
Public Safety Committee

HB 1291

Brief Description: Concerning services for victims of the sex trade.

Sponsors: Representatives Orwall, Kochmar, Hope, Parker, Goodman, Jinkins, Upthegrove, Ryu, Stanford, Roberts, Hurst, Morrell, Tarleton, Wylie, Bergquist and Ormsby.

Brief Summary of Bill

- Fees stemming from the impound of vehicles used to facilitate certain prostitution related offenses will be remitted to the city or county where the offense occurred to be used for local efforts to reduce the commercial sale of sex, including increased enforcement and rehabilitative services for victims.
- Clarifies that at least 50 percent of the funds raised through the additional fees imposed in connection with prosecutions for prostitution related offenses must be spent on prevention and rehabilitative services for victims.
- Allows courts to create a payment plan for the additional fees imposed in connection to prosecution for sex trafficking and prostitution-related offenses.

Hearing Date: 1/31/13

Staff: Sarah Koster (786-7303).

Background:

Fees.

A person who is convicted, given a deferred sentence or a deferred prosecution, or has entered into a diversion agreement as a result of an arrest for an offense relating to prostitution or commercial sexual abuse of a minor shall be assessed a fee, in addition to any other criminal penalties.

During the 2012 session, the Legislature increased the amount of the additional fees related to prosecutions for Trafficking, Patronizing a Prostitute, Promoting Prostitution, and Permitting Prostitution. Additionally, the fees assessed were diverted to the city or county where the offense

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occurred to be used for local efforts to reduce the commercial sale of sex, including increased enforcement of commercial sex laws. At least 50 percent of the funds are required to be spent on preventative programs including "john schools" for offenders and rehabilitative services, such as mental health and substance abuse counseling, parenting skills and vocational training, and housing relief.

Previously, the fees imposed had been deposited in the Prostitution Prevention and Intervention Account (PPIA) under the Department of Commerce. The funds were administered by the Office of Crime Victims Advocacy and used to: (1) support programs that provided mental health and substance abuse counseling, parenting skills training, housing relief, education, and vocational training for youth who have been diverted for a prostitution or prostitution loitering offense; (2) fund services provided to sexually exploited children in crisis residential centers with access to trained staff; (3) fund services for sexually exploited children; and (4) fund a grant program to enhance prostitution prevention and intervention services.

Fee Schedule:

| Offense | Fee |
|---|--|
| Indecent Exposure | \$50 |
| Prostitution | \$50 |
| Permitting Prostitution | \$1,500 (1st offense) \$2,500 (2nd offense) \$5,000 (3rd offense) |
| Patronizing a Prostitute | \$1,500 (1st offense) \$2,500 (2nd offense) \$5,000 (3rd offense) |
| Promoting Prostitution | \$3,000 (1st offense) \$6,000 (2nd offense) \$10,000 (3rd offense) |
| Commercial Sexual Abuse of a Minor | \$5,000 |
| Promoting Commercial Sexual Abuse of a Minor | \$5,000 |
| Promoting Travel for Commercial Sexual Abuse of a Minor | \$5,000 |

Vehicle Impoundment.

A local governing authority may designate areas within which vehicles are subject to impoundment when they are used to facilitate the following prostitution-related offenses: Patronizing a Prostitute, Promoting Prostitution in the First Degree, Promoting Prostitution in the Second Degree, Promoting Travel for Prostitution, Commercial Sexual Abuse of a Minor, Promoting Commercial Sexual Abuse of a Minor, and Promoting Travel for Commercial Sexual Abuse of a Minor. The arresting law enforcement officer may impound the person's vehicle if: (1) the vehicle was used in the commission of the crime; and (2) the person arrested is the owner of the vehicle or the vehicle is a rental car. A prior conviction of a prostitution-related offense is a requirement for impoundment if the offense was committed in an undesignated area.

A prior conviction of a prostitution-related offense is not a requirement for impoundment if the offense was committed within a designated area. The designation must be based on evidence indicating that the area has a disproportionately higher number of arrests for prostitution-related offenses compared to other areas within the same jurisdiction of the local governing authority. The local governing authority must post signs at the boundaries of the designated areas to indicate that the area has been designated.

Prior to redeeming an impounded vehicle, the owner must pay all applicable impoundment, towing and storage fees, and a fine of \$500 for offenses related to prostitution or \$2,500 for offenses related to Commercial Sexual Abuse of a Minor. The impounding agency collects the fine and issues a receipt to the owner of the vehicle. To redeem an impounded vehicle, the owner must provide the receipt to the towing company and pay all impoundment, towing, and storage fees. A towing company that relies on a forged receipt to release an impounded vehicle is not liable for any unpaid fine.

A person is entitled to a full refund of the impoundment, towing and storage fees, and the fine if he or she substantially prevails in a proceeding to challenge the validity of an impoundment or is found not guilty of a prostitution-related offense at trial. Any refund is paid by the impounding authority upon proof of payment.

The fees paid to the impounding agency must be paid to the PPIA.

Summary of Bill:

The additional fees imposed for a vehicle impound stemming from an arrest for an offense relating to Prostitution or Commercial Sexual Abuse of a Minor are diverted from the PPIA to the city or county where the offense occurred for local efforts to reduce the commercial sale of sex, including both increased enforcement and rehabilitative services for victims.

This bill additionally clarifies two provisions of last year's legislation:

1. it specifies that the rehabilitative services funded through the fees must be spent on victims of the sex trade; and
2. it authorizes the court to allow offenders to pay the additional fees through scheduled periodic payments.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.