

HOUSE BILL REPORT

HB 1055

As Passed Legislature

Title: An act relating to authorizing law enforcement to arrest persons in violation of certain no-contact orders involving victims of trafficking and promoting prostitution offenses.

Brief Description: Authorizing law enforcement to arrest persons in violation of certain no-contact orders involving victims of trafficking and promoting prostitution offenses.

Sponsors: Representatives Entenman, Orwall, Mosbrucker, Valdez, Goodman, Slatter, Riccelli, Ryu, Blake, Wylie, Irwin, Appleton, Jinkins, Doglio, Stanford, Leavitt and Walen.

Brief History:

Committee Activity:

Public Safety: 1/15/19, 1/24/19 [DP].

Floor Activity:

Passed House: 2/14/19, 96-0.

Passed Senate: 3/29/19, 46-0.

Passed Legislature.

Brief Summary of Bill

- Includes no-contact orders issued in Promoting Prostitution and Trafficking cases in the list of orders to which the warrantless arrest statute applies.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass. Signed by 11 members: Representatives Goodman, Chair; Davis, Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Appleton, Graham, Griffey, Lovick, Orwall, Pellicciotti and Pettigrew.

Staff: Omeara Harrington (786-7136).

Background:

No-Contact Orders.

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.

A court may issue a no-contact order to protect a victim during the pendency of criminal proceedings or upon conviction. No-contact orders prohibit contact of any kind with the victim and forbid the defendant from knowingly coming within or remaining within a specified distance of certain locations. A violation of a no-contact order is generally a gross misdemeanor, but is punishable as a class C felony in certain circumstances.

There are specialized procedures and requirements for no-contact orders entered in different kinds of criminal cases, including no-contact orders issued in Harassment, Domestic Violence, Sexual Assault, and Stalking cases. Legislation enacted in 2017 created two new specialized no-contact orders for cases involving Promoting Prostitution and Trafficking.

Warrantless Arrest.

A police officer who has probable cause to believe a person has committed a felony has the authority to arrest the person without a warrant. Generally, an officer may only arrest a person without a warrant for a misdemeanor or gross misdemeanor offense when the offense is committed in the presence of the officer.

Under the warrantless arrest statute, an officer must or may make a warrantless arrest and take a person into custody, pending release on bail, personal recognizance, or court order, in certain situations. Among other circumstances, an officer must make a warrantless arrest when the officer has probable cause to believe that a listed protective order has been issued that restrains a person, the restrained person knows about the order, and the restrained person has violated certain terms of the order restraining the person from acts or threats of violence, or from going to or remaining within certain locations.

Provisions in the statutes governing no-contact orders entered in Promoting Prostitution and Trafficking cases provide that violators are subject to arrest upon violation of the order. However, no-contact orders entered in these cases are not included in the list of orders in the general warrantless arrest statute, which outlines the circumstances under which mandatory warrantless arrest for violation of a protective order is required.

Summary of Bill:

No-contact orders entered in Promoting Prostitution and Trafficking cases are included in the list of orders to which the warrantless arrest statute applies.

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) In South King County there has been a rise in Trafficking and Promoting Prostitution cases. This bill clarifies that law enforcement must arrest anyone that they have

probable cause to believe has violated a no-contact order related to one of these offenses. This bill is supported by law enforcement and would be a tool to keep pimps away from victims, giving victims an opportunity to get out of the life of prostitution. These orders are crucial to protecting survivors, and law enforcement must be able to enforce them. This change would make the process for these orders consistent with the process for other orders, like domestic violence orders.

Perpetrators will often menace their victims. Though civil rights are a concern, trafficked victims should be protected if the person who enslaved them is near. In these cases, the perpetrator has already been arrested and there is a protection order in place, so the person has already been deemed a threat. Sometimes there is not time to wait for a warrant, or the victim does not think they are a victim because of the unique psychological aspect of these crimes. It is important to get perpetrators arrested as soon as possible.

(Opposed) None.

Persons Testifying: Representative Entenman, prime sponsor; and Brittany Gregory, Washington State Office of the Attorney General.

Persons Signed In To Testify But Not Testifying: None.