

# SENATE BILL REPORT

## SHB 1836

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As of April 1, 2019

**Title:** An act relating to prohibiting the waiver, reduction, or suspension of certain fees charged to persons who commit offenses involving the sexual exploitation of children.

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

**Sponsors:** House Committee on Public Safety (originally sponsored by Representatives Kraft, Van Werven, Chambers, Maycumber, Graham, Caldier, Eslick and Mosbrucker).

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

**Committee Activity:** Law & Justice: 4/01/19.

### Brief Summary of Bill

- Authorizes the sentencing court to set mandatory fees for adult offenders 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 within a range of \$ 3,500 to \$ 7,500.
- Prohibits the sentencing court from reducing, waiving, or suspending these fees.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Melissa Burke-Cain (786-7755)

**Background:** Commercial Sexual Abuse of a Minor. A person commits commercial sexual abuse of a minor by:

- providing anything of value to a minor, or a third person, in exchange for the minor engaging in sexual conduct;
- providing or agreeing to provide anything of value to a minor, or a third person, based on an understanding that the minor will engage in sexual conduct; or
- soliciting, offering, or requesting a minor to engage in sexual conduct in return for anything of value.

Commercial sexual abuse of a minor is a class B felony and a level VIII offense.

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*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 by knowingly advancing commercial sexual abuse or a sexually explicit act, of a minor, or profiting 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 by knowingly selling or offering to sell travel services that include or facilitate travel for engaging in what would be commercial sexual abuse of a minor or promoting commercial sexual abuse of a minor, if occurring in Washington. 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 (LFOs) 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.

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.

When Assessed	Fee	Revenues
Conviction, deferred sentence, or prosecution, or a diversion agreement for any of the three offenses.	\$5,000	To the county or city General Fund for enforcement of commercial sex laws, and certain prevention and rehabilitative services for victims.  Two percent is remitted to the Department of Commerce.
Conviction, of any of the three offenses when an Internet ad depicting or describing the victim facilitates the offense.	\$5,000 additional	To the Prostitution Prevention and Intervention Account for the Statewide Coordinating Committee on Sex Trafficking, programs 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 the offender does not have the ability to pay.

**Summary of Bill:** Both the general fee and the additional fee for Internet ads 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 are mandatory. The court uses discretion to set the fee amount ranging from a minimum of \$3,500 to a maximum of \$7,500. The court may not reduce, waive, or suspend payment of these fees.

**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:** None.

**Persons Testifying:** No one.

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