
**Public Safety & Emergency Preparedness
Committee**

HB 1983

Brief Description: Increasing fee assessments for prostitution crimes.

Sponsors: Representatives Parker, Kenney, McCune, Hunt, Johnson, Pearson, Ryu, Fagan and Nealey.

Brief Summary of Bill

- Increases the amount of additional fees assessed for patronizing a prostitute, from \$150 to \$3,000, and for promoting prostitution, from \$300 to \$5,000.

Hearing Date: 1/17/12

Staff: Sarah Koster (786-7303).

Background:

Under current law, a person who has been convicted, given a deferred sentence or prosecution, or entered into a statutory or non-statutory diversion agreement as a result of an arrest for indecent exposure, prostitution, promoting prostitution in the first or second degree, permitting prostitution or patronizing a prostitute (or a similar county or municipal ordinance) is assessed a fee. The fee is assessed in addition to the criminal penalties for commission of the crime.

The additional fee for indecent exposure, prostitution, or promoting travel for prostitution is \$50.

The additional fee for patronizing a prostitute is \$150.

The additional fee for promoting prostitution in the first or second degree is \$300.

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.

"Statutory or non-statutory diversion agreement" is defined as a written agreement between a person and a court, county, or city prosecutor, or designee thereof, where the person agrees to fulfill certain conditions in lieu of prosecution.

"Deferred sentence" is defined as a sentence that will not be carried out if the defendant meets certain requirements, such as complying with the conditions of probation.

Prostitution Prevention and Intervention Account.

The additional fees imposed for these offenses are collected by the clerk of court and distributed each month for deposit in a state account, the Prostitution Prevention and Intervention Account (Account). The funds in the Account may be used to: (1) support programs that provide mental health and substance abuse counseling, parenting skills training, housing relief, education, and vocational training for youth who have been diverted for a prostitution or prostitution loitering offense; (2) fund services provided to sexually exploited children in secure and semi-secure crisis residential centers with access to staff trained to meet their specific needs; (3) fund services for sexually exploited children; and (4) fund a grant program to enhance prostitution prevention and intervention services.

In addition to the above-mentioned fees, the Account is funded by other fees and fines:

- An individual who has been convicted, given a deferred sentence or prosecution, or entered into a statutory or non-statutory diversion agreement as a result of an arrest for commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor or promoting travel for commercial sexual abuse of a minor is assessed a \$5,000 fee. This fee is deposited into the Account.
- If an individual's vehicle is impounded, pursuant to an arrest for patronizing a prostitute, promoting prostitution or promoting travel for prostitution, a \$500 fine must be paid prior to redeeming the impounded vehicle. This fine is deposited in the Account.
- If an individual's vehicle is impounded, pursuant to an arrest for violation of commercial sexual abuse of a minor, promoting sexual abuse of a minor, or promoting travel for commercial sexual abuse of a minor, a \$2,500 fine must be paid prior to redeeming the impounded vehicle. This fine is deposited in the Account.

Summary of Bill:

House Bill 1983 increases the amount of the additional fees assessed with respect to patronizing a prostitute, from \$150 to \$3,000.

Additionally, House Bill 1983 increases the amount of the additional fees assessed with respect to promoting prostitution in the first or second degree from \$300 to \$5,000.

A person has committed the offense of patronizing a prostitute if, pursuant to a prior understanding, he or she pays a fee to another person as compensation for such person or a third person having engaged in sexual conduct with him or her; or if he or she pays or agrees to pay a fee to another person pursuant to an understanding that, in return, such person will engage in sexual conduct with him or her; or if he or she solicits or requests another person to engage in

sexual conduct with him or her in return for a fee. Patronizing a prostitute is a misdemeanor.

A person has committed the offense of promoting prostitution in the first degree if he or she knowingly advances prostitution by compelling a person by threat or force to engage in prostitution or profits from prostitution which results from such threat or force. Promoting prostitution in the first degree is a class B felony.

A person has committed the offense of promoting prostitution in the second degree if he or she knowingly profits from prostitution or advances prostitution. Promoting prostitution in the second degree is a class C felony.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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