

# FINAL BILL REPORT

## SHB 1079

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C 230 L 17  
Synopsis as Enacted

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

**Sponsors:** House Committee on Public Safety (originally sponsored by 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).

**House Committee on Public Safety**  
**Senate Committee on Law & Justice**

### **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 specialized 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:

- recruits, harbors, transports, transfers, provides, obtains, or receives by any means another person, 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
- 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

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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.*

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:**

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 also prohibit a defendant from contacting a victim through third parties. When issuing or renewing a no-contact order, the court is authorized to consider restrictions for firearms, other dangerous weapons, and concealed pistol licenses.

Whenever a no-contact order is issued, the clerk must forward the order to the appropriate law enforcement agency within one judicial day. The law enforcement agency must enter the order for one year or until its specified expiration date into the computer-based criminal intelligence information system. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies. The agency must remove the order from the system when it receives notice that it has been terminated.

The court may terminate or modify the order if the defendant proves by a preponderance of the evidence that there has been a material change in circumstances. The victim bears no burden of proving that he or she has a current reasonable fear of harm. A defendant is authorized to file a motion to terminate or modify an order no more than once per year.

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.

**Votes on Final Passage:**

House	97	0	
Senate	48	0	(Senate amended)

House 98 0 (House concurred)

**Effective:** July 23, 2017