
Public Safety Committee

SB 5488

Brief Description: Establishing an enhanced penalty for the use of an internet advertisement to facilitate the commission of a sex-trafficking crime.

Sponsors: Senators Kohl-Welles, Padden, Kline, Darneille, Fraser, Ranker, Keiser, Delvin, Carrell, McAuliffe, Chase and Conway.

Brief Summary of Bill

- Repeals the offense Advertising Commercial Sexual Abuse of a Minor.
- Imposes an additional \$5,000 fee when a person is convicted of Commercial Sexual Abuse of a Minor, Promoting Commercial Sexual Abuse of a Minor, or Promoting Travel for Commercial Sexual Abuse of a Minor if an Internet advertisement was instrumental in facilitating the offense.

Hearing Date: 3/12/13

Staff: Sarah Koster (786-7303).

Background:

Advertising Commercial Sexual Abuse of a Minor is committed when a person publishes, disseminates, or displays or causes to be published, disseminated, or displayed any advertisement for a commercial sex act which contains the depiction of a minor. The offense is a class C felony. This offense was created in Senate Bill 6251 (2012) and never enforced, due to litigation.

Commercial Sexual Abuse of a Minor is committed when a person pays a fee to a minor or a third person as compensation for a minor having engaged in sexual conduct with him or her; pays or agrees to pay a fee to a minor or a third person pursuant to an understanding that in return therefore such minor will engage in sexual conduct with him or her; or solicits, offers, or requests to engage in sexual conduct with a minor in return for a fee. The offense is a class B felony.

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.

Promoting Commercial Sexual Abuse of a Minor is committed when a person knowingly advances commercial sexual abuse or a sexually explicit act of a minor or profits from a minor engaged in sexual conduct or a sexually explicit act. The offense is a class A felony.

Promoting Travel for Commercial Sexual Abuse of a Minor is committed when a person knowingly sells or offers to sell travel services that include or facilitate travel for the purpose of engaging in what would be Commercial Sexual Abuse of a Minor or Promoting Commercial Sexual Abuse of a Minor, if occurring in Washington. The offense is a class C felony.

A person who is convicted or given a deferred sentence or deferred prosecution or who has entered into a diversion agreement as a result of an arrest for Commercial Sexual Abuse of a Minor, Promoting Commercial Sexual Abuse of a Minor, or Promoting Travel for Commercial Sexual Abuse of a Minor are assessed a \$5,000 fee, in addition to any penalties set out elsewhere in law.

The Prostitution Prevention and Intervention Account is an account in the state treasury which may be used to fund: (1) programs that provide 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) funding for services provided to sexually exploited children in secure and semi-secure crisis residential centers with access to staff trained to meet their specific needs; (3) funding for services for sexually exploited children; and (4) fund a grant program to enhance prostitution prevention and intervention services.

Summary of Bill:

The statute and session laws creating the offense of Advertising Commercial Sexual Abuse of a Minor are repealed.

In addition to all other penalties, a fee of \$5,000 will be imposed when a person is convicted of Commercial Sexual Abuse of a Minor, Promoting Commercial Sexual Abuse of a Minor, or Promoting Travel for Commercial Sexual Abuse of a Minor, and the court finds that an Internet advertisement that described or depicted the victim of the crime was instrumental in facilitating the commission of the crime. This additional fee must be deposited in the Prostitution Prevention and Intervention Account.

Internet advertisement is defined as a statement in electronic media that would be understood by a reasonable person to be an implicit or explicit offer for sexual contact or sexual intercourse in exchange for something of value.

Appropriation: None.

Fiscal Note: Not requested.

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