

# SENATE BILL REPORT

## ESB 6254

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As Amended by House, March 1, 2012

**Title:** An act relating to promoting prostitution.

**Brief Description:** Changing promoting prostitution provisions.

**Sponsors:** Senators Delvin, Hargrove, Kohl-Welles, Roach, Conway, Pflug, Ericksen, Carrell, Schoesler, Fain, Baumgartner, Fraser, Padden, Regala, Kline, Shin, Litzow, Eide, Chase, Stevens, Nelson and Keiser.

**Brief History:**

**Committee Activity:** Judiciary: 1/27/12, 2/01/12 [DP].

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

Passed House: 3/01/12, 96-0.

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug, Ranking Minority Member; Hargrove, Kohl-Welles, Padden and Roach.

**Staff:** Aldo Melchiori (786-7439)

**Background:** Promoting prostitution in the first degree is committed if an individual knowingly advances prostitution by compelling another person, by threat or force, to engage in prostitution or profits from that act. It is a class B felony ranked at level III on the sentencing grid and results in one to three months incarceration and/or a \$20,000 fine for a first offense. Promoting prostitution is also an act of criminal profiteering. Three acts of criminal profiteering within a five-year period may result in a civil action for the recovery of up to three times actual damages, costs of suit, forfeiture of property used for or proceeds from the offense, and attorney fees.

**Summary of Engrossed Bill:** Promoting prostitution in the first degree may also be committed if an individual knowingly advances prostitution by compelling a person with a mental or developmental disability to engage in prostitution or profits from that act. The disability must be one that renders the person incapable of consent.

**Appropriation:** None.

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*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.*

**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:** PRO: While our efforts are succeeding, we need to take further steps to stop the exploitation of children. It is easy to take advantage of developmentally disabled people. They do not have the ability to consent, and they need extra protection. We need to tell these people: not in my back yard. These are human rights commitments.

**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.

**House Amendment(s):** Clarifies that the bill does not include profiting from prostitution under the offense of promoting prostitution in the first degree unless it is related to compelling a mentally incapacitated or developmental disabled person to engage in prostitution.