

SENATE BILL REPORT

HB 1055

As of February 25, 2019

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

Committee Activity: Law & Justice: 2/25/19.

Brief Summary of Bill

- Authorizes a warrantless arrest when a defendant violates a no-contact order issued in a promoting prostitution or a trafficking case.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Melissa Burke-Cain (786-7755)

Background: No-Contact Orders. A court issues a no contact or protective order in civil or criminal cases when there is a risk of harm, violence, harassment, or intimidation to parties or witnesses during a case or even after a case ends. No-contact orders prohibit contact of any kind with the victim or witness 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.

Specialized procedures and requirements apply to no-contact orders entered in different kinds of criminal cases, including no-contact orders issued in cases of harassment, domestic violence, sexual assault, and stalking. In 2017, legislation authorized no-contact orders in trafficking and promoting prostitution cases.

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.

Human Trafficking and Promoting Prostitution. Trafficking is a crime in which a perpetrator compels a person to work, provide services, or perform commercial sex acts against their will using force, fraud, or coercion. First and second degree trafficking crimes are class A felonies.

A person commits the crime of promoting prostitution when they are not a prostitute or a customer, but they advance prostitution or profit from prostitution. A person advances prostitution by aiding or causing a person to engage in prostitution or by soliciting customers for prostitution. A person profits from prostitution by accepting or receiving money or other things of value by agreement with a person engaging in prostitution. First degree promoting prostitution is a class B felony. Second degree promoting prostitution is a class C felony.

For either trafficking or promoting prostitution, the court may issue a no contact order before the defendant's release from custody and continue the order throughout the case. If the defendant is convicted, the court may extend the no contact order as one of the sentencing conditions. The no contact order may prohibit the defendant from contact with a witness or victim directly or through any third party. When a court issues a no contact order it sends a copy of the order to law enforcement on or before the next judicial day for entry into a computer-based criminal intelligence information system. Any jurisdiction can enforce the order. The order remains in the information system until the order terminates or expires. Willful violation of the no contact order is a crime.

Warrantless Arrest. Under the general warrantless arrest law, a police officer must make a warrantless arrest when the officer has probable cause to believe that a court has issued a protective order, no contact order, or restraining order of the type listed in the warrantless arrest law, the restrained person knows about the order, and has violated the order. No-contact orders entered in trafficking or promoting prostitution cases are not included in the list of orders in the general warrantless arrest statute.

Summary of Bill: When an officer has probable cause to believe a defendant has violated a no contact order issued in a criminal trafficking or promoting prostitution case, the officer may arrest the defendant without a warrant.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill builds on the 2017 bill that established no-contact orders in trafficking and promoting prostitution crimes. The bill will allow a police officer to arrest someone who violates a non-contact order in trafficking and promoting prostitution even if the violation did not occur in the officer's presence. It will provide additional protection for trafficking victims.

Persons Testifying: PRO: Brittany Gregory, Attorney General's Office.

Persons Signed In To Testify But Not Testifying: No one.