

**E3SHB 1775** - S COMM AMD

By Committee on Human Services, Reentry & Rehabilitation

**NOT ADOPTED 03/06/2020**

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that commercial  
4 sexual exploitation of children is a severe form of human trafficking  
5 and a severe human rights and public health issue, leaving children  
6 at substantial risk of physical harm, substantial physical and  
7 emotional pain, and trauma. This trauma has a long-term impact on the  
8 social, emotional, and economic future of these children. The state  
9 shall provide a victim-centered, trauma-informed response to children  
10 who are exploited in this manner rather than treating them as  
11 criminals. The state shall also hold accountable the buyers and  
12 traffickers who exploit children.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 7.68 RCW  
14 to read as follows:

15 (1) Subject to the availability of amounts appropriated for this  
16 specific purpose, the department of children, youth, and families  
17 shall administer funding for two receiving center programs for  
18 commercially sexually exploited children. One of these programs must  
19 be located west of the crest of the Cascade mountains and one of  
20 these programs must be located east of the crest of the Cascade  
21 mountains. Law enforcement and service providers may refer children  
22 to these programs or children may self-refer into these programs.

23 (2) The receiving center programs established under this section  
24 shall:

25 (a) Begin providing services by January 1, 2021;

26 (b) Develop the eligibility criteria for serving commercially  
27 sexually exploited children that allows referral from service  
28 providers and prioritizes referral from law enforcement;

29 (c) Utilize existing facilities and not require the construction  
30 of new facilities; and

1 (d) Provide ongoing case management for all children who are  
2 being served or were served by the programs.

3 (3) The receiving centers established under this section shall:

4 (a) Include a short-term evaluation function that is accessible  
5 twenty-four hours per day seven days per week that has the capacity  
6 to evaluate the immediate needs of commercially sexually exploited  
7 children ages twelve through seventeen and either meet those  
8 immediate needs or refer those children to the appropriate services;

9 (b) Assess children for mental health and substance use disorder  
10 needs and provide appropriate referrals as needed; and

11 (c) Provide individual and group counseling focused on developing  
12 and strengthening coping skills, and improving self-esteem and  
13 dignity.

14 (4) The department of children, youth, and families shall:

15 (a) Collect nonidentifiable demographic data of the children  
16 served by the programs established under this section;

17 (b) Collect data regarding the locations that children exit to  
18 after being served by the programs; and

19 (c) Report the data described in this subsection along with  
20 recommendations for modification or expansion of these programs to  
21 the relevant committees of the legislature by December 1, 2022.

22 (5) For the purposes of this section, the following definitions  
23 apply:

24 (a) "Receiving center" means a trauma-informed, secure location  
25 that meets the multidisciplinary needs of commercially sexually  
26 exploited children ages twelve through seventeen in a licensed or  
27 certified behavioral health entity providing residential services;  
28 and

29 (b) "Short-term evaluation function" means a short-term emergency  
30 shelter that is accessible twenty-four hours per day seven days per  
31 week that has the capacity to evaluate the immediate needs of  
32 commercially sexually exploited children under age eighteen and  
33 either meet those immediate needs or refer those children to the  
34 appropriate services.

35 NEW SECTION. **Sec. 3.** A new section is added to chapter 7.68 RCW  
36 to read as follows:

37 (1) The following individuals or entities may refer a child to  
38 receiving centers as defined in section 2 of this act:

39 (a) Law enforcement, who shall:

- 1 (i) Transport a child eligible for receiving center services to a  
2 receiving center; or
- 3 (ii) Coordinate transportation with a liaison dedicated to  
4 serving commercially sexually exploited children established under  
5 RCW 74.14B.070 or a community service provider;
- 6 (b) The department of children, youth, and families;
- 7 (c) Juvenile courts;
- 8 (d) Community service providers;
- 9 (e) A parent or guardian; and
- 10 (f) A child may self-refer.
- 11 (2) Eligibility for placement in a receiving center is children  
12 ages twelve through seventeen, of all genders, who have been, or are  
13 at risk for being commercially sexually exploited.

14 **Sec. 4.** RCW 9A.88.030 and 1988 c 145 s 16 are each amended to  
15 read as follows:

16 (1) A person age eighteen or older is guilty of prostitution if  
17 such person engages or agrees or offers to engage in sexual conduct  
18 with another person in return for a fee.

19 (2) For purposes of this section, "sexual conduct" means "sexual  
20 intercourse" or "sexual contact," both as defined in chapter 9A.44  
21 RCW.

22 (3) Prostitution is a misdemeanor.

23 **Sec. 5.** RCW 13.40.070 and 2019 c 128 s 8 are each amended to  
24 read as follows:

25 (1) Complaints referred to the juvenile court alleging the  
26 commission of an offense shall be referred directly to the  
27 prosecutor. The prosecutor, upon receipt of a complaint, shall screen  
28 the complaint to determine whether:

29 (a) The alleged facts bring the case within the jurisdiction of  
30 the court; and

31 (b) On a basis of available evidence there is probable cause to  
32 believe that the juvenile did commit the offense.

33 (2) If the identical alleged acts constitute an offense under  
34 both the law of this state and an ordinance of any city or county of  
35 this state, state law shall govern the prosecutor's screening and  
36 charging decision for both filed and diverted cases.

37 (3) If the requirements of subsection (1)(a) and (b) of this  
38 section are met, the prosecutor shall either file an information in

1 juvenile court or divert the case, as set forth in subsections (5),  
2 (6), and (8) of this section. If the prosecutor finds that the  
3 requirements of subsection (1)(a) and (b) of this section are not  
4 met, the prosecutor shall maintain a record, for one year, of such  
5 decision and the reasons therefor. In lieu of filing an information  
6 or diverting an offense a prosecutor may file a motion to modify  
7 community supervision where such offense constitutes a violation of  
8 community supervision.

9 (4) An information shall be a plain, concise, and definite  
10 written statement of the essential facts constituting the offense  
11 charged. It shall be signed by the prosecuting attorney and conform  
12 to chapter 10.37 RCW.

13 (5) The prosecutor shall file an information with the juvenile  
14 court if (a) an alleged offender is accused of an offense that is  
15 defined as a sex offense or violent offense under RCW 9.94A.030,  
16 other than assault in the second degree or robbery in the second  
17 degree; or (b) an alleged offender has been referred by a diversion  
18 unit for prosecution or desires prosecution instead of diversion.

19 (6) Where a case is legally sufficient the prosecutor shall  
20 divert the case if the alleged offense is a misdemeanor or gross  
21 misdemeanor or violation and the alleged offense is the offender's  
22 first offense or violation. If the alleged offender is charged with a  
23 related offense that may be filed under subsections (5) and (8) of  
24 this section, a case under this subsection may also be filed.

25 (7) Where a case is legally sufficient to charge an alleged  
26 offender with:

27 (a) (~~(Either prostitution or prostitution))~~ Prostitution  
28 loitering and the alleged offense is the offender's first  
29 (~~(prostitution or))~~ prostitution loitering offense, the prosecutor  
30 shall divert the case;

31 (b) Voyeurism in the second degree, the offender is under  
32 seventeen years of age, and the alleged offense is the offender's  
33 first voyeurism in the second degree offense, the prosecutor shall  
34 divert the case, unless the offender has received two diversions for  
35 any offense in the previous two years;

36 (c) Minor selling depictions of himself or herself engaged in  
37 sexually explicit conduct under RCW 9.68A.053(5) and the alleged  
38 offense is the offender's first violation of RCW 9.68A.053(5), the  
39 prosecutor shall divert the case; or

1 (d) A distribution, transfer, dissemination, or exchange of  
2 sexually explicit images of other minors thirteen years of age or  
3 older offense as provided in RCW 9.68A.053(1) and the alleged offense  
4 is the offender's first violation of RCW 9.68A.053(1), the prosecutor  
5 shall divert the case.

6 (8) Where a case is legally sufficient and falls into neither  
7 subsection (5) nor (6) of this section, it may be filed or diverted.  
8 In deciding whether to file or divert an offense under this section  
9 the prosecutor may be guided by the length, seriousness, and recency  
10 of the alleged offender's criminal history and the circumstances  
11 surrounding the commission of the alleged offense.

12 (9) Whenever a juvenile is placed in custody or, where not placed  
13 in custody, referred to a diversion interview, the parent or legal  
14 guardian of the juvenile shall be notified as soon as possible  
15 concerning the allegation made against the juvenile and the current  
16 status of the juvenile. Where a case involves victims of crimes  
17 against persons or victims whose property has not been recovered at  
18 the time a juvenile is referred to a diversion unit, the victim shall  
19 be notified of the referral and informed how to contact the unit.

20 (10) The responsibilities of the prosecutor under subsections (1)  
21 through (9) of this section may be performed by a juvenile court  
22 probation counselor for any complaint referred to the court alleging  
23 the commission of an offense which would not be a felony if committed  
24 by an adult, if the prosecutor has given sufficient written notice to  
25 the juvenile court that the prosecutor will not review such  
26 complaints.

27 (11) The prosecutor, juvenile court probation counselor, or  
28 diversion unit may, in exercising their authority under this section  
29 or RCW 13.40.080, refer juveniles to community-based programs,  
30 restorative justice programs, mediation, or victim offender  
31 reconciliation programs. Such mediation or victim offender  
32 reconciliation programs shall be voluntary for victims.

33 (12) Prosecutors and juvenile courts are encouraged to engage  
34 with and partner with community-based programs to expand, improve,  
35 and increase options to divert youth from formal processing in  
36 juvenile court. Nothing in this chapter should be read to limit  
37 partnership with community-based programs to create diversion  
38 opportunities for juveniles.

1       **Sec. 6.** RCW 13.40.213 and 2010 c 289 s 8 are each amended to  
2 read as follows:

3       (1) When a juvenile is alleged to have committed (~~the offenses~~  
4 ~~of prostitution or~~) a prostitution loitering offense, and the  
5 allegation, if proved, would not be the juvenile's first offense, a  
6 prosecutor may divert the offense if the county in which the offense  
7 is alleged to have been committed has a comprehensive program that  
8 provides:

9       (a) Safe and stable housing;

10       (b) Comprehensive on-site case management;

11       (c) Integrated mental health and chemical dependency services,  
12 including specialized trauma recovery services;

13       (d) Education and employment training delivered on-site; and

14       (e) Referrals to off-site specialized services, as appropriate.

15       (2) A prosecutor may divert a case for (~~prostitution or~~)  
16 prostitution loitering into the comprehensive program described in  
17 this section, notwithstanding the filing criteria set forth in RCW  
18 13.40.070(5).

19       (3) A diversion agreement under this section may extend to twelve  
20 months.

21       (4)(a) The administrative office of the courts shall compile data  
22 regarding:

23       (i) The number of juveniles whose cases are diverted into the  
24 comprehensive program described in this section;

25       (ii) Whether the juveniles complete their diversion agreements  
26 under this section; and

27       (iii) Whether juveniles whose cases have been diverted under this  
28 section have been subsequently arrested or committed subsequent  
29 offenses.

30       (b) An annual report of the data compiled shall be provided to  
31 the governor and the appropriate committee of the legislature. (~~The~~  
32 ~~first report is due by November 1, 2010.~~)

33       **Sec. 7.** RCW 7.68.801 and 2018 c 58 s 65 are each amended to read  
34 as follows:

35       (1) The commercially sexually exploited children statewide  
36 coordinating committee is established to address the issue of  
37 children who are commercially sexually exploited, to examine the  
38 practices of local and regional entities involved in addressing

1 sexually exploited children, and to make recommendations on statewide  
2 laws and practices.

3 (2) The committee is convened by the office of the attorney  
4 general with the department of commerce assisting with agenda  
5 planning and administrative and clerical support. The committee  
6 consists of the following members:

7 (a) One member from each of the two largest caucuses of the house  
8 of representatives appointed by the speaker of the house;

9 (b) One member from each of the two largest caucuses of the  
10 senate appointed by the (~~speaker~~) president of the senate;

11 (c) A representative of the governor's office appointed by the  
12 governor;

13 (d) The secretary of the department of children, youth, and  
14 families or his or her designee;

15 (e) The secretary of the juvenile rehabilitation administration  
16 or his or her designee;

17 (f) The attorney general or his or her designee;

18 (g) The superintendent of public instruction or his or her  
19 designee;

20 (h) A representative of the administrative office of the courts  
21 appointed by the administrative office of the courts;

22 (i) The executive director of the Washington association of  
23 sheriffs and police chiefs or his or her designee;

24 (j) The executive director of the Washington state criminal  
25 justice training commission or his or her designee;

26 (k) A representative of the Washington association of prosecuting  
27 attorneys appointed by the association;

28 (l) The executive director of the office of public defense or his  
29 or her designee;

30 (m) Three representatives of community service providers that  
31 provide direct services to commercially sexually exploited children  
32 appointed by the attorney general;

33 (n) Two representatives of nongovernmental organizations familiar  
34 with the issues affecting commercially sexually exploited children  
35 appointed by the attorney general;

36 (o) The president of the superior court judges' association or  
37 his or her designee;

38 (p) The president of the juvenile court administrators or his or  
39 her designee;

1 (q) Any existing chairs of regional task forces on commercially  
2 sexually exploited children;

3 (r) A representative from the criminal defense bar;

4 (s) A representative of the center for children and youth  
5 justice;

6 (t) A representative from the office of crime victims advocacy;

7 (u) The executive director of the Washington coalition of sexual  
8 assault programs;

9 (v) The executive director of the statewide organization  
10 representing children's advocacy centers or his or her designee;

11 (w) A representative of an organization that provides inpatient  
12 chemical dependency treatment to youth, appointed by the attorney  
13 general;

14 (~~(w)~~) (x) A representative of an organization that provides  
15 mental health treatment to youth, appointed by the attorney general;  
16 and

17 (~~(x)~~) (y) A survivor of human trafficking, appointed by the  
18 attorney general.

19 (3) The duties of the committee include, but are not limited to:

20 (a) Overseeing and reviewing the implementation of the Washington  
21 state model protocol for commercially sexually exploited children at  
22 task force sites;

23 (b) Receiving reports and data from local and regional entities  
24 regarding the incidence of commercially sexually exploited children  
25 in their areas as well as data information regarding perpetrators,  
26 geographic data and location trends, and any other data deemed  
27 relevant;

28 (c) Receiving reports on local coordinated community response  
29 practices and results of the community responses;

30 (d) Reviewing recommendations from local and regional entities  
31 regarding policy and legislative changes that would improve the  
32 efficiency and effectiveness of local response practices;

33 (e) Making recommendations regarding policy and legislative  
34 changes that would improve the effectiveness of the state's response  
35 to and promote best practices for suppression of the commercial  
36 sexual exploitation of children;

37 (f) Making recommendations regarding data collection useful to  
38 understanding or addressing the problem of commercially sexually  
39 exploited children;



1 (g) Reviewing and making recommendations regarding strategic  
2 local investments or opportunities for federal and state funding to  
3 address the commercial sexual exploitation of children;

4 (h) Reviewing the extent to which chapter 289, Laws of 2010  
5 (Engrossed Substitute Senate Bill No. 6476) is understood and applied  
6 by enforcement authorities; (~~and~~)

7 (i) Researching any barriers that exist to full implementation of  
8 chapter 289, Laws of 2010 (Engrossed Substitute Senate Bill No. 6476)  
9 throughout the state;

10 (j) Convening a meeting and providing recommendations required  
11 under section 10 of this act; and

12 (k) Compiling data on the number of juveniles believed to be  
13 victims of sexual exploitation taken into custody under RCW  
14 43.185C.260.

15 (4) The committee must meet no less than annually.

16 (5) The committee shall annually report its findings and  
17 recommendations to the appropriate committees of the legislature and  
18 to any other known statewide committees addressing trafficking or the  
19 commercial sex trade.

20 (6) This section expires June 30, 2023.

21 **Sec. 8.** RCW 43.185C.260 and 2019 c 312 s 15 are each amended to  
22 read as follows:

23 (1) A law enforcement officer shall take a child into custody:

24 (a) If a law enforcement agency has been contacted by the parent  
25 of the child that the child is absent from parental custody without  
26 consent; or

27 (b) If a law enforcement officer reasonably believes, considering  
28 the child's age, the location, and the time of day, that a child is  
29 in circumstances which constitute a danger to the child's safety or  
30 that a child is violating a local curfew ordinance; or

31 (c) If an agency legally charged with the supervision of a child  
32 has notified a law enforcement agency that the child has run away  
33 from placement.

34 (2) Law enforcement custody shall not extend beyond the amount of  
35 time reasonably necessary to transport the child to a destination  
36 authorized by law and to place the child at that destination. Law  
37 enforcement custody continues until the law enforcement officer  
38 transfers custody to a person, agency, or other authorized entity  
39 under this chapter, or releases the child because no placement is

1 available. Transfer of custody is not complete unless the person,  
2 agency, or entity to whom the child is released agrees to accept  
3 custody.

4 (3) If a law enforcement officer takes a child into custody  
5 pursuant to either subsection (1)(a) or (b) of this section and  
6 transports the child to a crisis residential center, the officer  
7 shall, within twenty-four hours of delivering the child to the  
8 center, provide to the center a written report detailing the reasons  
9 the officer took the child into custody. The center shall provide the  
10 department of children, youth, and families with a copy of the  
11 officer's report if the youth is in the care of or receiving services  
12 from the department of children, youth, and families.

13 (4) If the law enforcement officer who initially takes the  
14 juvenile into custody or the staff of the crisis residential center  
15 have reasonable cause to believe that the child is absent from home  
16 because he or she is abused or neglected, a report shall be made  
17 immediately to the department of children, youth, and families.

18 (5) Nothing in this section affects the authority of any  
19 political subdivision to make regulations concerning the conduct of  
20 minors in public places by ordinance or other local law.

21 (6) If a law enforcement officer has a reasonable suspicion that  
22 a child is being unlawfully harbored in violation of RCW 13.32A.080,  
23 the officer shall remove the child from the custody of the person  
24 harboring the child and shall transport the child to one of the  
25 locations specified in RCW 43.185C.265.

26 (7) If a law enforcement officer takes a juvenile into custody  
27 pursuant to subsection (1)(b) of this section and reasonably believes  
28 that the juvenile may be the victim of sexual exploitation, the  
29 officer shall:

30 (a) Transport the child to an evaluation and treatment facility  
31 as defined in RCW 71.34.020, including the receiving centers  
32 established in section 2 of this act, for purposes of evaluation for  
33 behavioral health treatment authorized under chapter 71.34 RCW,  
34 including adolescent-initiated treatment, family-initiated treatment,  
35 or involuntary treatment; or

36 (b) Provide and coordinate transportation to an evaluation and  
37 treatment facility as defined in RCW 71.34.020, including the  
38 receiving centers established in section 2 of this act, with a  
39 liaison dedicated to serving commercially sexually exploited children  
40 established under RCW 74.14B.070 or a community service provider.

1 (8) Law enforcement shall have the authority to take into  
2 protective custody a child who is or is attempting to engage in  
3 sexual conduct with another person for money or anything of value for  
4 purposes of investigating the individual or individuals who may be  
5 exploiting the child and deliver the child to an evaluation and  
6 treatment facility as defined in RCW 71.34.020, including the  
7 receiving centers established in section 2 of this act, for purposes  
8 of evaluation for behavioral health treatment authorized under  
9 chapter 71.34 RCW, including adolescent-initiated treatment, family-  
10 initiated treatment, or involuntary treatment.

11 (9) No child may be placed in a secure facility except as  
12 provided in this chapter.

13 **Sec. 9.** RCW 74.14B.070 and 2017 3rd sp.s. c 6 s 508 are each  
14 amended to read as follows:

15 (1) The department shall, subject to available funds, establish a  
16 system of early identification and referral to treatment of child  
17 victims of sexual assault or sexual abuse. The system shall include  
18 schools, physicians, sexual assault centers, domestic violence  
19 centers, child protective services, and foster parents. A mechanism  
20 shall be developed to identify communities that have experienced  
21 success in this area and share their expertise and methodology with  
22 other communities statewide.

23 (2) The department shall provide services to support children it  
24 suspects have been commercially sexually exploited.

25 (a) To provide services supporting children it suspects have been  
26 commercially sexually exploited, the department may provide:

27 (i) At least one liaison position in each region of the  
28 department where receiving center programs are established under  
29 section 2 of this act who are dedicated to serving commercially  
30 sexually exploited children and who report directly to the statewide  
31 program manager under (a)(ii) of this subsection;

32 (ii) One statewide program manager;

33 (iii) A designated person responsible for supporting commercially  
34 sexually exploited children, who may be assigned other duties in  
35 addition to this responsibility, in regions of the department where  
36 there is not a dedicated liaison position as identified under (a)(i)  
37 of this subsection; and

38 (iv) Appropriate, available, community-based services for  
39 children following discharge from an evaluation and treatment

1 facility as defined in RCW 71.34.020, including the receiving centers  
2 established in section 2 of this act.

3 (b) The department shall collect nonidentifiable data regarding  
4 the number of commercially sexually exploited children, including  
5 reports of commercially sexually exploited children received from law  
6 enforcement under chapter 26.44 RCW.

7 (3) The department shall provide an annual report to the  
8 commercially sexually exploited children statewide coordinating  
9 committee established under RCW 7.68.801 by December 1st that  
10 includes:

11 (a) A description of services provided by the department to  
12 commercially sexually exploited children; and

13 (b) Nonidentifiable data regarding the number of commercially  
14 sexually exploited children.

15 (4) The department may solicit and accept gifts, grants,  
16 conveyances, bequests, and devices for supporting the purposes of  
17 this section.

18 NEW SECTION. Sec. 10. A new section is added to chapter 7.68  
19 RCW to read as follows:

20 (1) By September 1, 2020, the statewide coordinating committee  
21 shall convene a meeting related to the role that child advocacy  
22 centers have in responding to and supporting commercially sexually  
23 exploited children.

24 (a) The meeting required under this subsection must include  
25 representatives from child advocacy centers.

26 (b) By October 1, 2020, the department must provide a report to  
27 the statewide coordinating committee that includes:

28 (i) An inventory of the number and location of child advocacy  
29 centers in the state; and

30 (ii) A description of the services provided by each of the child  
31 advocacy centers in the state.

32 (2) By December 1, 2020, and in compliance with RCW 43.01.036,  
33 the statewide coordinating committee must provide a report to the  
34 relevant committees of the legislature that includes:

35 (a) An inventory of the number and location of child advocacy  
36 centers in the state;

37 (b) A description of the services provided by each of the child  
38 advocacy centers in the state;

1 (c) Recommendations for expanded use of child advocacy centers in  
2 providing additional services for commercially sexually exploited  
3 children; and

4 (d) Recommendations for ensuring that child advocacy centers  
5 connect commercially sexually exploited children with available  
6 services in the community.

7 (3) For purposes of this section:

8 (a) "Child advocacy center" has the same meaning as the  
9 definition provided under RCW 26.44.020.

10 (b) "Department" means the department of commerce.

11 (c) "Statewide coordinating committee" means the commercially  
12 sexually exploited children statewide coordinating committee  
13 established under RCW 7.68.801.

14 (4) This section expires June 30, 2021.

15 NEW SECTION. **Sec. 11.** Sections 4, 5, and 6 of this act take  
16 effect January 1, 2024."

**E3SHB 1775** - S COMM AMD

By Committee on Human Services, Reentry & Rehabilitation

**NOT ADOPTED 03/06/2020**

17 On page 1, line 1 of the title, after "children;" strike the  
18 remainder of the title and insert "amending RCW 9A.88.030, 13.40.070,  
19 13.40.213, 7.68.801, 43.185C.260, and 74.14B.070; adding new sections  
20 to chapter 7.68 RCW; creating a new section; providing an effective  
21 date; and providing an expiration date."

EFFECT: Clarifies that DCYF is providing services to children it  
suspects have been commercially sexually exploited, and that the  
services provided by DCYF are permissive. Technical corrections.

--- END ---