

SENATE BILL REPORT

SHB 1383

As Reported by Senate Committee On:
Law & Justice, April 2, 2019

Title: An act relating to modifying the crime of patronizing a prostitute.

Brief Description: Modifying the crime of patronizing a prostitute.

Sponsors: House Committee on Public Safety (originally sponsored by Representatives Pellicciotti, Kraft, Kilduff, Orwall, Dolan, Doglio, Ormsby, Ryu, Macri, Stanford, Appleton, Riccelli and Leavitt).

Brief History: Passed House: 3/06/19, 97-0.

Committee Activity: Law & Justice: 3/28/19, 4/02/19 [DP, DNP].

Brief Summary of Bill

- Increases the punishment for the crime of patronizing a prostitute to a gross misdemeanor for any second or subsequent conviction.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy and Kuderer.

Minority Report: Do not pass.

Signed by Senator Salomon.

Staff: Tim Ford (786-7423)

Background: A person commits the crime of patronizing a prostitute if, pursuant to an understanding, the person pays a fee or agrees to pay a fee as compensation for another person engaging in sexual conduct with that person, or if the person solicits prostitution. Sexual conduct means sexual intercourse or sexual contact. Patronizing a prostitute is a misdemeanor. The penalty for a misdemeanor is a fine of not more than \$1,000 or imprisonment for up to 90 days, or both.

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.

In 2017, the Legislature enacted SHB 1184 amending the crime of patronizing a prostitute recognizing that the crime may be committed in more than one location by means of electronic communication. The amendment allows for prosecution in the location where the communication is either sent or received, but a person may not be prosecuted twice for substantially the same crime.

Summary of Bill: Patronizing a prostitute is increased to a gross misdemeanor upon the second or subsequent conviction under state law or under an equivalent municipal ordinance. The penalty for a gross misdemeanor is a fine of not more than \$5,000 or imprisonment for up to one year, or both.

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: We need to address the demand side and increase the penalty to hold these offenders accountable. Buyers of commercial sex inflict a great amount of harm on the people they buy. Buyers always have demands for certain sex acts or not using condoms that harm sex workers. The demand for commercial sex drives both prostitution trade and human trafficking. Increasing the penalty will decrease demand. The fear of arrest is a strong deterrent. These are generally men who come from privileged backgrounds, and in King County, 45 percent of the prostitutes are marginalized and vulnerable women of color.

OTHER: I urge you to pass this bill. When a society turns women into commodities, access to their bodies follows the same rules in commerce, supply and demand. However, focusing only criminal justice reform will not solve this issue. Men who buy sex should be given options to participate in restorative justice and diversion programs that seek to change behavior rather than simply fine, jail, and punish.

Persons Testifying: PRO: Representative Mike Pellicciotti, Prime Sponsor; Andrea Piper-Wentland, City of Seattle; Kyle Wood, Office of the Attorney General; Rebekah Fonden, citizen; David Huether, Businesses Ending Slavery & Trafficking; Benjamin Gauen, King County Prosecuting Attorney's Office; Jeri Moomaw, Innovations Human Trafficking Collaboration; Kyra Doubek, KYFS.

OTHER: Anjilee Dodge, The Organization for Prostitution Survivors.

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