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## Public Safety & Emergency Preparedness Committee

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### HB 2323

**Brief Description:** Concerning the protection of young adults involved in the commercial sale of sex.

**Sponsors:** Representatives Orwall, Asay, Carlyle, Walsh, Pettigrew, Dickerson, Kagi, Goodman, Green, Ladenburg, Dammeier, Hurst, Upthegrove, Maxwell, Parker, Sells, Probst, Darneille, Miloscia, Anderson, Ryu, Kelley, Stanford, Moscoso, Finn, Hudgins, Ormsby, Roberts and Santos.

#### Brief Summary of Bill

- Assessing an additional fee in relation to a prosecution for patronizing a prostitute: (1) in the amount of \$2,000, if the offense involves a individual other than the offender under the age of 21; or (2) in the amount of \$1,000, if the offense involves an individual other than the offender over age 21.
- Dividing the fee revenue between the Prostitution Prevention and Intervention Account and local law enforcement.

**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.

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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.*

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

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

"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 2323 creates a new fee to be paid by 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 patronizing a prostitute, in addition to the criminal penalties and the currently existing additional fees.

If the offense involved an individual, other than the offender, under the age of 21, the additional fee assessed is \$2,000. If the offense involved an individual, other than the offender, 21 years or over, the additional fee assessed is \$1,000.

Half of this fee is distributed by the clerk of court to the Account, along with the other fees described above.

The other half of the fee is directed to local law enforcement in the municipality or county in which the sentencing court resides, to increase prosecution of patronizing a prostitute and to provide diversionary programs directed towards persons arrested for patronizing a prostitute.

House Bill 2323 also allows the prosecution to file a special allegation in a prosecution of patronizing a prostitute that the offense involved an individual other than the offender, under the age of 21.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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