to react fast to use the cooperation of a witness when it is available. Using a victim-centered approach is priceless and forward thinking.

CON: Federal law states that a minor cannot consent to the use of wiretapping.

Persons Testifying: PRO: Senator Delvin, prime sponsor; Rose Gunderson, Washington Anti-Trafficking Engagement; Griff Masters, Darly Abbott, Tim Heffer, The Justice and Mercy Foundation; Eric Sano, Ryan Long, Seattle Police Department; Sister Susan Francois, Intercommunity Peace & Justice Center; Don Pierce, Washington Association of Sheriffs and Police Chiefs; Jim Nagle, Washington Association of Prosecuting Attorneys.

CON: Michael Hanbey, Washington Defenders Association.