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## Human Services & Early Learning Committee

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### HB 1775

**Brief Description:** Concerning commercially sexually exploited children.

**Sponsors:** Representatives Orwall, Frame, Wylie, Gregerson and Macri.

#### Brief Summary of Bill

- Limits the crime of Prostitution to individuals age 18 or older effective July 1, 2021.
- Requires the Office of Homeless Youth Prevention and Protection Programs to administer funding for two receiving center programs for commercially sexually exploited youth ages 12-18 on the west and east side of the Cascades that law enforcement may refer youth to or youth may self-refer into.
- Allows law enforcement officers to take a juvenile into custody based on circumstances which constitute a danger to the child's safety who the officer believes to be a victim of sexual exploitation to an evaluation and treatment facility, including a receiving center for purposes of evaluation for behavioral health treatment.

**Hearing Date:** 2/12/19

**Staff:** Luke Wickham (786-7146).

#### **Background:**

##### *Prostitution.*

A person is guilty of prostitution if the person engages or agrees or offers to engage in sexual conduct with another person in return for a fee. Prostitution is a misdemeanor.

Prosecutors must divert a juvenile's first prostitution offense. A juvenile diversion is a contract between a juvenile accused of an offense and a diversion unit where the juvenile agrees to certain conditions in lieu of prosecution. Diversion agreements may include community restitution not to exceed 150 hours; restitution; up to 10 hours of counseling and/or up to 20 hours of

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educational or informational sessions; requirements to remain during certain hours at home, school, or work; and requirements not to have contact with victims or witnesses. If a youth does not complete the diversion agreement, a prosecutor may file a criminal complaint.

If an individual has a criminal history consisting of one diversion agreement upon turning age 18, the records of that diversion must be destroyed within 90 days.

#### *Commercially Sexually Exploited Youth.*

The Commercially Sexually Exploited Children Statewide Coordinating Committee (Committee) was established in 2013 to address the issue of children who are commercially sexually exploited, to examine the practices of local and regional entities involved in addressing sexually exploited children, and to make recommendations on statewide laws and practices. The Committee must meet at least annually.

The Committee is convened by the Office of the Attorney General (AGO). The Department of Commerce (Commerce) assists the AGO with the Committee agenda planning and administrative and clerical support.

The Committee members include representatives from the Legislature, the Governor's Office, state agencies, courts, victim advocates, law enforcement, service providers, regional task forces on commercially sexually exploited children, attorneys, and a survivor of human trafficking.

The duties of the Committee include, but are not limited to: overseeing and reviewing the implementation of the Washington State Model Protocol for Commercially Sexually Exploited Children, receiving reports and data from local and regional entities regarding the incidence of commercially sexually exploited children in their areas, reviewing recommendations from local and regional entities regarding policy changes that would improve the effectiveness of local response practices, and making recommendations regarding data collection and strategic local investments to address the commercial sexual exploitation of children.

The Committee expires on June 30, 2023, and must annually report its findings to the appropriate committees of the Legislature and to any other known statewide committees addressing trafficking or the commercial sex trade.

#### *The Office of Homeless Youth Prevention and Protection Programs.*

The Office of Homeless Youth Prevention and Protection Programs (OHY) was created in 2015 as an office within the Commerce. The OHY provides services for youth and young adults up to 24 years of age, including: the Independent Youth Housing Program, which provides rental assistance and case management for eligible youth who have aged out of the state foster care system; street youth services; HOPE Centers; and crisis residential centers, which are short-term, semi-secure, and secure facilities for runaway youth and adolescents in conflict with their families.

#### **Summary of Bill:**

The OHY is required to administer funding for two receiving center programs for commercially sexually exploited youth ages 12-18 on the west and east side of the Cascades that law enforcement may refer youth to or youth may self-refer into. The receiving centers must:

- begin providing services by January 1, 2020;
- develop eligibility criteria for youth and prioritizes law enforcement referral;
- provide ongoing case management for youth served by the programs;
- include a short term evaluation function accessible 24/7 that has the capacity to meet immediate needs for youth or refer to services;
- provide licensed residential substance use disorder and mental health treatment up to one year at the same location as the evaluation site;
- assess youth for mental health and substance use disorder needs and provide referrals; and
- provide individual and group counseling.

The OHY must collect demographic information about the youth served by the programs and the locations the youth exit to after being served by the programs and report the data to the Legislature by December 1, 2022.

The crime of Prostitution is limited to individuals age 18 or older, effective July 1, 2021.

Law enforcement officers may take a juvenile into custody based on circumstances which constitute a danger to the child's safety who the officer believes to be a victim of sexual exploitation and take the youth to an evaluation and treatment facility, including a receiving center, for purposes of evaluation for behavioral health treatment.

The Committee is required to compile data on the number of juveniles taken into custody by law enforcement where the officer believes the juvenile may be the victim of sexual exploitation.

**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed, except sections 3, 4, and 5, relating to limiting the crime of Prostitution to individuals age 18 and older, which take effect July 1, 2021.