

SENATE BILL REPORT

SB 6434

As Reported by Senate Committee On:
Law & Justice, February 6, 2014

Title: An act relating to seizure and forfeiture of property for patronizing a prostitute.

Brief Description: Concerning seizure and forfeiture of property for patronizing a prostitute.

Sponsors: Senators O'Ban, Kohl-Welles, Fain, Kline, Bailey, Angel, Becker, Dammeier and Chase.

Brief History:

Committee Activity: Law & Justice: 2/05/14, 2/06/14 [DPS, DNP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6434 be substituted therefor, and the substitute bill do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille, Pearson, Pedersen and Roach.

Minority Report: Do not pass.

Signed by Senator Kline, Ranking Member.

Staff: Kelly Walsh (786-7755)

Background: A person commits the crime of commercial sexual abuse of a minor if the person: (1) pays a fee as compensation for a minor engaging in sexual conduct with that person; (2) pays or agrees to pay a fee pursuant to an understanding that a minor will engage in sexual conduct with that person in return for that payment; or (3) solicits, offers, or requests to engage in sexual conduct with a minor in return for a fee. Commercial sexual abuse of a minor is a class B felony.

A person commits the crime of promoting commercial sexual abuse of a minor if the persons knowingly advances commercial sexual abuse or a sexually explicit act of a minor or profits from such activity. Promoting commercial sexual abuse of a minor is a class A felony.

A person commits the crime of promoting prostitution in the first degree if the person knowingly advances prostitution by compelling a person by threat or force to engage in

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prostitution or profiting from such threat or force. A person may alternatively advance prostitution by compelling a person with a mental incapacity rendering the person incapable of consent to engage in prostitution or by profiting from such compulsion. Promoting prostitution in the first degree is a class B felony.

A person commits the crime of patronizing a prostitute if, pursuant to an understanding, the person pays a fee or agrees to pay a fee as compensation for another person engaging in sexual conduct with that person, or if the person solicits prostitution. Patronizing a prostitute is a misdemeanor.

When authorized by law, a law enforcement agency may take possession of property with the intent to forfeit a person's right to own or possess that property. The seizing law enforcement agency must comply with specific statutory procedural due process requirements in order to successfully forfeit an ownership or possessory right in such property. Generally, civil property forfeiture may be permitted when the property was used to facilitate a crime, the property is actual proceeds of a crime, or the property was purchased from proceeds traceable to criminal activity. Property acquired by or used to facilitate the crimes of commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, or promoting prostitution in the first degree is subject to forfeiture. Property used to facilitate the crime of patronizing a prostitute or furnished in exchange for patronizing a prostitute is not currently subject to forfeiture.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Recommended Substitute): The following are subject to seizure and forfeiture:

- all conveyances, including aircrafts, vehicles, or vessels used or intended to be used to facilitate the crime of patronizing a prostitute; and
- all money, negotiable instruments, securities, or other tangible or intangible property of value that is furnished or intended to be furnished by a person in exchange for patronizing a prostitute.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (Recommended Substitute as Passed Committee): The original language is restored regarding real property. Real property used to facilitate the crime of patronizing a prostitute is not subject to forfeiture. An intent section is added.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Proposed Substitute as Heard in Committee:
PRO: The Legislature has made great progress with regard to sex traffickers, but has not paid as much attention to the demand side. People who patronize prostitutes are providing

the market. This bill sends a message to all who think that soliciting a prostitute is minor. It sends the message that people who patronize prostitutes are participating in sex trafficking and actually furthering sex trafficking. This makes Washington's effort to combat this problem more full. Sex trafficking is a crime against humanity and must be stopped. This is a \$37 billion industry that is organized, intentional, and growing. This bill holds participants in that industry accountable. It is important to cut the demand. With this bill, the price of patronizing a prostitute goes up and the trafficker is not benefitted.

Persons Testifying: PRO: Senator O'Ban, prime sponsor; Angela Connelly, WA Women's Network; Annemarie Kelly, Vocare.