
Public Safety Committee

HB 2316

Brief Description: Concerning fees charged to persons who commit trafficking and prostitution offenses.

Sponsors: Representatives Orwall, Lovick, Slatter and Morgan.

Brief Summary of Bill

- Eliminates the additional \$50 fee charged to a person who commits Prostitution.
- Increases the additional fee charged to a first-time offender found to have committed Patronizing a Prostitute or Permitting Prostitution from \$1,500 to \$2,500.
- Decreases the amount by which a court can reduce additional fees charged to a person who commits a prostitution or trafficking-related offense.
- Requires 3 percent of fee revenues to be remitted to the Administrative Office of the Courts to be used for judicial training on specified items.

Hearing Date: 1/14/20

Staff: Kelly Leonard (786-7147).

Background:

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

In addition to other LFOs, state law mandates additional fees for persons who commit certain prostitution and trafficking-related offenses, including: Prostitution, Patronizing a Prostitute, Permitting Prostitution, Indecent Exposure, Promoting Prostitution in the first and second degrees, Commercial Sexual Abuse of a Minor (CSAM), Promoting CSAM, and Promoting

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Travel for CSAM. If the court finds that a defendant does not have the ability to pay the fee, it can reduce it by up to two-thirds of the total amount.

A person may also be required to pay a specialized impoundment fee if his or her vehicle was impounded following an arrest for certain offenses. The fee must be paid prior to the towing company releasing the vehicle. If a person prevails in a contested hearing on the impoundment or he or she is acquitted of the underlying offense, he or she is entitled to be reimbursed for the fee.

The current fee amounts are as follows:

Offense	Fee Amount
Prostitution	\$50
Indecent Exposure	\$50
Patronizing a Prostitute; Permitting Prostitution	\$1,500 for the 1st offense \$2,500 for the 2nd offense \$5,000 for the 3rd offense
Promoting Prostitution in the first degree or second degree	\$3,000 for the 1st offense \$6,000 for the 2nd offense \$10,000 for the 3rd offense
CSAM; Promoting CSAM; Promoting Travel for CSAM	\$5,000
Vehicle Impoundment Fee for Patronizing a Prostitute; Promoting Prostitution in the first or second degree; or Promoting Travel for Prostitution	\$500
Vehicle Impoundment Fee for CSAM; Promoting CSAM; or Promoting Travel for CSAM	\$2,500

Fee revenues are deposited into the county or city general fund and must be used for local efforts to reduce the commercial sale of sex, including enforcement, and specified prevention and victim services. Two percent of the revenues must be remitted quarterly to the Department of Commerce, together with a report detailing the fees assessed, the revenue received, and how the revenue was spent.

The Department of Commerce is required to report annually to the Legislature on the amount collected and how it was spent. Any revenues remitted to the Department of Commerce must be used to pay for the costs of the reporting requirement and administering grants for victim services.

Summary of Bill:

The additional \$50 fee charged to persons who commit Prostitution is eliminated. The additional fee charged to a first-time offender found to have committed Patronizing a Prostitute or Permitting Prostitution is increased from \$1,500 to \$2,500.

The authority for a court to reduce certain additional fees for committing prostitution and trafficking-related offenses is modified. Based on a finding of inability to pay, the court may reduce the fees by up to one-half.

Three percent of the revenues from the additional fees for committing prostitution and trafficking-related offenses and from the impoundment fees must be remitted to the Administrative Office of the Courts. The Administrative Office of the Courts must use the revenues for judicial training on the requirements to impose and collect the additional fees and on victim-centered and trauma-informed practices in addressing trafficking.

Appropriation: None.

Fiscal Note: Requested on January 10, 2020.

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