

# FINAL BILL REPORT

## ESSB 6252

---

---

### C 139 L 12

Synopsis as Enacted

**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).

#### **Senate Committee on Judiciary**

#### **House Committee on Public Safety & Emergency Preparedness**

**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.

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.

---

*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.*

**Summary:** 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.

**Votes on Final Passage:**

Senate	49	0
House	96	0

**Effective:** June 7, 2012