
ENGROSSED SUBSTITUTE HOUSE BILL 1291

State of Washington

63rd Legislature

2013 Regular Session

By House Public Safety (originally sponsored by Representatives Orwall, Kochmar, Hope, Parker, Goodman, Jinkins, Upthegrove, Ryu, Stanford, Roberts, Hurst, Morrell, Tarleton, Wylie, Bergquist, and Ormsby)

READ FIRST TIME 02/19/13.

1 AN ACT Relating to services for victims of the sex trade; amending
2 RCW 43.63A.740, 9.68A.105, 9A.88.120, and 9A.88.140; adding new
3 sections to chapter 43.280 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature recognizes there are many
6 state agencies and private organizations that might be called on to
7 provide services to victims of sex trafficking. Victims of human
8 trafficking are often in need of services such as emergency medical
9 attention, food and shelter, vocational and English language training,
10 mental health counseling, and legal support. The state intends to
11 improve the response of state, local, and private entities to incidents
12 of trafficking of humans. Victims would be better served if there is
13 an established, coordinated system of identifying the needs of sex
14 trafficking victims, training of service delivery agencies and staff,
15 timely and appropriate delivery of services, and better investigations
16 and prosecutions of trafficking.

17 Leadership in providing services to victims of sex trafficking also
18 extends beyond government efforts and is grounded in the work of highly
19 dedicated individuals and community-based groups. Without these

1 efforts the struggle against human trafficking will be very difficult
2 to win. The legislature, therefore, finds that such efforts merit
3 regular public recognition and appreciation. Such recognition and
4 appreciation will encourage the efforts of all persons to end sex
5 trafficking, and provide the public with information and education
6 about the necessity of its involvement in this struggle.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.280 RCW
8 to read as follows:

9 (1) The statewide coordinating committee on sex trafficking is
10 established to address the issues of sex trafficking, to examine the
11 practices of local and regional entities involved in addressing sex
12 trafficking, and to develop a statewide plan to address sex
13 trafficking.

14 (2) The committee is administered by the department of commerce and
15 consists of the following members:

16 (a) Two members of the house of representatives, one from each
17 caucus, and two members of the senate, one from each caucus, to be
18 appointed by the speaker of the house of representatives and the
19 president of the senate, respectively;

20 (b) The secretary of the children's administration or his or her
21 designee;

22 (c) The secretary of the juvenile rehabilitation administration or
23 his or her designee;

24 (d) The superintendent of public instruction or his or her
25 designee;

26 (e) A representative of the administrative office of the courts
27 appointed by the administrative office of the courts;

28 (f) The executive director of the Washington association of
29 sheriffs and police chiefs or his or her designee;

30 (g) The executive director of the Washington state criminal justice
31 training commission or his or her designee;

32 (h) A representative of the Washington association of prosecuting
33 attorneys appointed by the association;

34 (i) Representatives of community service providers that serve
35 victims of human trafficking, to be appointed by commerce's office of
36 crime victims advocacy;

1 (j) Any existing chairs of regional task forces that address human
2 trafficking;

3 (k) The executive director of the Washington coalition of crime
4 victim advocates or his or her designee;

5 (l) The executive director of the Washington coalition of sexual
6 assault programs or his or her designee;

7 (m) The executive director of the Washington state coalition
8 against domestic violence or his or her designee;

9 (n) The executive director of the Washington association of cities
10 or his or her designee;

11 (o) The executive director of the Washington association of
12 counties or his or her designee; and

13 (p) The director or a representative from the crime victims
14 compensation program.

15 (3) The duties of the committee include, but are not limited to:

16 (a) Gathering and assessing service practices from diverse sources
17 regarding service demand and delivery;

18 (b) Analyzing data regarding the implementation of sex trafficking
19 legislation passed in recent years by the legislature, including
20 reports submitted to the department of commerce pursuant to RCW
21 9.68A.105, 9A.88.120, and 9A.88.140, and assessing the efficacy of such
22 legislation in addressing sex trafficking, as well as any obstacles to
23 the impact of legislation on the commercial sex trade; and

24 (c) Gathering and reviewing existing data, research, and literature
25 to help shape a plan of action to address human trafficking in
26 Washington to include:

27 (i) Strategies for Washington to undertake to end sex trafficking;
28 and

29 (ii) Necessary data collection improvements.

30 (4) The committee shall meet twice and, by December 2014, produce
31 a report on its activities, together with a statewide plan to address
32 sex trafficking in Washington, to the governor's office and the
33 legislature.

34 (5) All expenses of the committee shall come from the prostitution
35 prevention and intervention account created in RCW 43.63A.740.

36 (6) The members of the committee shall serve without compensation,
37 but shall be reimbursed for travel expenses as provided in RCW
38 43.03.050 and 43.03.060, within available resources.

1 (7) The committee expires December 31, 2014.

2 **Sec. 3.** RCW 43.63A.740 and 2010 c 289 s 18 are each amended to
3 read as follows:

4 The prostitution prevention and intervention account is created in
5 the state treasury. ~~((All designated receipts from fees under RCW
6 9.68A.105 and 9A.88.120 and fines collected under RCW 9A.88.140 shall
7 be deposited into the account.))~~ Expenditures from the account may be
8 used in the following order of priority:

9 (1) Funding the statewide coordinating committee on sex
10 trafficking;

11 (2) Programs that provide mental health and substance abuse
12 counseling, parenting skills training, housing relief, education, and
13 vocational training for youth who have been diverted for a prostitution
14 or prostitution loitering offense pursuant to RCW 13.40.213;

15 ~~((+2))~~ (3) Funding for services provided to sexually exploited
16 children as defined in RCW 13.32A.030 in secure and semi-secure crisis
17 residential centers with access to staff trained to meet their specific
18 needs;

19 ~~((+3))~~ (4) Funding for services specified in RCW 74.14B.060 and
20 74.14B.070 for sexually exploited children; and

21 ~~((+4))~~ (5) Funding the grant program to enhance prostitution
22 prevention and intervention services under RCW 43.63A.720.

23 **Sec. 4.** RCW 9.68A.105 and 2012 c 134 s 4 are each amended to read
24 as follows:

25 (1)(a) In addition to penalties set forth in RCW 9.68A.100,
26 9.68A.101, and 9.68A.102, a person who is either convicted or given a
27 deferred sentence or a deferred prosecution or who has entered into a
28 statutory or nonstatutory diversion agreement as a result of an arrest
29 for violating RCW 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable
30 county or municipal ordinance shall be assessed a five thousand dollar
31 fee.

32 (b) The court may not reduce, waive, or suspend payment of all or
33 part of the fee assessed unless it finds, on the record, that the
34 person does not have the ability to pay in which case it may reduce the
35 fee by an amount up to two-thirds of the maximum allowable fee.

1 (c) When a minor has been adjudicated a juvenile offender or has
2 entered into a statutory or nonstatutory diversion agreement for an
3 offense which, if committed by an adult, would constitute a violation
4 of RCW 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable county or
5 municipal ordinance, the court shall assess the fee under (a) of this
6 subsection. The court may not reduce, waive, or suspend payment of all
7 or part of the fee assessed unless it finds, on the record, that the
8 minor does not have the ability to pay the fee in which case it may
9 reduce the fee by an amount up to two-thirds of the maximum allowable
10 fee.

11 (2) Fees assessed under this section shall be collected by the
12 clerk of the court and remitted to the treasurer of the county where
13 the offense occurred for deposit in the county general fund, except in
14 cases in which the offense occurred in a city or town that provides for
15 its own law enforcement, in which case these amounts shall be remitted
16 to the treasurer of the city or town for deposit in the general fund of
17 the city or town. Revenue from the fees must be used for local efforts
18 to reduce the commercial sale of sex including, but not limited to,
19 increasing enforcement of commercial sex laws.

20 (a) At least fifty percent of the revenue from fees imposed under
21 this section must be spent on prevention, including education programs
22 for offenders, such as john school, and rehabilitative services for
23 victims, such as mental health and substance abuse counseling,
24 parenting skills, training, housing relief, education, vocational
25 training, drop-in centers, and employment counseling.

26 (b) Two percent of the revenue from fees imposed under this section
27 shall be remitted quarterly to the department of commerce, together
28 with a report detailing the fees assessed, the revenue received, and
29 how that revenue was spent.

30 (c) Revenues from these fees are not subject to the distribution
31 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or
32 35.20.220.

33 (3) For the purposes of this section:

34 (a) "Statutory or nonstatutory diversion agreement" means an
35 agreement under RCW 13.40.080 or any written agreement between a person
36 accused of an offense listed in subsection (1) of this section and a
37 court, county or city prosecutor, or designee thereof, whereby the
38 person agrees to fulfill certain conditions in lieu of prosecution.

1 (b) "Deferred sentence" means a sentence that will not be carried
2 out if the defendant meets certain requirements, such as complying with
3 the conditions of probation.

4 **Sec. 5.** RCW 9A.88.120 and 2012 c 134 s 3 are each amended to read
5 as follows:

6 (1)(a) In addition to penalties set forth in RCW 9A.88.010 and
7 9A.88.030, a person who is either convicted or given a deferred
8 sentence or a deferred prosecution or who has entered into a statutory
9 or nonstatutory diversion agreement as a result of an arrest for
10 violating RCW 9A.88.010, 9A.88.030, or comparable county or municipal
11 ordinances shall be assessed a fifty dollar fee.

12 (b) In addition to penalties set forth in RCW 9A.88.090, a person
13 who is either convicted or given a deferred sentence or a deferred
14 prosecution or who has entered into a statutory or nonstatutory
15 diversion agreement as a result of an arrest for violating RCW
16 9A.88.090 or comparable county or municipal ordinances shall be
17 assessed a fee in the amount of:

18 (i) One thousand five hundred dollars if the defendant has no prior
19 convictions, deferred sentences, deferred prosecutions, or statutory or
20 nonstatutory diversion agreements for this offense;

21 (ii) Two thousand five hundred dollars if the defendant has one
22 prior conviction, deferred sentence, deferred prosecution, or statutory
23 or nonstatutory diversion agreement for this offense; and

24 (iii) Five thousand dollars if the defendant has two or more prior
25 convictions, deferred sentences, deferred prosecutions, or statutory or
26 nonstatutory diversion agreements for this offense.

27 (c) In addition to penalties set forth in RCW 9A.88.110, a person
28 who is either convicted or given a deferred sentence or a deferred
29 prosecution or who has entered into a statutory or nonstatutory
30 diversion agreement as a result of an arrest for violating RCW
31 9A.88.110 or a comparable county or municipal ordinance shall be
32 assessed a fee in the amount of:

33 (i) One thousand five hundred dollars if the defendant has no prior
34 convictions, deferred sentences, deferred prosecutions, or statutory or
35 nonstatutory diversion agreements for this offense;

36 (ii) Two thousand five hundred dollars if the defendant has one

1 prior conviction, deferred sentence, deferred prosecution, or statutory
2 or nonstatutory diversion agreement for this offense; and

3 (iii) Five thousand dollars if the defendant has two or more prior
4 convictions, deferred sentences, deferred prosecutions, or statutory or
5 nonstatutory diversion agreements for this offense.

6 (d) In addition to penalties set forth in RCW 9A.88.070 and
7 9A.88.080, a person who is either convicted or given a deferred
8 sentence or a deferred prosecution or who has entered into a statutory
9 or nonstatutory diversion agreement as a result of an arrest for
10 violating RCW 9A.88.070, 9A.88.080, or comparable county or municipal
11 ordinances shall be assessed a fee in the amount of:

12 (i) Three thousand dollars if the defendant has no prior
13 convictions, deferred sentences, deferred prosecutions, or statutory or
14 nonstatutory diversion agreements for this offense;

15 (ii) Six thousand dollars if the defendant has one prior
16 conviction, deferred sentence, deferred prosecution, or statutory or
17 nonstatutory diversion agreement for this offense; and

18 (iii) Ten thousand dollars if the defendant has two or more prior
19 convictions, deferred sentences, deferred prosecutions, or statutory or
20 nonstatutory diversion agreements for this offense.

21 (2) When a minor has been adjudicated a juvenile offender or has
22 entered into a statutory or nonstatutory diversion agreement for an
23 offense which, if committed by an adult, would constitute a violation
24 under this chapter or comparable county or municipal ordinances, the
25 court shall assess the fee as specified under subsection (1) of this
26 section.

27 (3) The court shall not reduce, waive, or suspend payment of all or
28 part of the assessed fee in this section unless it finds, on the
29 record, that the offender does not have the ability to pay the fee in
30 which case it may reduce the fee by an amount up to two-thirds of the
31 maximum allowable fee.

32 (a) A superior court may, as described in RCW 9.94A.760, set a sum
33 that the offender is required to pay on a monthly basis towards
34 satisfying the fee imposed in this section.

35 (b) A district or municipal court may enter into a payment plan
36 with the defendant, in which the fee assessed in this section is paid
37 through scheduled periodic payments. The court may assess the

1 defendant a reasonable fee for administrative services related to the
2 operation of the payment plan.

3 (4) Fees assessed under this section shall be collected by the
4 clerk of the court and remitted to the treasurer of the county where
5 the offense occurred for deposit in the county general fund, except in
6 cases in which the offense occurred in a city or town that provides for
7 its own law enforcement, in which case these amounts shall be remitted
8 to the treasurer of the city or town for deposit in the general fund of
9 the city or town. Revenue from the fees must be used for local efforts
10 to reduce the commercial sale of sex including, but not limited to,
11 increasing enforcement of commercial sex laws.

12 (a) At least fifty percent of the revenue from fees imposed under
13 this section must be spent on prevention, including education programs
14 for offenders, such as john school, and rehabilitative services for
15 victims, such as mental health and substance abuse counseling,
16 parenting skills, training, housing relief, education, vocational
17 training, drop-in centers, and employment counseling.

18 (b) Two percent of the revenue from fees imposed under this section
19 shall be remitted quarterly to the department of commerce, together
20 with a report detailing the fees assessed, the revenue received, and
21 how that revenue was spent.

22 (c) Revenues from these fees are not subject to the distribution
23 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or
24 35.20.220.

25 (5) For the purposes of this section:

26 (a) "Statutory or nonstatutory diversion agreement" means an
27 agreement under RCW 13.40.080 or any written agreement between a person
28 accused of an offense listed in subsection (1) of this section and a
29 court, county, or city prosecutor, or designee thereof, whereby the
30 person agrees to fulfill certain conditions in lieu of prosecution.

31 (b) "Deferred sentence" means a sentence that will not be carried
32 out if the defendant meets certain requirements, such as complying with
33 the conditions of probation.

34 **Sec. 6.** RCW 9A.88.140 and 2010 c 289 s 12 are each amended to read
35 as follows:

36 (1)(a) Upon an arrest for a suspected violation of patronizing a
37 prostitute, promoting prostitution in the first degree, promoting

1 prostitution in the second degree, promoting travel for prostitution,
2 the arresting law enforcement officer may impound the person's vehicle
3 if (i) the motor vehicle was used in the commission of the crime; (ii)
4 the person arrested is the owner of the vehicle or the vehicle is a
5 rental car as defined in RCW 46.04.465; and (iii) either (A) the person
6 arrested has previously been convicted of one of the offenses listed in
7 this subsection or (B) the offense was committed within an area
8 designated under (b) of this subsection.

9 (b) A local governing authority may designate areas within which
10 vehicles are subject to impoundment under this section regardless of
11 whether the person arrested has previously been convicted of any of the
12 offenses listed in (a) of this subsection.

13 (i) The designation must be based on evidence indicating that the
14 area has a disproportionately higher number of arrests for the offenses
15 listed in (a) of this subsection as compared to other areas within the
16 same jurisdiction.

17 (ii) The local governing authority shall post signs at the
18 boundaries of the designated area to indicate that the area has been
19 designated under this subsection.

20 (2) Upon an arrest for a suspected violation of commercial sexual
21 abuse of a minor, promoting commercial sexual abuse of a minor, or
22 promoting travel for commercial sexual abuse of a minor, the arresting
23 law enforcement officer shall impound the person's vehicle if (a) the
24 motor vehicle was used in the commission of the crime; and (b) the
25 person arrested is the owner of the vehicle or the vehicle is a rental
26 car as defined in RCW 46.04.465.

27 (3) Impoundments performed under this section shall be in
28 accordance with chapter 46.55 RCW and the impoundment order must
29 clearly state "prostitution hold."

30 (4)(a) Prior to redeeming the impounded vehicle, and in addition to
31 all applicable impoundment, towing, and storage fees paid to the towing
32 company under chapter 46.55 RCW, the owner of the impounded vehicle
33 must pay a fine to the impounding agency. The fine shall be five
34 hundred dollars for the offenses specified in subsection (1) of this
35 section, or two thousand five hundred dollars for the offenses
36 specified in subsection (2) of this section. (~~The fine shall be
37 deposited in the prostitution prevention and intervention account
38 established under RCW 43.63A.740.~~)

1 (b) Upon receipt of the fine paid under (a) of this subsection, the
2 impounding agency shall issue a written receipt to the owner of the
3 impounded vehicle.

4 (c) Fines assessed under this section shall be collected by the
5 clerk of the court and remitted to the treasurer of the county where
6 the offense occurred for deposit in the county general fund, except in
7 cases in which the offense occurred in a city or town that provides for
8 its own law enforcement, in which case these amounts shall be remitted
9 to the treasurer of the city or town for deposit in the general fund of
10 the city or town. Revenue from the fines must be used for local
11 efforts to reduce the commercial sale of sex including, but not limited
12 to, increasing enforcement of commercial sex laws.

13 (i) At least fifty percent of the revenue from fines imposed under
14 this section must be spent on prevention, including education programs
15 for offenders, such as john school, and rehabilitative services for
16 victims, such as mental health and substance abuse counseling,
17 parenting skills, training, housing relief, education, vocational
18 training, drop-in centers, and employment counseling.

19 (ii) Two percent of the revenue from fines imposed under this
20 section shall be remitted quarterly to the department of commerce,
21 together with a report detailing the fees assessed, the revenue
22 received, and how that revenue was spent.

23 (iii) Revenues from these fees are not subject to the distribution
24 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or
25 35.20.220.

26 (5)(a) In order to redeem a vehicle impounded under this section,
27 the owner must provide the towing company with the written receipt
28 issued under subsection (4)(b) of this section.

29 (b) The written receipt issued under subsection (4)(b) of this
30 section authorizes the towing company to release the impounded vehicle
31 upon payment of all impoundment, towing, and storage fees.

32 (c) A towing company that relies on a forged receipt to release a
33 vehicle impounded under this section is not liable to the impounding
34 authority for any unpaid fine under subsection (4)(a) of this section.

35 (6)(a) In any proceeding under chapter 46.55 RCW to contest the
36 validity of an impoundment under this section where the claimant
37 substantially prevails, the claimant is entitled to a full refund of

1 the impoundment, towing, and storage fees paid under chapter 46.55 RCW
2 and the five hundred dollar fine paid under subsection (4) of this
3 section.

4 (b) If the person is found not guilty at trial for a crime listed
5 under subsection (1) of this section, the person is entitled to a full
6 refund of the impoundment, towing, and storage fees paid under chapter
7 46.55 RCW and the fine paid under subsection (4) of this section.

8 (c) All refunds made under this section shall be paid by the
9 impounding agency.

10 (d) Prior to receiving any refund under this section, the claimant
11 must provide proof of payment.

12 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.280 RCW
13 to read as follows:

14 (1) The department of commerce shall prepare and submit an annual
15 report to the legislature on the amount of revenue collected by local
16 jurisdictions under RCW 9.68A.105, 9A.88.120, or 9A.88.140 and the
17 expenditure of that revenue.

18 (2) Any funds remitted to the department of commerce pursuant to
19 RCW 9.68A.105, 9A.88.120, or 9A.88.140 shall be spent on the
20 fulfillment of the duties described in subsection (1) of this section.
21 Any remaining funds may be spent on the administration of grants for
22 services for victims of the commercial sex trade, consistent with this
23 chapter.

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