

# HOUSE BILL REPORT

## HB 1989

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**As Reported by House Committee On:**  
Children, Youth & Families

**Title:** An act relating to commercially sexually exploited children and adults.

**Brief Description:** Concerning commercially sexually exploited children and adults.

**Sponsors:** Representatives Orwall, Taylor, Berry, Johnson, J., Shewmake, Sutherland and Pollet.

**Brief History:**

**Committee Activity:**

Children, Youth & Families: 1/24/22, 1/31/22 [DPS].

**Brief Summary of Substitute Bill**

- Requires the Department of Commerce to administer funding for healing and transition centers for commercially sexually exploited adults.
- Requires the Department of Children, Youth, and Families to provide shelter and services within its receiving center programs for commercially sexually exploited youth up to 30 days.
- Adds a parent or legal guardian to the current list of recipients to whom law enforcement officers must take, or coordinate transportation for, a juvenile who the officer reasonably believes to be a victim of sexual exploitation.

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### HOUSE COMMITTEE ON CHILDREN, YOUTH & FAMILIES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Senn, Chair; Rule, Vice Chair; Dent, Ranking Minority Member; Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Callan, Eslick, Goodman, Klippert, Ortiz-Self, Wicks and

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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 part of the legislation nor does it constitute a statement of legislative intent.*

Young.

**Minority Report:** Do not pass. Signed by 1 member: Representative Harris-Talley, Vice Chair.

**Staff:** Lena Langer (786-7192).

**Background:**

Prostitution.

A person is guilty of Prostitution if the person engages or agrees to engage or offers to engage in sexual conduct with another person in return for a fee. Prostitution is a misdemeanor. The crime of Prostitution is limited to individuals age 18 or older, effective January 1, 2024.

Law enforcement may take into protective custody a child who is or is attempting to engage in sexual conduct with another person for money or anything of value for purposes of investigating the individuals who may be exploiting the child and deliver the child to an evaluation and treatment facility. Prosecutors must divert a juvenile's first Prostitution offense. A juvenile diversion is a contract between a juvenile accused of an offense and a diversion unit where the juvenile agrees to certain conditions in lieu of prosecution.

Commercially Sexually Exploited Youth.

The Commercially Sexually Exploited Children Statewide Coordinating Committee (Committee) addresses issues related to children who are commercially sexually exploited, examines the practices of local and regional entities involved in addressing sexually exploited children, and makes recommendations on statewide laws and practices. The Committee must meet at least annually.

The Committee is convened by the Office of the Attorney General (AGO). The Department of Commerce (Commerce) assists the AGO with the Committee agenda planning and administrative and clerical support.

The Committee members include representatives from the Legislature, the Governor's Office, state agencies, courts, victim advocates, law enforcement, service providers, regional task forces on commercially sexually exploited children, attorneys, and a survivor of human trafficking.

The duties of the Committee include, but are not limited to:

- overseeing and reviewing the implementation of the Washington State Model Protocol for Commercially Sexually Exploited Children;
- receiving reports and data from local and regional entities regarding the incidence of commercially sexually exploited children in their areas;
- reviewing recommendations from local and regional entities regarding policy changes

- that would improve the effectiveness of local response practices;
- making recommendations regarding data collection and strategic local investments to address the commercial sexual exploitation of children;
- compiling data on the number of juveniles taken into custody by law enforcement where the officer believes the juvenile may be the victim of sexual exploitation; and
- reviewing and making recommendations regarding expanded use of child advocacy centers to include serving the immediate and long-term needs of commercially sexually exploited children.

The Committee expires on June 30, 2023, and must annually report its findings to the appropriate committees of the Legislature and to any other known statewide committees addressing trafficking or the commercial sex trade.

Law enforcement officers must take, or coordinate transportation for, a juvenile who the officer reasonably believes to be a victim of sexual exploitation to certain locations including: (1) an evaluation and treatment facility, including a receiving center, for purposes of evaluation for behavioral health treatment; (2) a HOPE center; (3) a foster home; (4) a crisis residential center; or (5) a community-based program with experience working with adolescents in crisis.

The Department of Children, Youth, and Families (DCYF) must provide services to support commercially sexually exploited children, including providing at least one liaison position in each of the six regions of the DCYF.

#### Receiving Centers.

The DCYF is required to administer funding for two receiving center programs for commercially sexually exploited youth ages 12 to 17 on the west and east side of the Cascade Mountains. The receiving centers must:

- provide ongoing case management for youth served by the programs; include a short-term evaluation function accessible 24 hours per day, seven days per week that has the capacity to meet immediate needs for youth or refer to services; assess youth for mental health and substance use disorder needs and provide referrals;
- utilize existing facilities and not require the construction of new facilities; and
- provide individual and group counseling.

The DCYF, the Department of Health, and the Division of Behavioral Health and Recovery were required to meet to coordinate the implementation of receiving centers and provide a report to the Governor and the Legislature by December 1, 2020. The individuals eligible for receiving center services include children ages 12 to 17, of all genders, who have been, or are at risk for being commercially sexually exploited. Law enforcement must transport a child eligible for receiving center services to a receiving center or coordinate transportation with a DCYF commercially sexually exploited children liaison.

Receiving centers are exempt from the DCYF licensure requirements for entities receiving

children outside their own home.

Law enforcement, the DCYF, juvenile courts, community service providers, a parent or guardian, and a child themselves may refer a child for receiving center services. The DCYF must collect demographic information about the youth served by the programs and the locations the youth exit to after being served by the programs and report the data to the Legislature by December 1, 2022.

The DCYF was required to convene a work group to study and issue recommendations regarding how decriminalizing prostitution for persons under age 18 will impact law enforcement and prosecutor efforts and ability to aid in prosecution of a perpetrator or abuser and issue recommendations to the Legislature by October 31, 2021.

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### **Summary of Substitute Bill:**

Subject to funds appropriated, Commerce must administer funding for healing and transition centers for commercially sexually exploited adults. At least one of the centers must be located east of the crest of the Cascade mountains, and at least one of the centers must be located west of the crest of the Cascade mountains. Law enforcement and service providers may refer adults to the healing and transition centers or adults may self-refer to the centers.

The healing and transition centers must:

- offer healing services designed to enhance safety to reduce and prevent further exploitation;
- provide ongoing services for adults who are being served or were served by the center;
- provide culturally competent services to the underserved populations in the region, which are most impacted by commercial sexual exploitation;
- incorporate into the program leadership from communities with unique risk factors for violence and exploitation in the commercial sex trade, survivor leadership, survivor-informed services, and survivor mentorship;
- meet core needs, provide long-term services, and offer skill training to increase the range of options available to participants, including an exit path from the commercial sex trade;
- regularly participate in coordination meetings for healing and transition centers; and
- provide training and information to law enforcement officers, service providers other first responders, and communities with culturally specific risk factors for commercial sexual exploitation on how to engage and refer individuals to these services.

Commerce must:

- prioritize funding for centers located in underserved areas of the state that have a need for healing services;

- provide additional funding to one center for the purpose of convening statewide coordination meetings no less than quarterly for the centers and related service providers;
- issue a request for proposals for healing and transition centers by September 1, 2022;
- include diverse community representatives who have lived experience of exiting commercial sexual exploitation in the development of the request for proposals and prioritization of funding;
- collect nonidentifiable demographic data, data on the entry path to commercial sexual exploitation, and data on the exit path of clients served by the centers, including whether clients are current or former foster youth; and
- beginning December 1, 2023:
  - submit an annual report to the Legislature with a summary of the demographic data, data on the entry path to sexual commercial exploitation, data on the exit path of center clients, and any recommendations for modification or expansion of the centers; and
  - submit an annual report to the DCYF that includes data on current and former foster youth served by the centers. The DCYF must use the data for coordination with its liaisons for commercially sexually exploited children.

"Commercial sexual exploitation of an adult" is defined as another person or circumstance such as systematic discrimination, poverty, prior victimization or trauma, substance abuse, lack of housing, education, healthcare or any other basic need or vulnerability that compels the adult to enter or remain in the sex trade.

The DCYF is required to provide shelter and services within its receiving center programs for commercially sexually exploited youth up to 30 days.

A parent or legal guardian is added to the current list of recipients to whom law enforcement officers must take, or coordinate transportation for, a juvenile who the officer reasonably believes to be a victim of sexual exploitation.

### **Substitute Bill Compared to Original Bill:**

A definition of "commercial sexual exploitation of an adult" is added.

The healing and transition centers are required to:

- offer healing services designed to enhance safety to reduce and prevent further exploitation, rather than to intervene;
- incorporate into the program leadership from communities with unique risk factors for violence and exploitation in the commercial sex trade, rather than unique risk factors for commercial exploitation;
- meet core needs, provide long-term services, and offer skill training to increase the range of options available to participants, including an exit path from the commercial sex trade, rather than to provide an exit path from commercial sexual exploitation;

and

- provide training and information to service providers and other first responders, and communities with culturally specific risk factors for commercial sexual exploitation, in addition to law enforcement officers, on how to engage and refer individuals to these services.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) This bill creates a statewide network of exit services for adults experiencing commercial sexual exploitation and sex trafficking, provides services to parts of the state that are underserved, and provides specialized services to reach those populations that are currently underserved. This bill is needed because many children who are sexually exploited do not find services until they are over age 18. There is an overwhelming need for services for marginalized populations. Tribal communities and communities of color are severely disproportionately harmed by sexual exploitation. The Latino and migrant communities are also more vulnerable to being exploited in the commercial sex trade, and there is a need for services that do not currently exist. This bill addresses the needs of a marginalized group of adults and children—those who are forced into prostitution. The violence, harm, and danger of commercial sexual exploitation cannot be denied. Removing the word "exploitation" from the bill would be equivalent to removing "violence" from the term "domestic violence."

There is support for extending the length of time that commercially sexually exploited youth are provided with shelter and services in receiving center programs up to 30 days. A center is already operating this way, and there is support for this change in the statute.

(Opposed) None.

(Other) There are suggested changes to the language of the bill to respect the autonomy and dignity of sex workers. The term "commercial sexual exploitation" should be eliminated, and "commercial sex trade" should be used instead. Not all adults who are harmed in sex work self-identify as being exploited. State law does not define commercial sexual exploitation for adults. The bill should ensure that all adults who are harmed have access to the services. The change in language would allow more people to benefit from the services in the bill. Service providers should not turn away individuals who do not identify as ready to exit the trade. Service providers are more successful when they provide unbiased support

and advocate for individuals regardless of their background or lifestyle choices. The language of the bill is paternalistic and strips individuals of their agency. This bill fundamentally shames the industry.

**Persons Testifying:** (In support) Representative Tina Orwall, prime sponsor; Sarah Spier, Daybreak Youth Services; Mar Brettmann, Businesses Ending Slavery and Trafficking; Rita Hernandez, Rescue:Freedom International; Tricia MacFarlan, Mirror Ministries; Jeri Moomaw, Innovations Human Trafficking Collaborative; Ben Gauen, King County Prosecuting Attorney's Office; Nature Carter, Beyond Measurez; and Debra Boyer, Washington Against Sexual Exploitation Forward.

(Other) Emi Koyama, Coalition for Rights and Safety for People in the Sex Trade; Lisa Taylor-Lopez, Sex Worker Community Support Line; Aiden Cherkov, Aileen's; Catherine West, Legal Voice; and Rick Torrance, Department of Commerce.

**Persons Signed In To Testify But Not Testifying:** Kyra Doubek, Washington Trafficking Prevention; Victoria Hudson, Scarlet Road; Barbara Justis Ziegler; Robin Miller; Carolyn Deford, Washington Against Sexual Exploitation Forward; Rebekah Fonden-Covington, Businesses Ending Slavery and Trafficking; Kyle Moore, City of SeaTac; Ann Schiefer; Mary Williams; and Savannah Sly.