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## Public Safety Committee

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### HB 1079

**Brief Description:** Creating a criminal no-contact order for human trafficking and promoting prostitution-related offenses.

**Sponsors:** Representatives Orwall, Klippert, Goodman, Stokesbary, Kilduff, Chapman, McCabe, Hudgins, Jinkins, Ortiz-Self, Bergquist, Stanford, Griffey, Hargrove, Smith, Tarleton, Harmsworth, Ormsby, Muri, Van Werven, Kraft, Fey, Slatter, Sawyer, McBride and Gregerson; by request of Attorney General.

#### Brief Summary of Bill

- Creates procedures for entry of no-contact orders to prohibit defendants from contacting victims when charged with or convicted of Trafficking and Promoting Prostitution offenses.

**Hearing Date:** 1/16/17

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

#### Background:

No-Contact Orders. Courts may issue no-contact orders to protect victims during the pendency of criminal proceedings, and these orders may also be imposed or extended as a condition of release or sentence. No-contact orders prohibit contact of any kind with the victim and forbid the respondent from being within a set distance of specific locations. They also may involve a surrender of firearms, depending on the restrained person's criminal history. There are specialized procedures and requirements for no-contact orders for harassment, domestic violence, and stalking. Generally, a violation of a no-contact order is a gross misdemeanor, except a violation can be elevated to a class C felony when tied to an assault or for a repeat violation.

Trafficking. A person is guilty of Trafficking in the second degree when he or she: (1) recruits, harbors, transports, transfers, provides, obtains, or receives by any means another person,

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knowing that force, fraud or coercion will be used to cause the person to engage in forced labor, involuntary servitude, a sexually explicit act or a commercial sex act, or that the person has not reached the age of 18 years and is caused to engage in a sexually explicit act or a commercial sex act; or (2) benefits financially or receives anything of value from participation in a venture that has engaged in the above acts. The offense is Trafficking in the first degree if the acts involve kidnapping, sexual motivation, or illegal harvesting of human organs or result in a death. Trafficking in the second degree is a class A felony with a seriousness level of XII, and Trafficking in the first degree is a class A felony with a seriousness level of XIV.

Promoting Prostitution. A person is guilty of Promoting Prostitution in the first degree if he or she knowingly advances prostitution:

- by compelling a person by threat or force to engage in prostitution or profits from prostitution which results from such threat or force; or
- by compelling a person with a mental incapacity or developmental disability that renders the person incapable of consent to engage in prostitution or profits from prostitution that results from such compulsion.

A person is guilty of Promoting Prostitution in the second degree if he or she knowingly profits from prostitution or advances prostitution.

Promoting Prostitution in the first degree is a class B felony with a seriousness level of VIII. Promoting Prostitution in the second degree is a class C felony with a seriousness level of III.

#### **Summary of Bill:**

Specialized no-contact orders are created for Trafficking and Promoting Prostitution offenses.

When a person is charged with or arrested for Trafficking or Promoting Prostitution, the court may issue a no-contact order prohibiting the defendant from having any contact with the victim. A no-contact order may be issued at the time of arraignment, whenever a defendant is released from custody pre-trial, or as a condition of sentence. So long as the court finds probable cause, the court may issue or extend a no-contact order even if the defendant fails to appear in court.

The local law enforcement agency or prosecuting attorney must inform the victim of the final disposition of the case in which the victim is involved, and the victim must be provided with a copy of any applicable no-contact order.

A violation of a no-contact order is a gross misdemeanor, except a violation can be elevated to a class C felony when tied to an assault or for a repeat violation. If a person is convicted of violating a no-contact order, the court may require the defendant to submit to electronic monitoring.

A no-contact order terminates if the defendant is acquitted or the charges are dismissed.

**Appropriation:** None.

**Fiscal Note:** Available.

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