

# HOUSE BILL REPORT

## SB 5488

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**As Passed House:**  
April 3, 2013

**Title:** An act relating to establishing an enhanced penalty for the use of an internet advertisement to facilitate the commission of a sex-trafficking crime.

**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 History:**

**Committee Activity:**

Public Safety: 3/12/13, 3/21/13 [DP].

**Floor Activity:**

Passed House: 4/3/13, 97-0.

**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.

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### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** Do pass. Signed by 11 members: Representatives Goodman, Chair; Roberts, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Holy, Hope, Moscoso, Pettigrew, Ross and Takko.

**Staff:** Sarah Koster (786-7303).

**Background:**

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*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.*

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.

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:** Available.

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

**Staff Summary of Public Testimony:**

(In support) The Internet is used in the majority of local child sex trafficking cases to exploit these children and victimize them. With increasing frequency, the victim is commercialized and advertised via the Internet on sites such as backpage, TNASeattle, Adultsearch, and Eros to name a few. This is the post-Craigslist era. A victim who was recruited into the seedy and vulgar world of child prostitution and forced to pose near-nude in a provocative and seductive manner would discover that, even after she was rescued, the Internet images continued to be viewed in a cyber photo album forever. The Internet is permanent and the images of a 15-year-old posing as an escort for "johns" to buy remain a source of humiliation and degradation for her indefinitely. Legislative measures which prevent such abuse need to be enforced in a swift and definitive way. It is important to help young men understand that there are repercussions for purchasing sex; it is not consensual sex, it is rape for hire. Over the past few years, there have been efforts to address this problem with Backpage, to name one, but their resources are plentiful and their legal counsel strong. They admit to cooperating with law enforcement, but it is not as difficult as you would think to get around their restrictions and enter the site.

(Opposed) None.

**Persons Testifying:** Todd Novisedlak, Seattle Police Department.

**Persons Signed In To Testify But Not Testifying:** None.