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**Early Learning & Human Services  
Committee**

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**HB 2857**

**Brief Description:** Concerning therapeutic responses to commercially sexually exploited youth.

**Sponsors:** Representatives Orwall, Kraft, Goodman, Pettigrew, Kagi, Wylie, Frame and Slatter.

**Brief Summary of Bill**

- Prohibits prosecution or booking into detention for juvenile prostitution.
- Creates a receiving center pilot program for commercially sexually exploited youth administered by the Office of Homeless Youth at the Department of Commerce that would provide a short-term evaluation function and long-term residential mental health or substance use disorder treatment for up to one year.

**Hearing Date:** 1/30/18

**Staff:** Luke Wickham (786-7146).

**Background:**

*Prostitution.*

A person is guilty of prostitution if the person engages or agrees or offers to engage in sexual conduct with another person in return for a fee. Prostitution is a misdemeanor.

Prosecutors must divert a juvenile's first prostitution offense. A juvenile diversion is a contract between a juvenile accused of an offense and a diversion unit where the juvenile agrees to certain conditions in lieu of prosecution. Diversion agreements may include community restitution not to exceed 150 hours, restitution, up to 10 hours of counseling and/or up to 20 hours of educational or informational sessions, requirements to remain during certain hours at home, school, or work, and requirements not to have contact with victims or witnesses. If a youth does not complete the diversion agreement, a prosecutor may file a criminal complaint.

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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.*

If an individual has criminal history consisting of one diversion agreement upon turning age 18, the records of that diversion must be destroyed within 90 days.

*Commercially Sexually Exploited Youth.*

The Commercially Sexually Exploited Children Statewide Coordinating Committee (Committee) was established in 2013 to address the issue of children who are commercially sexually exploited, to examine the practices of local and regional entities involved in addressing sexually exploited children, and to make recommendations on statewide laws and practices. The Committee must meet at least annually.

The Committee is convened by the Office of the Attorney General. The Department of Commerce assists the Office of the Attorney General with the Committee agenda planning and administrative and clerical support.

The Committee members includes representatives from the Legislature, the Governor's Office, state agencies, courts, victim advocates, law enforcement, services providers, regional task forces on commercially sexually exploited children, attorneys, and a survivor of human trafficking.

The duties of the Committee include, but are not limited to: overseeing and reviewing the implementation of the Washington State Model Protocol for Commercially Sexually Exploited Children; receiving reports and data from local and regional entities regarding the incidence of commercially sexually exploited children in their areas; reviewing recommendations from local and regional entities regarding policy changes that would improve the effectiveness of local response practices; and making recommendations regarding data collection and strategic local investments to address the commercial sexual exploitation of children.

The Committee expires on June 30, 2023, and must annually report its findings to the appropriate committees of the Legislature and to any other known statewide committees addressing trafficking or the commercial sex trade.

**Summary of Bill:**

*Juvenile Prostitution.*

Persons under age 18 are prohibited from being prosecuted or booked into detention for a prostitution offense.

Before completing a law enforcement contact with a juvenile suspected of prostitution, law enforcement must make a child abuse or neglect report, deliver the youth to a mental health or substance use disorder evaluation and treatment facility, or refer the youth to any other appropriate services.

*Receiving Center Pilot Programs.*

The Office of Homeless Youth at the Department of Commerce must administer funding for two receiving center pilot programs for commercially sexually exploited youth. One of these programs must be west of the Cascade mountains, and one program must be east of the Cascade mountains. Law enforcement and service providers may refer youth to these pilot programs, or youth may self-refer into these programs.

The receiving center pilot program must:

- start providing services by January 1, 2019 and provide services until July 1, 2022;
- develop the eligibility criteria for the receiving centers;
- provide case management for all youth served or who have been served;
- include a short-term evaluation function that is accessible 24 hours per day 7 days per week for commercially sexually exploited youth;
- provide residential substance use disorder and mental health treatment up to one year at the same location;
- assess youth for mental health and substance use disorder treatment needs; and
- provide individual and group counseling.

The Office of Homeless Youth must collect nonidentifiable data of the youth served, collect data regarding the locations that youth exit to after being served, and report data along with recommendations regarding modification or expansion of these programs to the Legislature by December 1, 2021.

**Appropriation:** None.

**Fiscal Note:** Available.

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