
Public Safety Committee

HB 1836

Brief Description: Prohibiting the waiver, reduction, or suspension of certain fees charged to persons who commit offenses involving the sexual exploitation of children.

Sponsors: Representatives Kraft, Van Werven, Chambers, Maycumber, Graham, Caldier, Eslick and Mosbrucker.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Prohibits the court from waiving, reducing, or suspending certain fees charged to persons who commit Commercial Sexual Abuse of a Minor, Promoting Commercial Sexual Abuse of a Minor, or Promoting Travel for Commercial Sexual Abuse of a Minor.
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Hearing Date: 2/15/19

Staff: Kelly Leonard (786-7147).

Background:

Commercial Sexual Abuse of a Minor. A person commits the crime of Commercial Sexual Abuse of a Minor if:

- he or she provides anything of value to a minor or a third person as compensation for a minor having engaged in sexual conduct with him or her;
- he or she provides or agrees to provide anything of value to a minor or a third person pursuant to an understanding that the 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 anything of value.

Commercial Sexual Abuse of a Minor is a class B felony and a level VIII offense.

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 person commits the crime 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. Promoting Commercial Sexual Abuse of a Minor is a class A felony and a level XII offense.

A person commits the crime 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. Promoting Travel for Commercial Sexual Abuse of a Minor is a class C felony and an unranked offense.

Legal Financial Obligations. The court may impose legal financial obligations as part of a judgment and sentence, depending on the nature of the underlying offense. Legal financial obligations may include: crime victim compensation fees; costs associated with the offender's prosecution and sentence; fines; penalties; and assessments.

In addition to other related legal financial obligations, state law mandates certain fees for adults who commit Commercial Sexual Abuse of a Minor, Promoting Commercial Sexual Abuse of a Minor, and Promoting Travel for Commercial Sexual Abuse of a Minor. Those fees are as follows:

Circumstances when Assessed	Fee	Revenues
Conviction of, deferred sentence or prosecution for, or diversion agreement for any of the offenses.	\$5,000	Deposit into respective county or city general fund to be used for efforts for enforcement of commercial sex laws and certain prevention and rehabilitative services for victims, except that 2 percent is remitted to the Department of Commerce.
Conviction of any of the offenses when an Internet advertisement depicting or describing the victim was instrumental in facilitating the offense.	\$5,000 (additional)	Deposit into the Prostitution Prevention and Intervention Account for funding the Statewide Coordinating Committee on Sex Trafficking, certain programming for youth involved in prostitution, services for sexually exploited children, and a grant program to enhance prostitution prevention and intervention.

The court has express statutory authority to reduce, waive, or suspend payment of up to two-thirds of the initial \$5,000 fee if it finds that the offender does not have the ability to pay it.

Summary of Bill:

The court is prohibited from reducing, waiving, or suspending payment of: the \$5,000 fee assessed on persons who commit Commercial Sexual Abuse of a Minor, Promoting Commercial Sexual Abuse of a Minor, or Promoting Travel for Commercial Sexual Abuse of a Minor; and the additional \$5,000 fee charged to persons convicted of those offenses when an Internet advertisement depicting or describing the victim was instrumental in facilitating the offense.

Appropriation: None.

Fiscal Note: Requested on February 6, 2019.

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