

# FINAL BILL REPORT

## E3SHB 1775

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Synopsis as Enacted

**Brief Description:** Protecting commercially sexually exploited children.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Orwall, Frame, Wylie, Gregerson and Macri).

**House Committee on Human Services & Early Learning**  
**House Committee on Appropriations**  
**Senate Committee on Human Services, Reentry & Rehabilitation**  
**Senate Committee on Ways & Means**

**Background:**

*Prostitution.*

A person is guilty of Prostitution if the person engages or agrees to engage 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.

*Commercially Sexually Exploited Youth.*

The Commercially Sexually Exploited Children Statewide Coordinating Committee (Committee) addresses issues related to children who are commercially sexually exploited, examines the practices of local and regional entities involved in addressing sexually exploited children, and makes recommendations on statewide laws and practices. The Committee must meet at least annually.

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

The Committee members include representatives from the Legislature, the Governor's Office, state agencies, courts, victim advocates, law enforcement, service providers, regional task

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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.

*The Department of Children, Youth, and Families.*

The Department of Children, Youth, and Families (DCYF) oversees early learning programs, child welfare services, and juvenile justice programs.

### **Summary:**

The crime of Prostitution is limited to individuals age 18 or older, effective January 1, 2024.

The DCYF is required to administer funding for two receiving center programs for commercially sexually exploited youth ages 12–17 on the west and east side of the Cascade Mountains.

The receiving centers must:

- begin providing services by January 1, 2021;
- provide ongoing case management for youth served by the programs;
- include a short-term evaluation function accessible 24 hours per day, seven days per week that has the capacity to meet immediate needs for youth or refer to services;
- assess youth for mental health and substance use disorder needs and provide referrals;
- utilize existing facilities and not require the construction of new facilities; and
- provide individual and group counseling.

The DCYF, the Department of Health, and the Division of Behavioral Health and Recovery must meet to coordinate the implementation of receiving centers and provide a report to the Governor and Legislature by December 1, 2020.

The individuals eligible for receiving center services include children ages 12–17, of all genders, who have been, or are at risk for being commercially sexually exploited.

Law enforcement must transport a child eligible for receiving center services to a receiving center or coordinate transportation with a DCYF commercially sexually exploited children liaison.

Receiving centers are exempt from DCYF licensure requirements for entities receiving children outside their own home.

Law enforcement, the DCYF, juvenile courts, community service providers, a parent or guardian, and a child themselves may refer a child for receiving center services.

The DCYF must collect demographic information about the youth served by the programs and the locations the youth exit to after being served by the programs and report the data to the Legislature by December 1, 2022.

Law enforcement officers must take, or coordinate transportation for, a juvenile who the officer reasonably believes to be a victim of sexual exploitation to certain locations including: (1) an evaluation and treatment facility, including a receiving center, for purposes of evaluation for behavioral health treatment; (2) a HOPE center; (3) a foster home; (4) a crisis residential center; or (5) a community-based program with experience working with adolescents in crisis.

Law enforcement may take into protective custody a child who is or is attempting to engage in sexual conduct with another person for money or anything of value for purposes of investigating the individuals who may be exploiting the child and deliver the child to an evaluation and treatment facility.

The DCYF must provide services to support commercially sexually exploited children, including providing at least one liaison position in each of the six regions of the DCYF.

The Commercially Sexually Exploited Children Statewide Coordinating Committee (Committee) is required to compile data on the number of juveniles taken into custody by law enforcement where the officer believes the juvenile may be the victim of sexual exploitation. The Committee has the duty to review and make recommendations regarding expanded use of child advocacy centers to include serving the immediate and long-term needs of commercially sexually exploited children. The Committee must convene a meeting related to the role that child advocacy centers have in responding to and supporting commercially sexually exploited children and provide recommendations to the Department of Commerce (Commerce) by October 1, 2020. Commerce must provide a report to the Legislature, by December 1, 2020, that includes an inventory of child advocacy centers, a description of the services that they provide, and recommendations for expanded use of child advocacy centers.

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The DCYF must convene a workgroup to study and issue recommendations regarding how decriminalizing prostitution for persons under age 18 will impact law enforcement and prosecutor efforts and ability to aid in prosecution of a perpetrator or abuser and issue recommendations to the Legislature by October 31, 2021.

**Votes on Final Passage:**

House	96	1	
Senate	48	0	(Senate amended)
House	97	0	(House concurred)

**Effective:** June 11, 2020  
January 1, 2024 (Sections 4, 5, and 6)