

SENATE BILL REPORT

ESSB 6252

As Passed Senate, February 8, 2012

Title: An act relating to commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, and promoting prostitution in the first degree.

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 History:

Committee Activity: Judiciary: 1/27/12, 1/31/12 [DPS].

Passed Senate: 2/08/12, 49-0.

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6252 be substituted therefor, and the substitute bill do pass.

Signed by Senators Harper, Vice Chair; Carrell, Kohl-Welles, Padden, Regala and Roach.

Staff: Aldo Melchiori (786-7439)

Background: The state Criminal Profiteering Act provides civil penalties and remedies for a variety of criminal activities. Profiteering is defined to include the commission, or attempted commission, for financial gain, of any one of a number of crimes, including child selling or buying, sexual exploitation of children, and promoting prostitution. The act provides that a pattern of criminal profiteering activity means engaging in at least three acts of criminal profiteering within a five-year period. To constitute a pattern, the three acts must have the same or similar intent, results, accomplices, principals, victims or methods of commission, or be otherwise interrelated by distinguishing characteristics including a nexus to the same enterprise, and must not be isolated events. A pattern of profiteering is usually required before any of the special civil remedies apply, although single acts of trafficking in humans, leading organized crime, or the use of proceeds from criminal profiteering may also trigger the available remedies.

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.

An injured person, the Attorney General, or the county prosecuting attorney may file an action to prevent or restrain a pattern of criminal profiteering and recover up to three times actual damages as well as the costs of suit. A civil penalty of up to \$200,000 may also be awarded. Each of the following may be subject to forfeiture:

- property used to commit the offenses;
- property acquired or maintained by profits from the offenses;
- property acquired or maintained by profits used to commit the offenses; and
- proceeds from the offenses.

The recovered money goes first to restitution to any person damaged by the acts, then to the state General Fund or county anti-profiteering revolving fund.

Summary of Engrossed Substitute Bill: Commercial sexual abuse of a minor and promoting commercial sexual abuse of a minor are added to the list of criminal offenses that may constitute a pattern of criminal profiteering activity. A single act of commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, or promoting prostitution may trigger the criminal profiteering act remedies.

Appropriation: None.

Fiscal Note: Available.

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 need to make traffickers and exploiters pay for their acts. The damages award will help pay for the treatment victims often need. We need all the tools we can find to help us eradicate this problem.

Persons Testifying: PRO: Tim Burgess, Seattle City Council; Gael, Tarleton, President, Port of Seattle Commission; Jim Pugel, Asst. Chief, Seattle Police Dept.; Linda Smith, former U.S. Congresswoman; Rev. John Vaughn, Groundswell, Auburn Seminary; Sean O'Donnell, King County Deputy Prosecutor; Andy Conner, SeaTac Police; Brian Taylor, Detective, King County Sheriff; Leslie Briner, Youthcare; Nacole Svengard, mother; Velma Veloria, former State Representative; Emma Catague, Asian-Pacific Islander Woman's Safety Center; Megan McCloskey, University of WA Anti-Trafficking Task Force; Rose Gundersen, WA Engage; Kristine Harper, survivor.