
Public Safety Committee

HB 1558

Brief Description: Concerning seizure and forfeiture of property for patronizing a prostitute.

Sponsors: Representatives Muri, Orwall, Stokesbary, Haler, Kilduff, Klippert, Riccelli, Ryu and Wylie.

Brief Summary of Bill

- Makes conveyances subject to seizure and forfeiture when used or are intended to be used in the commission of the crime of patronizing a prostitute.
- Makes money, negotiable instruments, securities, or other tangible or intangible property of value subject to seizure and forfeiture when furnished or are intended to be furnished during the crime of patronizing a prostitute.

Hearing Date: 2/6/15

Staff: Cassie Jones (786-7303).

Background:

Seizure and Forfeiture of Property.

When authorized by law, a law enforcement agency may take possession of property with the intent to forfeit a person's right to own or possess that property. Generally, property that is subject to seizure and forfeiture is property that was used to facilitate a crime, the actual proceeds of a crime, or was purchased from proceeds traceable to criminal activity. The seizing law enforcement agency must comply with specific statutory procedural due process requirements in order to successfully forfeit an ownership or possessory right in such property.

One such statutory scheme that authorizes civil property forfeiture deems property subject to seizure and forfeiture if the property was connected to the following crimes: Commercial Sexual Abuse of a Minor, Promoting Commercial Sexual Abuse of a Minor, and Promoting Prostitution in the first degree. Under this scheme, the following property is subject to seizure and forfeiture:

- any property or other interest acquired or maintained in the commission of those crimes;

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- all conveyances used or intended for use to facilitate those crimes;
- any property used to influence an enterprise that a person established that participates in those crimes;
- all books, records, and other materials used or intended to be used in those crimes;
- all money or tangible or intangible property furnished or intended to be furnished in exchange for the commission of those crimes;
- all tangible or intangible personal property, proceeds, or assets acquired in whole or in part with proceeds traceable to the crimes;
- all moneys, negotiable instruments, and securities used or intended to be used to facilitate the crimes; and
- all real property used in the commission of the crimes or that was acquired with the proceeds of the crimes.

Law enforcement must comply with statutory procedural due process requirements and bears the burden of proof at the forfeiture hearing by preponderance of the evidence that the property is subject to forfeiture.

Patronizing a Prostitute.

A person is guilty of Patronizing a Prostitute if:

1. Pursuant to a prior understanding, he or she pays a fee to another person as compensation for such person or a third person having engaged in sexual conduct with him or her.
2. He or she pays or agrees to pay a fee to another person pursuant to an understanding that in return such person will engage in sexual conduct with him or her.
3. He or she solicits or requests another person to engage in sexual conduct with him or her in return for a fee.

Patronizing a Prostitute is a misdemeanor, punishable by up to 90 days in jail and a fine of \$1,500, \$2,500, or \$5,000, depending on the number of prior convictions.

Summary of Bill:

The statutory scheme that authorizes civil property forfeiture in the case of Commercial Sexual Abuse of a Minor, Promoting Commercial Sexual Abuse of a Minor, and Promoting Prostitution in the first degree, is amended to include property connected to the offense of Patronizing a Prostitute. Specifically, the following additional property is subject to seizure and forfeiture:

- all conveyances used or intended to be used to facilitate the crime of Patronizing a Prostitute; and
- all moneys, negotiable instruments, securities, or other tangible or intangible property of value furnished or intended to be furnished during the crime of Patronizing a Prostitute.

Appropriation: None.

Fiscal Note: Available.

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