

SENATE BILL REPORT

ESHB 1291

As of March 21, 2013

Title: An act relating to services for victims of the sex trade.

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

Sponsors: House Committee on Public Safety (originally sponsored by Representatives Orwall, Kochmar, Hope, Parker, Goodman, Jenkins, Upthegrove, Ryu, Stanford, Roberts, Hurst, Morrell, Tarleton, Wylie, Bergquist and Ormsby).

Brief History: Passed House: 3/07/13, 97-0.

Committee Activity: Law & Justice: 3/20/13.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Jessica Stevenson (786-7465)

Background: Expenditures from the Prostitution Prevention and Intervention Account (PPIA) may be used in the following order of priority for: (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 prostitution offenses; (2) funding for services provided to sexually exploited children in crisis residential centers with trained staff; (3) funding for services for sexually exploited children; and (4) funding the grant program to enhance prostitution prevention and intervention services.

A person who is convicted, given a deferred sentence or prosecution, or has entered into a diversion agreement as a result of an arrest for an offense involving prostitution, indecent exposure, or commercial sexual abuse of a minor must be assessed an additional fee, with the amount set according to the particular offense and circumstances. Fees collected must be deposited in the general fund for the county where the offense occurred, except for fees collected for offenses that occurred in a city or town that provides its own law enforcement. In those cases, the fees must be deposited in the general fund for the city or town. Revenue from the fees must be used for local efforts to reduce the commercial sale of sex including, but not limited to, increasing enforcement of commercial sex laws.

Upon an arrest for a suspected violation of patronizing a prostitute, promoting prostitution in the first or second degree, or promoting travel for prostitution, law enforcement may impound the person's vehicle if: (1) the vehicle was used in the crime; (2) the arrested person

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is the owner of the vehicle or it is a rental car; and (3) either the person arrested has been previously convicted of one of these offenses or the offense was committed within an area designated by a local authority as a high crime area for these offenses and posted signs to designate it as such. When a vehicle is impounded for crimes involving prostitution, the owner must pay a fine of \$500 to the impounding agency.

Upon arrest for a suspected violation of commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, or promoting travel for commercial sexual abuse of a minor, law enforcement must impound the person's vehicle if: (1) the vehicle was used in the crime; and (2) the person arrested is the owner of the vehicle or it is a rental car. When a vehicle is impounded for crimes involving commercial sexual abuse of a minor, the owner of the vehicle must pay a fine of \$2,500 to the impounding agency.

All fees collected from crimes involving prostitution or sexual exploitation of children and fines collected from vehicle impoundment relating to these crimes must be deposited in PPIA.

Summary of Bill: A statewide coordinating committee on sex trafficking, administered by the Department of Commerce (COM), is created to: (1) address sex trafficking issues; (2) examine the practices of local and regional entities; and (3) develop a statewide plan to address sex trafficking. The committee consists of legislative and non-legislative members. The committee's duties are to: (1) gather and assess practices from sources about service demand and delivery; (2) analyze data about implementing sex trafficking legislation and assess the efficacy of the legislation and any obstacles to the impact of legislation on the commercial sex trade; and (3) gather and review existing data, research, and literature to help develop a plan to address human trafficking.

The committee must meet twice and provide reports on its activities and a statewide plan to the Governor's office and the Legislature prior to its expiration on December 31, 2014. All expenses of the committee must come from PPIA. Funding the statewide coordinating committee on sex trafficking is the top priority for expenditures from PPIA.

Fees collected from crimes involving prostitution or sexual exploitation of children and fines collected from vehicle impoundment are no longer deposited in PPIA.

The mandatory fine paid to an agency who impounds a person's car upon arrest for crimes involving suspicion of prostitution or commercial sexual abuse of a minor is deposited in the county general fund where the offense occurred. If the offense occurred in a city or town that provides its own law enforcement, the fines must be deposited in the general fund for that city or town. Revenue from these fines must be used for local efforts to reduce the commercial sale of sex. At least 50 percent of the revenue must be spent on prevention and rehabilitative services for victims. Revenues from these fees are not subject to distribution requirements.

Two percent of the revenue from additional fees for crimes of sexual exploitation of children, indecent exposure, or prostitution or the impoundment of a vehicle for these crimes must be remitted quarterly to COM and accompanied by a report detailing the fees assessed and the receipt and use of the revenue.

A superior court may set an amount that an offender is required to pay on a monthly basis toward satisfying the additional fees for prostitution or indecent exposure. A district or municipal court may enter into a payment plan with the defendant. The court may assess a reasonable fee for administrative services related to payment plans.

COM must prepare and submit an annual report to the Legislature on the amount of revenue collected and expended by local jurisdictions for crimes involving prostitution and sexual exploitation of children and the impoundment of vehicles pursuant to these crimes. Any funds remitted to the COM pursuant to these crimes must be spent on preparing and submitting the annual report. Any remaining funds may be spent on the administration of grants for services for victims of the commercial sex trade, consistent with the chapter on community treatment services for victims of sexual assault.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: Yes.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: It is important for people to understand the sex trafficking trade that occurs in Washington State on the streets and online. SeaTac has one of the highest rates of child trafficking in the United States. Kids are being trafficked from high schools. Pimps can make \$250,000 to \$300,000 per year for each girl. The money made from prostitutes is more than selling drugs. Girls are the most renewable resource for pimps. In order to protect themselves, the pimps coerce the girls to partake in other illegal acts, not just prostitution. This results in the girls acquiring criminal records. A big problem is getting the girls out of the trade. It is difficult for the victims to find jobs since many of them do not finish high school and have criminal records. Some girls feel forced back into prostitution since that is the only way they can make money. Rebuilding the lives of the victims is not easy and requires a comprehensive approach. The girls need assistance in building self-esteem, developing training and skills, and finding a safe place to stay when they start a new life. The bill builds on prior legislation by bringing resources to local law enforcement to help victims get out of the industry. Funding is a key problem in combating the sex trade. A percentage of the fines are coming back to the state to oversee the committee. Stings require significant resources so funding is needed to help enforcement. Online advertisements make prostitution easier to commit and hide. The Genesis Center has about 66 girls currently at the center. The SeaTac Vice Unit has a zero budget.

Persons Testifying: PRO: Representative Orwall, prime sponsor; Representative Kochmar, sponsor; Deputy Andy Conner, King County Sheriff Dept., Genesis Project.