

HOUSE BILL REPORT

SB 5030

As Reported by House Committee On: Public Safety

Title: An act relating to human trafficking, prostitution, and commercial sexual abuse of a minor.

Brief Description: Concerning human trafficking, prostitution, and commercial sexual abuse of a minor.

Sponsors: Senators Darneille, Fain, Hasegawa, Miloscia, Carlyle, Frockt, Chase, Saldaña, Mullet, Pedersen, Conway, Keiser and Kuderer; by request of Attorney General.

Brief History:

Committee Activity:

Public Safety: 3/9/17, 3/16/17 [DPA].

Brief Summary of Bill (As Amended by Committee)

- Modifies the crimes of Commercial Sexual Abuse of a Minor, Promoting Commercial Sexual Abuse of a Minor, and Promoting Prostitution by specifying that the crimes can be committed when providing anything of value (rather than a fee or other property).
- Extends the statute of limitations for Commercial Sexual Abuse of a Minor, Promoting Commercial Sexual Abuse of a Minor, and Promoting Travel for Commercial Sexual Abuse of a Minor to the victim's thirtieth birthday or 10 years after the commission of the offense, whichever is later.
- Extends the statute of limitations for Trafficking to 10 years after the commission of the offense.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass as amended. 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.

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.

Staff: Kelly Leonard (786-7147).

Background:

Commercial Sexual Abuse of a Minor. A person is guilty of Commercial Sexual Abuse of a Minor if:

- he or she pays a fee to a minor or a third person as compensation for a minor having engaged in sexual conduct with him or her;
- he or she pays or agrees to pay a fee to a minor or a third person pursuant to an understanding that in return therefore such minor will engage in sexual conduct with him or her; or
- he or she solicits, offers, or requests to engage in sexual conduct with a minor in return for a fee.

Promoting Commercial Sexual Abuse of a Minor. A person is guilty of Promoting Commercial Sexual Abuse of a Minor if he or she knowingly advances commercial sexual abuse or a sexually explicit act of a minor or profits from a minor engaged in sexual conduct or a sexually explicit act. Generally, the offense can be committed under certain circumstances involving giving, accepting, or receiving "money or other property" for commercial sexual abuse or a sexually explicit act of a minor.

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 "profits from prostitution" if, among other circumstances, he or she accepts or receives "money or other property" in the exchange.

Promoting Travel for Commercial Sexual Abuse of a Minor. A person is guilty of Promoting Travel for Commercial Sexual Abuse of a Minor if he or she knowingly sells or offers to sell travel services that include or facilitate travel for the purpose of engaging in what would be commercial sexual abuse of a minor or promoting commercial sexual abuse of a minor, if occurring in this state.

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, 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.

Statute of Limitations. A statute of limitations is a time limit for initiating prosecution after an offense is committed. Once a statute of limitations has expired, a prosecutor is barred from bringing charges against an alleged perpetrator. Statutes of limitations vary according to the crime. The statute of limitations is three years for Commercial Sexual Abuse of a Minor, Promoting Commercial Sexual Abuse of a Minor, and Trafficking.

Summary of Amended Bill:

Commercial Sexual Abuse of a Minor, Promoting Commercial Sexual Abuse of a Minor, and Promoting Prostitution are modified. References to paying "fees" and "money or other property" are changed to "anything of value" and "money or anything of value," respectively. Therefore, among the other circumstances delineated in statute, a person commits the offenses by providing, accepting, or receiving anything of value in exchange for the prohibited acts.

The statute of limitations for Commercial Sexual Abuse of a Minor, Promoting Commercial Sexual Abuse of a Minor, and Promoting Travel for Commercial Sexual Abuse of a Minor are changed to the victim's thirtieth birthday or 10 years after the offense is committed, whichever is later. The statute of limitations for Trafficking in the first and second degrees is increased to 10 years after the offense is committed.

Amended Bill Compared to Original Bill:

The striking amendment allows a prosecutor to initiate charges for Commercial Sexual Abuse of a Minor and Promoting Commercial Sexual Abuse of a Minor until 10 years after their commission or the victim's thirtieth birthday, whichever occurs later (rather than just up to the victim's thirtieth birthday as provided in the underlying bill).

The striking amendment adds Promoting Travel for Commercial Sexual Abuse of a Minor to the list of offenses where the statute of limitations is extended. The statute of limitations is extended from three years after the commission of the offense to 10 years after the commission of the offense or the victim's thirtieth birthday, whichever occurs later.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) These crimes affect vulnerable youth who are trafficked as a result of emotional immaturity, economic insecurity, trauma, or other issues. Studies have shown that homeless

youth can be trafficked after as little as two days on the street. This is because they are searching for help and security, and traffickers use messages and tactics targeted at those needs. Traffickers manipulate youth through offering meals, housing, telephones, drugs, and other items. It may not always be money.

It can take years for victims to escape their traffickers and abusers, and even longer to come forward and participate in a prosecution. In some cases, it can take six or more contacts with law enforcement before a victim will cooperate with an investigation. Part of this is due to juvenile brain development and the time it takes to understand and process abuse and victimization. It takes time to heal, recover, and grow.

This legislation addresses both of these issues. Changing "fee" to "anything of value" takes into account the range of property used to entice, manipulate, and control victims. Changing the statute of limitations will allow prosecutors to file charges in cases where it takes time for victims to come forward and for law enforcement to complete investigations.

These are serious offenses requiring the state's attention and resources. Recent operations have yielded investigations and prosecutions of perpetrators attempting to buy sex from children as young as 8 years old.

(Opposed) None.

Persons Testifying: Senator Darneille, prime sponsor; and Farshad Talebi, Office of the Attorney General.

Persons Signed In To Testify But Not Testifying: None.