

SENATE BILL REPORT

SB 6260

As of January 31, 2012

Title: An act relating to criminal offenses.

Brief Description: Revising registration requirements and fees charged for various criminal offenses.

Sponsors: Senators Delvin, Kohl-Welles, Regala, Roach, Conway, Carrell, Shin, Eide, Ericksen, Litzow, Chase and Stevens.

Brief History:

Committee Activity: Judiciary: 1/27/12.

SENATE COMMITTEE ON JUDICIARY

Staff: Juliana Roe (786-7438)

Background: No fee is assessed in addition to the penalties imposed for a conviction of trafficking in the first or second degree.

A \$300 fee is assessed in addition to penalties imposed for a conviction, deferred sentence, deferred prosecution, or a statutory or nonstatutory diversion agreement as a result of an arrest for promoting prostitution in the first or second degree.

A \$150 fee is assessed in addition to penalties imposed for a conviction, deferred sentence, deferred prosecution, or a statutory or nonstatutory diversion agreement as a result of an arrest for patronizing a prostitute.

A \$50 fee is assessed in addition to penalties imposed for a conviction, deferred sentence, deferred prosecution, or a statutory or nonstatutory diversion agreement as a result of an arrest for permitting prostitution.

A \$5,000 fee is assessed, in addition to penalties imposed, for a conviction, deferred sentence, deferred prosecution, or a statutory or nonstatutory diversion agreement resulting from an arrest for the crime of commercial sexual abuse of a minor, promoting the commercial sexual abuse of a minor, or promoting travel for the commercial sexual abuse of a minor. The court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay.

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.

A diversion agreement is an agreement between a person accused of an offense and the court or county or city prosecutor in which the person agrees to fulfill certain conditions in lieu of prosecution.

None of the above listed crimes are considered sex offenses and, therefore, these offenders are not required to register as sex offenders.

Summary of Bill: A \$3,000 fee is assessed, in addition to penalties imposed, for a conviction, deferred sentence, deferred prosecution, or a statutory or nonstatutory diversion agreement resulting from an arrest for the crimes of trafficking in the first or second degrees. The total fee collected by the court cannot exceed the amount of the greatest fee that may be imposed by statute, local ordinance, or code.

The fee for promoting prostitution is increased to \$2,500 for a first offense and \$3,500 for each subsequent offense. The third and each subsequent conviction for promoting prostitution is considered a sex offense, requiring the offender to register as a sex offender. The total fee collected by the court cannot exceed the amount of the greatest fee that may be imposed by statute, local ordinance, or code.

The fee for patronizing a prostitute is increased to \$1,500 for a first offense and \$2,500 for each subsequent offense. The third and each subsequent conviction for patronizing a prostitute is considered a sex offense, requiring the offender to register as a sex offender. The total fee collected by the court cannot exceed the amount of the greatest fee that may be imposed by statute, local ordinance, or code.

The fee for permitting prostitution is increased to \$1,500 for a first offense, \$2,500 for a second offense, and \$5,000 for each subsequent offense.

The court cannot suspend payment of a fee if the offender enters into a diversion agreement for the crimes of commercial sexual abuse of a minor, promoting the commercial sexual abuse of a minor, promoting travel for the commercial sexual abuse of a minor, indecent exposure, prostitution, permitting prostitution, patronizing a prostitute, or promoting prostitution in the first or second degree.

The court may suspend payment of a fee if the offender is convicted or enters into a deferred sentence, or deferred prosecution resulting from an arrest for the crime of commercial sexual abuse of a minor, promoting the commercial sexual abuse of a minor, promoting travel for the commercial sexual abuse of a minor, indecent exposure, prostitution, permitting prostitution, patronizing a prostitute, or promoting prostitution in the first or second degree, the court may find that the person does not have the ability to pay all or part of the fee. The finding for the suspension must be made on the record.

Appropriation: None.

Fiscal Note: Requested on January 17, 2012.

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 want to send a message to these exploiters that we are not going to tolerate this type of behavior. This bill raises the fees that are imposed for committing these crimes. It is also important to put a stop to waiving fees imposed.

This bill gets to the heart of the matter—buyers of sex can no longer have immunity as an invisible player in the cycle of trafficking. They must pay the price for their criminal acts, a price that hurts so that it stops demand. In 2008 the Chicago alliance against sexual exploitation published a study that looked at what would deter a person from buying sex—84 percent responded jail time, 75 percent greater criminal penalties, 70 percent car impounding, and 69 percent a fine of more than \$1,000. This bill is a step in the right direction.

We have to look at the big picture. We need more resources for families so that we can focus on prevention and intervention rather than the aftermath. We need to hold more people accountable.

Persons Testifying: PRO: Senator Delvin, prime sponsor; Sister Susan Francois, Intercommunity Peace and Justice Center; Rose Gunderson, Washington Engage; Kristine Harper, citizen.