

# SENATE BILL REPORT

## ESB 6257

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As Amended by House, February 27, 2012

**Title:** An act relating to a sexually explicit act.

**Brief Description:** Addressing a sexually explicit act.

**Sponsors:** Senators Roach, Conway, Swecker, Fraser, Pflug, Kohl-Welles, Eide, Delvin, Stevens, Padden, Regala, Chase, Tom, Kastama, Haugen, Litzow, Brown, Kline, Shin, Nelson and Keiser.

**Brief History:**

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

Passed Senate: 2/08/12, 48-0.

Passed House: 2/27/12, 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:** Juliana Roe (786-7438)

**Background:** A person is guilty of promoting commercial sexual abuse of a minor if the person knowingly advances commercial sexual abuse of a minor or profits from a minor engaged in sexual conduct. A person advances commercial sexual abuse of a minor if the person causes or aids a person to commit or engage in the abuse, procures or solicits customers for the abuse, provides the premises for the purposes of engaging in the abuse, operates or assists in the operation of a house or enterprise for the purposes of engaging in the abuse, or engages in any other conduct designed to institute, aid, cause, assist, or facilitate an act or enterprise of the abuse. Sexual conduct means sexual intercourse or contact. Promoting commercial sexual abuse of a minor is a class A felony.

A person is guilty of trafficking in the second degree when the person recruits, harbors, transports, transfers, provides, obtains, or receives by any means another person knowing that force, fraud, or coercion will be used to cause the person to engage in forced labor, involuntary servitude, or a commercial sex act or the person benefits financially by receiving anything of value from participation in a venture that has engaged in acts as set out above. A

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person is guilty of trafficking in the first degree when the person commits trafficking in the second degree and the acts or venture as set out above involve committing or attempting to commit kidnapping; a finding of sexual motivation; the illegal harvest or sale of human organs; or result in death. Trafficking in the first and second degrees are class A felonies.

**Summary of Engrossed Bill:** Sexually explicit acts are added to the crimes of trafficking and commercial sexual abuse of a minor. A sexually explicit act is a public, private, or live; photographed, recorded, or videotaped act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons.

**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:** PRO: We need to focus on stopping the demand for trafficking. At least three bills directly impact demand. We are all against sex trafficking. If we want to stop it, we have to decrease demand for commercial sex exploitation. This bill is important because of the key link between sexually explicit performance and the demand for commercial sex. Of the men interviewed in Chicago, 46 percent said they had bought sex in a strip club, 36 percent at a private party, and 31 percent in a lap dance club. The lines of demarcation are very blurry, so adding this term to the law is important.

**Persons Testifying:** PRO: Sister Susan Francois, Intercommunity Peace and Justice Center; Rose Gunderson, WA Engage; Kristine Harper, citizen.

**House Amendment(s):** Definitions are provided for patron and advances a sexually explicit act of a minor.

With regard to promoting commercial sexual abuse of a minor, a sexually explicit act must involve a public, private, or live photographed, recorded, or videotaped act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons and for which something of value is given or received.