

SENATE BILL REPORT

SB 6260

As Reported by Senate Committee On:
Judiciary, February 2, 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, 2/01/12, 2/02/12 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6260 be substituted therefor, and the substitute bill do pass.

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

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.

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 \$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.

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 (Recommended Substitute): 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. Fees collected by the court go to the State Treasurer for deposit in the prostitution prevention and intervention account to fund prostitution prevention and intervention activities.

The fee for the crimes of permitting prostitution and patronizing a prostitute is increased to \$1,500 for a first offense, \$2,500 for a second offense, and \$5,000 for the third and each subsequent offense. The fee for promoting prostitution is increased to \$3,000 for a first offense, \$6,000 for a second offense, and \$10,000 for the third and each subsequent offense. The second and each subsequent conviction for promoting prostitution is considered a sex offense, requiring the offender to register as a sex offender. The court cannot suspend payment of a fee for the crimes of permitting prostitution, patronizing a prostitute, and promoting prostitution in the first and second degrees. Revenues collected from these fees must be used for local efforts to reduce the commercial sale of sex. At least 50 percent off the fee revenue must be spent on prevention and rehabilitative services.

The court may suspend the fee assessed for the crimes of indecent exposure or prostitution if the court makes a finding on the record that the person does not have the ability to pay the fee. However, the court cannot suspend the fee if the offender entered into a diversion agreement.

The court may suspend the fee assessed for minors who were adjudicated for a crime that, if committed by an adult, would constitute indecent exposure, prostitution, promoting prostitution in the first and second degree, promoting travel for prostitution, permitting prostitution, patronizing a prostitute, commercial sexual abuse of a minor, promoting the commercial sexual abuse of a minor, and promoting travel for the commercial sexual abuse of a minor so long as the court makes a finding on the record that the person does not have the ability to pay the fee. However, the court cannot suspend the fee if the offender entered into a diversion agreement.

EFFECT OF CHANGES MADE BY JUDICIARY COMMITTEE (Recommended Substitute): Fees assessed for permitting prostitution cannot be reduced, waived, or suspended. Fees collected must be collected by the clerk of the court and remitted to the treasurer of the county if that's where the offense occurred, or the city or town treasurer if the city or town provides its own law enforcement. Requires that revenues from the fees be used for local efforts to reduce the commercial sale of sex. At least 50 percent of the fee revenue must be spent on prevention and rehabilitative services.

The fee is increased for the third and each subsequent offense for patronizing a prostitute to \$5,000. The fees cannot be reduced, waived, or suspended. The fees collected must be collected by the clerk of the court and remitted to the treasurer of the county if that's where the offense occurred, or the city or town treasurer if the city or town provides its own law enforcement. Revenues from the fees must be used for local efforts to reduce the commercial sale of sex. At least 50 percent of the fee revenue must be spent on prevention and rehabilitative services.

The fees assessed for promoting prostitution in the first and second degree are increased to \$3,000 for the first offense, \$6,000 for the second offense, and \$10,000 for the third and each subsequent offense. The fees assessed cannot be reduced, waived, or suspended. Fees collected must be collected by the clerk of the court and remitted to the treasurer of the county if that's where the offense occurred, or the city or town treasurer if the city or town provides its own law enforcement. Revenues from the fees be used for local efforts to reduce the commercial sale of sex. At least 50 percent of the fee revenue must be spent on prevention and rehabilitative services.

The crime of patronizing a prostitute is removed from the offenses that were added as sex offenses.

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 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, WA Engage; Kristine Harper, citizen.