

HOUSE BILL REPORT

SHB 1791

As Amended by the Senate

Title: An act relating to trafficking.

Brief Description: Concerning trafficking.

Sponsors: House Committee on Public Safety (originally sponsored by Representatives Parker, Orwall, Fagan, Riccelli, Ryu, Haler, Moscoso and Santos).

Brief History:

Committee Activity:

Public Safety: 1/28/14, 2/4/14 [DPS].

Floor Activity:

Passed House: 2/12/14, 97-0.

Senate Amended.

Passed Senate: 3/5/14, 49-0.

Brief Summary of Substitute Bill

- Expands the definition of "sex offense" to include Trafficking in the first degree when force, fraud, or coercion is used to cause the trafficked person to engage in a sexually explicit act or a commercial sex act or when a person under 18 years old is caused to engage in a sexually explicit act or a commercial sex act.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Goodman, Chair; Roberts, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Holy, Hope, Moscoso, Pettigrew, Ross and Takko.

Staff: Sarah Koster (786-7303).

Background:

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 is guilty of Trafficking when he or she: (1) recruits, harbors, transports, transfers, provides, obtains, or receives by any means another person, knowing that force, fraud or coercion will be used to cause the person to engage in forced labor, involuntary servitude, a sexually explicit act or a commercial sex act, or that the person has not reached the age of 18 years and is caused to engage in a sexually explicit act or a commercial sex act; or (2) benefits financially or receives anything of value from participation in a venture that has engaged in the above acts. The offense is Trafficking in the first degree if the acts involve kidnapping, sexual motivation, or illegal harvesting of human organs or result in a death.

Trafficking in the first degree is a class A felony, with a seriousness level of XIV.

A "sexually explicit act" is a public, private, or live photographed, recorded or videotaped act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons and for which something of value is given or received. In this definition, a "patron" is a person who pays or agrees to pay a fee to another person as compensation for a sexually explicit act of a minor or who solicits or requests a sexually explicit act of a minor in return for a fee.

A "commercial sex act" is any act of sexual contact or sexual intercourse for which something of value is given or received.

A person convicted of a sex offense is required to register with the county sheriff for his or her county of residence and provide his or her: (1) name and aliases; (2) residential address; (3) date and place of birth; (4) place of employment; (5) crime for which convicted; (6) date and place of conviction; (7) Social Security number; (8) photograph; and (9) fingerprints. This information is placed in a central registry maintained by the Washington State Patrol. Some information about registered sex offenders, including residential address and conviction data, is made available to the public.

Summary of Substitute Bill:

Trafficking in the first degree is a sex offense if force, fraud, or coercion is used to cause the trafficked person to engage in a sexually explicit act or a commercial sex act or if a person under 18 years of age is caused to engage in a sexually explicit act or a commercial sex act.

EFFECT OF SENATE AMENDMENT(S):

The Senate Amendment creates uniform guidelines for the disposition of proceeds of seizure and forfeiture actions, when the property is forfeited because of its associations with Child Pornography, Sexual Exploitation of a Minor, or Promoting Prostitution in the first degree, with 10 percent of net proceeds being remitted to the state's Prostitution Prevention and Intervention Account and 90% staying with the seizing law enforcement agency to be used for enforcement of laws related to sex trafficking.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Human trafficking is an important issue to many of us. It takes the shape of labor and prostitution trafficking, with an division of 70 percent labor and 30 percent prostitution in Washington and nationwide. This bill divides the two so they can be approached from a labor or prostitution standpoint as appropriate. The bill also requires traffickers to be registered as sex offenders in our community.

(With concerns) The bill sponsor and bill should be applauded. It is important that the experts in this area, the Sex Offender Policy Board, be involved as this bill moves forward to evaluate how the current system would be impacted by the inclusion of trafficking perpetrators, who look different from those who commit other sex offenses. There are costs of monitoring sex offenders to consider and whether the risk assessment tools can be used for these offenders.

(Opposed) None.

Persons Testifying: (In support) Representative Parker, prime sponsor.

(With concerns) Rebecca Johnson, Washington Coalition of Sexual Assault Programs.

Persons Signed In To Testify But Not Testifying: None.