

SENATE BILL REPORT

SHB 2361

As of February 19, 2018

Title: An act relating to increasing access to emergency assistance for victims by providing immunity from prosecution for prostitution offenses in some circumstances.

Brief Description: Increasing access to emergency assistance for victims by providing immunity from prosecution for prostitution offenses in some circumstances.

Sponsors: House Committee on Public Safety (originally sponsored by Representatives Pellicciotti, Goodman, Stanford, Macri, Jinkins, Ormsby and Kraft).

Brief History: Passed House: 2/09/18, 96-2.

Committee Activity: Law & Justice: 2/16/18.

Brief Summary of Bill

- Provides limited immunity from criminal charges and prosecution for the crime of prostitution.
- Immunizes victims of certain violent offenses seeking emergency assistance.
- Applies where evidence of prostitution was obtained as a result of a person seeking emergency assistance.
- Limits the immunity to prostitution crimes.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Tim Ford (786-7423)

Background: Prostitution. A person commits the crime of prostitution if the person engages, agrees, or offers to engage in sexual conduct with another person for a fee. Sexual conduct means sexual intercourse or sexual contact. Prostitution is a misdemeanor crime. The penalty for a misdemeanor crime is a fine of not more than \$1,000 or imprisonment for up to 90 days, or both.

Limited Immunity From Criminal Charges and Prosecution. In unique circumstances, a person who would otherwise be charged with a crime may be immunized from a criminal

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charge and prosecution. A person acting in good faith in seeking medical assistance for another person experiencing a drug overdose may not be charged or prosecuted for possession of a controlled substance where the evidence was obtained as a result of the person seeking medical assistance. This is also true for a person who is experiencing a drug overdose and seeks medical assistance. The protection is limited to possession charges and does not protect the person from other criminal charges. A similar limited immunity exists for the crime of a minor in possession of alcohol who is seeking medical assistance.

Summary of Bill: Limited immunity is provided to a person acting in good faith who seeks emergency assistance for a victim of the following offenses:

- any violent felony offense defined under the Sentencing Reform Act of 1981;
- assault in the 3rd degree;
- assault in the 4th degree, or an equivalent offense in a municipal ordinance; or
- rape in the 3rd degree.

The person may not be charged or prosecuted for prostitution if the evidence of prostitution was obtained as a result of the person seeking emergency assistance. The limited immunity extends to persons who are also victims of these listed offenses and are seeking emergency assistance on account of the offense.

The protection is limited to prostitution criminal charges, and is not grounds for suppression of evidence in other criminal charges.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Those who are currently in the sex trade are reluctant to call police due to fear that they will be arrested for prostitution even though they are the victim of a crime. For the crimes identified in the bill —violent felonies and misdemeanors—the immunity is limited to victims of those crimes.

I support the bill's intent because all victims of all crimes need safe and meaningful access to medical assistance. The bill needs to be more inclusive. It is impractical for victims to actually know whether the crime against them is included in this bill for immunity before they reach out to law enforcement. People should be free from discrimination just because they work in a sex trade. Sex workers should be unafraid of calling 911 for any crime. Once sex workers understand the bill only provides limited immunity they will not call 911 for medical assistance. My pimp was violent and I was robbed a lot. We are a silent population and do not call the cops. We do not have great relationships with police and sometimes the police will beat and rape sex workers.

OTHER: There is a lot of violence inherent in this industry. We do not want people who suffer violence to be fearful of coming forward. Our prosecutor's office currently has

adopted this as policy. We would never prosecute someone coming forward to report that they are a victim of a crime. We still retain prosecutorial discretion. I think the idea is good but prosecutors would rather approach this as a policy and not through statute. However, because this bill is limited it is a good idea.

Persons Testifying: PRO: Representative Mike Pellicciotti, Prime Sponsor; Fajer Saeed Ebrahim, Coalition for Rights and Safety for People in the Sex Trade; Priya Walia, Staff Attorney, Legal Voice; Savannah Sly, Sex Workers Outreach Project of Seattle; Kyra Doubek, Kent Youth & Family Services/CSEC Behavioral Health Specialist & Survivor.

OTHER: Valiant Richey, King County Prosecuting Attorney.

Persons Signed In To Testify But Not Testifying: No one.