

# HOUSE BILL REPORT

## SHB 1184

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### As Amended by the Senate

**Title:** An act relating to patronizing a prostitute.

**Brief Description:** Modifying patronizing a prostitute provisions.

**Sponsors:** House Committee on Public Safety (originally sponsored by Representatives Orwall, Griffey, Klippert, McCabe, Senn, Gregerson, Pellicciotti, Jenkins, Irwin, Wylie, Kilduff, McBride, Bergquist, Fey, Smith, Stanford and Hudgins).

#### **Brief History:**

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

Public Safety: 1/16/17, 1/19/17 [DPS].

##### **Floor Activity:**

Passed House: 2/2/17, 98-0.

Senate Amended.

Passed Senate: 4/6/17, 49-0.

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

- Modifies the crime of Patronizing a Prostitute by specifying that the crime can be committed in any location in which the defendant commits any act that constitutes part of the crime.

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### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Chapman, Griffey, Holy, Orwall, Pettigrew and Van Werven.

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

#### **Background:**

A person is guilty of Patronizing a Prostitute if:

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- 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; or
- 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; or
- 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. A misdemeanor carries a maximum punishment of 90 days in jail and a \$1,000 fine.

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

The crime of Patronizing a Prostitute may be committed in more than one location. The crime is deemed to have been committed in any location in which the defendant commits any act that constitutes part of the crime. A person who sends a communication to patronize a prostitute is considered to have committed the crime at the place from which the contact was made or where the communication is received.

### **EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment specifies that that a person who sends a communication to patronize a prostitute is considered to have committed the crime both at the place from which the contact was made and where the communication was received (rather than either at the place from which the contract was or where the communication was received). Language is added specifying that the bill must be construed to prohibit anyone from being prosecuted twice for substantially the same crime.

**Appropriation:** None.

**Fiscal Note:** Available.

**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) This bill is a technical fix that will help law enforcement have more effective sting operations. When doing a sting operation, law enforcement posts an advertisement on backpage.com or a similar medium, and within minutes there are countless responses from men trying to buy sex. There have been many successful sting operations in the City of Kent, including for perpetrators soliciting sex from outside the jurisdiction. They may make the initial contact outside of the City of Kent, and then travel there to engage in the illegal acts. At trial, they argue lack of jurisdiction because the initial contact was made when they were located elsewhere. This legislation solves this jurisdictional issue, and is similar to other provisions in the criminal code.

Similar legislation was opposed last session by those who said it was inconvenient to the families of men caught in the sting operations. However, there are thousands of men illegally

buying sex, and it is not a waste of law enforcement resources. The state needs to make this change in order to reduce the amount of paid rapes in Washington. This is not a throwaway problem.

The connection between prostitution and trafficking is very well established, and increasing prosecutions of Patronizing a Prostitute will deter offenders. Law enforcement needs to focus on penalizing the buyers. When Sweden adopted the Nordic Model, increasing penalties for buyers and traffickers and decriminalizing it for the women, the rates of trafficking dropped. Alternatively, when it is completely decriminalized, the problem triples.

No one deserves a life of prostitution. Not passing this bill is passive aggressive approval for online solicitation, which endangers children. The Legislature needs to put laws and protections in place before more children are affected, especially with the expansion of digital access and communications among children.

(Opposed) This bill does not appear to be necessary. There is a sound principal in the telephone harassment law regarding a crime happening in two places. This is only an issue in the City of Kent, where the law enforcement officers conducting recent sting operations arrested offenders as they arrived without talking to them to affirm why they had travelled there.

As written, the bill creates a potential double jeopardy problem because it authorizes prosecution in both places. The bill should be modified to say it can be prosecuted in one or the other, but not both at the same time.

**Persons Testifying:** (In support) Representative Orwall, prime sponsor; Ken Thomas, City of Kent Police Department; Jeri Moomaw, Washington Engage; Chantale Williams; Julia Anderson; Robert Beiser, Seattle Against Slavery; and Tammy Combs.

(Opposed) Brad Meryhew, Washington Association of Criminal Defense Lawyers, and Washington Defender Association.

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