

# HOUSE BILL REPORT

## SB 5277

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### As Reported by House Committee On: Public Safety

**Title:** An act relating to making the crime of patronizing a prostitute a gross misdemeanor.

**Brief Description:** Making the crime of patronizing a prostitute a gross misdemeanor.

**Sponsors:** Senators Kohl-Welles, Darneille, Padden, Pedersen, Fain, Frockt, Keiser, Chase and Fraser.

#### **Brief History:**

##### **Committee Activity:**

Public Safety: 2/23/16, 2/24/16 [DP].

#### **Brief Summary of Bill**

- Increases Patronizing a Prostitute from a misdemeanor to a gross misdemeanor.

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### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** Do pass. Signed by 6 members: Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Griffey and Wilson.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Appleton, Moscoso and Pettigrew.

**Staff:** Kelly Leonard (786-7147).

#### **Background:**

*Patronizing a Prostitute.* A person is guilty of Patronizing a Prostitute if he or she: (a) pays a fee, under a prior understanding, as compensation for another person having engaged in sexual conduct with him or her; (b) pays a fee to another person with the understanding that the person will engage in sexual conduct; or (c) solicits another person to engage in sexual conduct in exchange for a fee. Patronizing a Prostitute is a misdemeanor offense.

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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.*

*Classification of Crimes.* Crimes are classified as misdemeanors, gross misdemeanors, or felonies (of which there are class A, B, and C felonies). The classification of a crime generally determines the maximum term of confinement and/or fine a court can impose for an offense. For each classification, the maximum terms of confinement and maximum fines are as follows:

<u>Classification</u>	<u>Maximum Confinement</u>	<u>Maximum Fine</u>
Misdemeanor	90 days	\$1,000
Gross Misdemeanor	364 days	\$5,000
Class C Felony	5 years	\$10,000
Class B Felony	10 years	\$20,000
Class A Felony	Life	\$50,000

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**Summary of Bill:**

Patronizing a Prostitute is increased to a gross misdemeanor.

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**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.

**Staff Summary of Public Testimony:**

(In support) Most people experience significant harm from sex buying. Buyers cause psychological and physical harm to those from whom they buy sex. Buyers indirectly harm by creating a massive market that results in the trafficking and exploitation of women and children. Buyers are therefore complicit in sex trafficking. Wherever there is large demand, trafficking and child prostitution will follow. The problem is significant and expansive in Washington. Hundreds of sites exist for buying sex. Demand must be reduced in order to reduce trafficking. Sex buying must be treated as a serious offense. Current law only allows 90 days for punishment regardless of how many times the crime is committed. Increasing the penalty to a year creates the ability to require offenders to engage in treatment or classes. This bill will recognize this crime as a serious crime and will have a deterrent effect.

Buyers have had zero consequences for their actions while the victims have been treated as criminals. Eighty-four percent of women and girls are in prostitution because they are trapped and want to get out. It is a life of despair, desperation, and harm. Buyers make a

conscious choice to commit this crime. The law should have more teeth because human beings are being bought. Only a small percentage of women say that they choose prostitution voluntarily and are treated well by buyers.

Women have been exploited for too long. Men's entitlement to buy sex has defined society's view of the intrinsic value of women on their sexuality. Men need to be held accountable and to a higher standard. This bill sends a message that women are worth more and deserve to be respected and protected.

It is difficult to measure consent in situations where there is no gender equality or equal opportunity. Prostitution and trafficking cannot be separated. Coercion takes many forms and involves poverty and gender equality. Buyers do not know or do not care whether the women they buy are consenting. Research from other countries shows that decriminalizing prostitution increases trafficking of women and children. Research shows a correlation between early childhood sexual abuse and later participation in prostitution. Prostitution is a result of 10,000 years of patriarchy and gender violence. Recruiters start with the youngest and most vulnerable. The focus should be on reducing demand and providing services and alternatives to women. Increasing penalties will also increase investigations and prosecutions.

(Opposed) There is an international effort by prohibitionists to link voluntary prostitution with human trafficking. This bill does nothing to reduce trafficking. This bill will hurt sex workers and trafficking victims more than it will help. Decriminalization is the best approach to protecting sex workers. Consenting adults should be left alone to conduct their affairs. Aggressive policies on sex work increase violence and health and safety issues. Increased criminalization hurts sex workers' ability to bargain with clients and screen clients. Sex workers will lose money. Studies show that the end demand puts sex workers at greater risk for sexually transmitted diseases. Sex workers and non-abusive clients should get amnesty for reporting illegal sex trafficking. Criminalizing prostitution hurts families by taking mothers from their children.

Research indicates that the number of women who want out of prostitution is much lower than 84 percent. The number is in the single digits. Men who buy sex occasionally are roughly 20 percent of the population, about 6 percent do it frequently. Men from all walks of life buy sex. They are not criminals buying human beings. They are mostly lonely people seeking human contact. Not all prostitutes are endangered by clients; they are mostly endangered by the police.

**Persons Testifying:** (In support) Valiant Richey, King County Prosecuting Attorney's Office; Noel Gomez, Debra Boyer, and Marin Stewart, Organization for Prostitution Survivors; Heidi Sargent, Seattle City Attorney's Office; Robert Beiser, Seattle Against Slavery; and Anjilee Dodge, University of Washington.

(Opposed) Maggie McNeill; and Vignette Velo and Tanya Crocker, Sex Workers Outreach Project of Seattle.

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