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SECOND SUBSTITUTE SENATE BILL 5236

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State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Kohl, Hargrove, Long, Franklin, Prentice, Spanel and Fraser)

Read first time 03/06/95.

1 AN ACT Relating to intervention services for persons involved in  
2 prostitution; adding new sections to chapter 43.63A RCW; adding a new  
3 section to chapter 70.190 RCW; adding a new section to chapter 9.68A  
4 RCW; adding new sections to chapter 9A.88 RCW; creating a new section;  
5 and prescribing penalties.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** The legislature finds that many people who  
8 depend on prostitution for their survival, wish to leave or avoid  
9 prostitution, but are unable to do so for many reasons including lack  
10 of vocational skills, lack of housing stability, and other problems  
11 related to drug and alcohol abuse, sexual abuse, psychological abuse,  
12 and physical violence.

13 The legislature finds there is an unnecessarily high cost to  
14 taxpayers when people are recycled through the criminal justice system  
15 and incarcerated with few, if any, options or incentives available to  
16 escape or avoid prostitution. Emphasizing treatment and intervention,  
17 rather than incarceration, is fiscally responsible and will reduce  
18 costs.

1 The legislature recognizes the need to increase prostitution  
2 prevention and intervention services. The legislature also recognizes  
3 these services are most effectively planned and provided at the local  
4 level through the combined efforts of concerned community and citizens'  
5 groups, treatment providers, and local government officials.

6 NEW SECTION. Sec. 2. A new section is added to chapter 43.63A RCW  
7 to read as follows:

8 There is established in the department of community, trade, and  
9 economic development a grant program to enhance funding for  
10 prostitution prevention and intervention services. Activities that can  
11 be funded through this grant program shall provide effective  
12 prostitution prevention and intervention services, such as counseling,  
13 parenting, housing relief, education, and vocational training, that:

14 (1) Comprehensively address the problems of persons who are  
15 prostitutes and their immediate family members; and

16 (2) Enhance the ability of persons to leave or avoid prostitution.

17 NEW SECTION. Sec. 3. A new section is added to chapter 43.63A RCW  
18 to read as follows:

19 (1) Applications for funding under this chapter must:

20 (a) Meet the criteria in section 2 of this act; and

21 (b) Contain evidence of active participation of the community and  
22 its commitment to providing effective prevention and intervention  
23 services for prostitutes through the participation of local  
24 governments, tribal governments, networks under chapter 70.190 RCW,  
25 human service and health organizations, and treatment entities and  
26 through meaningful involvement of others, including citizen groups.

27 (2) Local governments, networks under chapter 70.190 RCW, nonprofit  
28 community groups, and nonprofit treatment providers including  
29 organizations that provide services, such as emergency housing,  
30 counseling, and crisis intervention shall, among others, be eligible  
31 for grants established under section 2 of this act.

32 NEW SECTION. Sec. 4. A new section is added to chapter 43.63A RCW  
33 to read as follows:

34 At a minimum, grant applications must include the following:

35 (1) The proposed geographic service area;

1 (2) A description of the extent and effect of the needs for  
2 prostitution prevention and intervention within the relevant geographic  
3 area;

4 (3) An explanation of how the funds will be used, their  
5 relationship to existing services available within the community, and  
6 the need that they will fulfill;

7 (4) An explanation of what organizations were involved in the  
8 development of the proposal; and

9 (5) The methods that will be employed to measure the success of the  
10 program.

11 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.63A RCW  
12 to read as follows:

13 (1) Subject to funds appropriated by the legislature, including  
14 funds in the prostitution prevention and intervention account, the  
15 department of community, trade, and economic development shall make  
16 awards under the grant program established by section 2 of this act.

17 (2) Awards shall be made competitively based on the purposes of and  
18 criteria in sections 2 through 4 of this act.

19 (3) Activities funded under this section may be considered for  
20 funding in future years, but shall be considered under the same terms  
21 and criteria as new activities. Funding of a program or activity under  
22 this chapter shall not constitute an obligation by the state of  
23 Washington to provide ongoing funding.

24 (4) The department of community, trade, and economic development  
25 may receive such gifts, grants, and endowments from public or private  
26 sources as may be made from time to time, in trust or otherwise, for  
27 the use and benefit of the purposes of the grant program established  
28 under section 2 of this act and expend the same or any income from  
29 these sources according to the terms of the gifts, grants, or  
30 endowments.

31 (5) The department of community, trade, and economic development  
32 may expend up to five percent of the funds appropriated for the grant  
33 program for administrative costs and grant supervision.

34 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.63A RCW  
35 to read as follows:

1       The prostitution prevention and intervention account is created in  
2 the state treasury. All designated receipts from fees under sections  
3 8 and 9 of this act shall be deposited into the account. Expenditures  
4 from the account may be used only for funding the grant program to  
5 enhance prostitution prevention and intervention services under section  
6 2 of this act.

7       NEW SECTION. **Sec. 7.** A new section is added to chapter 70.190 RCW  
8 to read as follows:

9       To promote services for families and children at risk, a network  
10 may include in its plan an element for prostitution prevention and  
11 intervention programs and activities that comprehensively address the  
12 problems of persons who are prostitutes. A network that includes  
13 funding for prostitution prevention and intervention activities may, in  
14 addition to other funding sources, apply to the department of  
15 community, trade, and economic development to use funds generated under  
16 sections 8 and 9 of this act for the implementation of its plan.

17       NEW SECTION. **Sec. 8.** A new section is added to chapter 9.68A RCW  
18 to read as follows:

19       (1)(a) In addition to penalties set forth in RCW 9.68A.100, a  
20 person who is either convicted or given a deferred sentence or a  
21 deferred prosecution as a result of an arrest for violating RCW  
22 9.68A.100 or a comparable county or municipal ordinance shall be  
23 assessed a two hundred fifty dollar fee.

24       (b) The court may not suspend payment of all or part of the fee  
25 unless it finds that the person does not have the ability to pay.

26       (c) When a minor has been adjudicated a juvenile offender for an  
27 offense which, if committed by an adult, would constitute a violation  
28 of RCW 9.68A.100 or a comparable county or municipal ordinance, the  
29 court shall assess the fee under (a) of this subsection. The court may  
30 not suspend payment of all or part of the fee unless it finds that the  
31 minor does not have the ability to pay the fee.

32       (2) The fee assessed under subsection (1) of this section shall be  
33 collected by the clerk of the court and distributed each month to the  
34 state treasurer for deposit in the prostitution and intervention  
35 account under section 6 of this act for the purpose of funding  
36 prostitution prevention and intervention activities.

1        NEW SECTION.    **Sec. 9.**    A new section is added to chapter 9A.88 RCW  
2 to read as follows:

3        (1)(a) In addition to penalties set forth in RCW 9A.88.010,  
4 9A.88.030, and 9A.88.090, a person who is either convicted or given a  
5 deferred sentence or a deferred prosecution as a result of an arrest  
6 for violating RCW 9A.88.010, 9A.88.030, 9A.88.090, or comparable county  
7 or municipal ordinances shall be assessed a fifty dollar fee.

8        (b) In addition to penalties set forth in RCW 9A.88.110, a person  
9 who is either convicted or given a deferred sentence or a deferred  
10 prosecution as a result of an arrest for violating RCW 9A.88.110 or a  
11 comparable county or municipal ordinance shall be assessed a one  
12 hundred fifty dollar fee.

13        (c) In addition to penalties set forth in RCW 9A.88.070 and  
14 9A.88.080, a person who is either convicted or given a deferred  
15 sentence or a deferred prosecution as a result of an arrest for  
16 violating RCW 9A.88.070, 9A.88.080, or comparable county or municipal  
17 ordinances shall be assessed a three hundred dollar fee.

18        (2) Except as provided under section 10 of this act, the court may  
19 not suspend payment of all or part of the fee unless it finds that the  
20 person does not have the ability to pay.

21        (3) When a minor has been adjudicated a juvenile offender for an  
22 offense which, if committed by an adult, would constitute a violation  
23 under this chapter or comparable county or municipal ordinances, the  
24 court shall assess the fee as specified under subsection (1) of this  
25 section. Except as provided under section 10 of this act, the court  
26 may not suspend payment of all or part of the fee unless it finds that  
27 the minor does not have the ability to pay the fee.

28        (4) Any fee assessed under this section shall be collected by the  
29 clerk of the court and distributed each month to the state treasurer  
30 for deposit in the prostitution and intervention account under section  
31 6 of this act for the purpose of funding prostitution prevention and  
32 intervention activities.

33        NEW SECTION.    **Sec. 10.**    A new section is added to chapter 9A.88 RCW  
34 to read as follows:

35        In granting probation to persons convicted of prostitution under  
36 RCW 9A.88.030 or a comparable county or municipal ordinance, the court  
37 may require, as a condition of probation, that the defendant  
38 successfully complete a prostitution intervention and counseling

1 program. The court may require the defendant to contribute to the  
2 costs of the intervention and counseling program based on the  
3 defendant's ability to pay. Any fee assessed under section 9 of this  
4 act may be deferred by the court and waived upon a demonstration by the  
5 defendant that he or she has complied with the conditions of probation.

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