

# SENATE BILL REPORT

## ESHB 1983

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As Reported by Senate Committee On:  
Human Services & Corrections, February 23, 2012

**Title:** An act relating to increasing fee assessments for prostitution crimes.

**Brief Description:** Increasing fee assessments for prostitution crimes.

**Sponsors:** House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Parker, Kenney, McCune, Hunt, Johnson, Pearson, Ryu, Fagan and Nealey).

**Brief History:** Passed House: 2/10/12, 97-0.

**Committee Activity:** Human Services & Corrections: 2/16/12, 2/23/12 [DPA].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** Do pass as amended.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Carrell, Harper, McAuliffe and Padden.

**Staff:** Kevin Black (786-7747)

**Background:** Promoting prostitution in the second degree is a class C felony. A person is guilty of this offense if the person knowingly profits from prostitution or advances prostitution.

Promoting prostitution in the first degree is a class B felony. A person is guilty of this offense if the person 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.

A person advances prostitution if, acting other than as a prostitute or as a customer thereof, the person causes or aids a person to commit or engage in prostitution, procures or solicits customers for prostitution, provides persons or premises for prostitution purposes, operates or assists in the operation of a house of prostitution or a prostitution enterprise, or engages in any other conduct designed to institute, aid, or facilitate an act or enterprise of prostitution.

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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 profits from prostitution if, acting other than as a prostitute receiving compensation for personally rendered prostitution services, the person accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he or she participates or is to participate in the proceeds of prostitution activity.

A person convicted or given a deferred sentence or a deferred prosecution or who has entered into a diversion agreement for the offense of promoting prostitution in the first or second degree may be assessed a fee of \$300. This fee may be reduced or suspended if the court finds that the person does not have the ability to pay.

All fees, costs, fines, forfeitures, and other monetary penalties imposed by a court for violation of penal laws; municipal, city, or town ordinances; contempt of court; or violation of orders of injunction, mandamus, or other like writs are subject to revenue sharing with the state, in which 32 percent of money received must be remitted on a monthly basis to the State Treasurer. An exception applies to a domestic violence assessment, in which courts are permitted, but not required, to assess \$100 on any person convicted of a crime involving domestic violence. Revenue from the domestic violence assessment is retained wholly by the city or county and must be used for the purposes of establishing or funding domestic violence advocacy or domestic violence prevention and prosecution programs.

**Summary of Bill (Recommended Amendments):** The fee imposed on persons convicted or given a deferred sentence or a deferred prosecution or who have entered into a diversion agreement for the offense of promoting prostitution in the first or second degree is increased from \$300 to \$3,000 if there is no prior offense, \$6,000 if there is one prior offense, and \$10,000 if there are two or more prior offenses. If the person has a prior conviction for promoting prostitution in the first or second degree, the offense is a sex offense requiring sex offender registration.

The fee imposed on persons convicted or given a deferred sentence, deferred prosecution, or diversion agreement for the offense of permitting prostitution or patronizing a prostitute are increased from \$50 and \$150 respectively to \$1,500 if there is no prior offense, \$3,000 if there is one prior offense, and \$5,000 if there are two or more prior offenses.

A \$3,000 fee is imposed for persons convicted or given a deferred sentence, deferred prosecution, or diversion agreement for the offense of trafficking in the first or second degree.

The fees in this bill may not be waived but may be reduced up to two-thirds if the court makes a written finding that the defendant does not have the ability to pay. The entire amount of the fee must be retained by the county or by the city or town if the city or town has its own law enforcement. Revenue from the fee must be used for local efforts to reduce the commercial sale of sex, including but not limited to enforcement of commercial sex laws. At least 50 percent of this revenue must be spent on prevention, including education programs for offenders, rehabilitative services, parenting skills training, housing relief, education, vocational training, and employment counseling.

**EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Amendments):** Fee increases were added for the offenses

of trafficking in the first or second degree, permitting prostitution, and patronizing a prostitute. Courts are permitted to reduce fees by up to two-thirds. Intent section is eliminated.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony as Heard in Committee:** PRO: The money raised by these fees could be used to set up a John school which, studies show, reduces consumption of prostitution for participants involved in the program, and to help rehabilitate women who have been caught up in human trafficking. The bill should be expanded by including provisions contained in Engrossed Substitute Senate Bill 6260.

CON: Studies show that imposing legal financial obligations does nothing to reduce crime and may inhibit the offender's reentry into society, and therefore lead to the commission of new crimes. It is very unlikely that many defendants would be able to pay off these legal obligations. Please do not impose new mandatory fines or fees.

**Persons Testifying:** PRO: Representative Parker, prime sponsor; Rose Gunderson, WA Engage.

CON: Travis Stearns, WA Defender Assn., WA Assn. of Criminal Defense Lawyers.