

SENATE BILL REPORT

SB 5277

As Passed Senate, February 12, 2016

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: Law & Justice: 1/22/15, 2/12/15 [DPS]; 1/28/16, 2/03/16 [DP].
Passed Senate: 2/12/16, 47-0.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille, Frockt, Pearson and Roach.

Staff: Tim Ford (786-7423)

Background: A person commits the crime of patronizing a prostitute if, pursuant to an understanding, the person pays a fee or agrees to pay a fee as compensation for another person engaging in sexual conduct with that person, or if the person solicits prostitution. Sexual conduct means sexual intercourse or sexual contact. Patronizing a prostitute is a misdemeanor. The penalty for a misdemeanor is a fine of not more than \$1,000 or imprisonment for up to 90 days, or both.

Summary of Bill: Patronizing a prostitute is increased to a gross misdemeanor upon the third and any subsequent offenses thereafter within a five-year period. The penalty for a gross misdemeanor is a fine of not more than \$5,000 or imprisonment for up to one year, or both.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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.

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

Staff Summary of Public Testimony: Testimony From 2015 Regular Session on Original Bill. PRO: Prostitution is not a victimless crime. Prostitutes may be vulnerable girls or women exploited for sex. Persons who patronize prostitutes harm the prostitutes. A pimp may exploit a woman's drug, alcohol, and other addictions and force them into prostitution. Law enforcement and prosecutors should shift their focus from the supply of prostitution to the demand by persons who patronize prostitutes. Focusing on the prostitutes does not decrease the crime. Increase the penalty for persons who patronize prostitutes.

CON: Current laws are sufficiently draconian and harsh in their penalties for patronizing prostitutes. Persons arrested for patronizing are usually arrested when law enforcement conducts sting operations which do not involve anyone victimized by prostitution. This is a fraction of the persons who patronize prostitutes. Instead of sting operations, law enforcement should go out on the streets to enforce the law. Where is the proof that focusing on demand will reduce crime?

Testimony From 2016 Regular Session on First Substitute. CON: I have a choice and joined the sex work industry. You can't buy my body but only my time. I am not a victim. There is confusion between prostitution and trafficking. Sex work is a business between two consenting adults.

OTHER: I support the original bill that makes patronizing a prostitute a gross misdemeanor every time. In the past, Johns, or men who patronize prostitutes, were not arrested. Women were always the criminals. Prostitutes are beaten, abused, harassed by the buyers of sex. Prostitution is not a choice. Sex buyers have a choice. Re-arrest rates for men buying sex is very low. We must promote accountability on an individual level. Hold sex buyers accountable for the first violation. A gross misdemeanor is leverage to have buyers engage in treatment. Stealing a candy bar and buying a woman should not have the same criminal penalty.

Persons Testifying: Persons Testifying From 2015 Regular Session on Original Bill. PRO: Senator Kohl-Welles, prime sponsor; Heidi Sargent, Seattle City Attorney's Office; Anjilee Dodge, citizen.

CON: Brad Meryhew, WA Assn. of Criminal Defense Lawyers; Danni N. Askini, MSW, Executive Director, Gender Justice League.

Persons Testifying From 2016 Regular Session on First Substitute. CON: Tanya Crocker, Sex Workers Outreach Project.

OTHER: Debra Boyer and Peter Qualliotine, Organization for Prostitution Survivors; Tom McBride, King County Prosecuting Attorney's Office; Heidi Sargent, Seattle City Attorney's Office; Jeri Moomaw, Washington Engage; Noel Gomez, Organization for Prostitution Survivors.

Persons Signed In To Testify But Not Testifying: No one.