

CERTIFICATION OF ENROLLMENT

**ENGROSSED THIRD SUBSTITUTE HOUSE BILL 1775**

Chapter 331, Laws of 2020

66th Legislature  
2020 Regular Session

COMMERCIALLY SEXUALLY EXPLOITED CHILDREN

EFFECTIVE DATE: June 11, 2020—Except for sections 4, 5, and 6, which become effective January 1, 2024.

Passed by the House March 10, 2020  
Yeas 97 Nays 0

LAURIE JINKINS

**Speaker of the House of  
Representatives**

Passed by the Senate March 6, 2020  
Yeas 48 Nays 0

CYRUS HABIB

**President of the Senate**

Approved April 3, 2020 1:40 PM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED THIRD SUBSTITUTE HOUSE BILL 1775** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

**Chief Clerk**

FILED

April 3, 2020

**Secretary of State  
State of Washington**

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**ENGROSSED THIRD SUBSTITUTE HOUSE BILL 1775**

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AS AMENDED BY THE SENATE

Passed Legislature - 2020 Regular Session

**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Orwall, Frame, Wylie, Gregerson, and Macri)

READ FIRST TIME 02/11/20.

1 AN ACT Relating to commercially sexually exploited children;  
2 amending RCW 9A.88.030, 13.40.070, 13.40.213, 7.68.801, 43.185C.260,  
3 74.14B.070, and 74.15.020; adding new sections to chapter 7.68 RCW;  
4 creating a new section; providing an effective date; and providing an  
5 expiration date.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that commercial  
8 sexual exploitation of children is a severe form of human trafficking  
9 and a severe human rights and public health issue, leaving children  
10 at substantial risk of physical harm, substantial physical and  
11 emotional pain, and trauma. This trauma has a long-term impact on the  
12 social, emotional, and economic future of these children. The state  
13 shall provide a victim-centered, trauma-informed response to children  
14 who are exploited in this manner rather than treating them as  
15 criminals. The state shall also hold accountable the buyers and  
16 traffickers who exploit children.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 7.68 RCW  
18 to read as follows:

19 (1) Subject to the availability of amounts appropriated for this  
20 specific purpose, the department of children, youth, and families

1 shall administer funding for two receiving center programs for  
2 commercially sexually exploited children. One of these programs must  
3 be located west of the crest of the Cascade mountains and one of  
4 these programs must be located east of the crest of the Cascade  
5 mountains. Law enforcement and service providers may refer children  
6 to these programs or children may self-refer into these programs.

7 (2) The receiving center programs established under this section  
8 shall:

9 (a) Begin providing services by January 1, 2021;

10 (b) Utilize existing facilities and not require the construction  
11 of new facilities; and

12 (c) Provide ongoing case management for all children who are  
13 being served or were served by the programs.

14 (3) The receiving centers established under this section shall:

15 (a) Include a short-term evaluation function that is accessible  
16 twenty-four hours per day seven days per week that has the capacity  
17 to evaluate the immediate needs of commercially sexually exploited  
18 children ages twelve through seventeen and either meet those  
19 immediate needs or refer those children to the appropriate services;

20 (b) Assess children for mental health and substance use disorder  
21 needs and provide appropriate referrals as needed; and

22 (c) Provide individual and group counseling focused on developing  
23 and strengthening coping skills, and improving self-esteem and  
24 dignity.

25 (4) The department of children, youth, and families shall:

26 (a) Collect nonidentifiable demographic data of the children  
27 served by the programs established under this section;

28 (b) Collect data regarding the locations that children exit to  
29 after being served by the programs; and

30 (c) Report the data described in this subsection along with  
31 recommendations for modification or expansion of these programs to  
32 the relevant committees of the legislature by December 1, 2022.

33 (5) For the purposes of this section, the following definitions  
34 apply:

35 (a) "Receiving center" means a trauma-informed, secure location  
36 that meets the multidisciplinary needs of commercially sexually  
37 exploited children ages twelve through seventeen located in a  
38 behavioral health agency licensed or certified under RCW 71.24.037 to  
39 provide inpatient or residential treatment services; and

1 (b) "Short-term evaluation function" means a short-term emergency  
2 shelter that is accessible twenty-four hours per day seven days per  
3 week that has the capacity to evaluate the immediate needs of  
4 commercially sexually exploited children under age eighteen and  
5 either meet those immediate needs or refer those children to the  
6 appropriate services.

7 (6) (a) The department of children, youth, and families, the  
8 department of health, and the division of behavioral health and  
9 recovery, shall meet to coordinate the implementation of receiving  
10 centers as provided for in this section, including developing  
11 eligibility criteria for serving commercially sexually exploited  
12 children that allows referral from service providers and prioritizes  
13 referral from law enforcement.

14 (b) By December 1, 2020, and in compliance with RCW 43.01.036,  
15 the department of children, youth, and families shall submit a report  
16 to the governor and legislature summarizing the implementation plan  
17 and eligibility criteria as described in (a) of this subsection, and  
18 provide any additional policy recommendations regarding receiving  
19 centers as it deems necessary.

20 NEW SECTION. **Sec. 3.** A new section is added to chapter 7.68 RCW  
21 to read as follows:

22 (1) The following individuals or entities may refer a child to  
23 receiving centers as defined in section 2 of this act:

24 (a) Law enforcement, who shall:

25 (i) Transport a child eligible for receiving center services to a  
26 receiving center; or

27 (ii) Coordinate transportation with a liaison dedicated to  
28 serving commercially sexually exploited children established under  
29 RCW 74.14B.070 or a community service provider;

30 (b) The department of children, youth, and families;

31 (c) Juvenile courts;

32 (d) Community service providers;

33 (e) A parent or guardian; and

34 (f) A child may self-refer.

35 (2) Eligibility for placement in a receiving center is children  
36 ages twelve through seventeen, of all genders, who have been, or are  
37 at risk for being commercially sexually exploited.

1       **Sec. 4.** RCW 9A.88.030 and 1988 c 145 s 16 are each amended to  
2 read as follows:

3       (1) A person age eighteen or older is guilty of prostitution if  
4 such person engages or agrees or offers to engage in sexual conduct  
5 with another person in return for a fee.

6       (2) For purposes of this section, "sexual conduct" means "sexual  
7 intercourse" or "sexual contact," both as defined in chapter 9A.44  
8 RCW.

9       (3) Prostitution is a misdemeanor.

10       **Sec. 5.** RCW 13.40.070 and 2019 c 128 s 8 are each amended to  
11 read as follows:

12       (1) Complaints referred to the juvenile court alleging the  
13 commission of an offense shall be referred directly to the  
14 prosecutor. The prosecutor, upon receipt of a complaint, shall screen  
15 the complaint to determine whether:

16       (a) The alleged facts bring the case within the jurisdiction of  
17 the court; and

18       (b) On a basis of available evidence there is probable cause to  
19 believe that the juvenile did commit the offense.

20       (2) If the identical alleged acts constitute an offense under  
21 both the law of this state and an ordinance of any city or county of  
22 this state, state law shall govern the prosecutor's screening and  
23 charging decision for both filed and diverted cases.

24       (3) If the requirements of subsection (1)(a) and (b) of this  
25 section are met, the prosecutor shall either file an information in  
26 juvenile court or divert the case, as set forth in subsections (5),  
27 (6), and (8) of this section. If the prosecutor finds that the  
28 requirements of subsection (1)(a) and (b) of this section are not  
29 met, the prosecutor shall maintain a record, for one year, of such  
30 decision and the reasons therefor. In lieu of filing an information  
31 or diverting an offense a prosecutor may file a motion to modify  
32 community supervision where such offense constitutes a violation of  
33 community supervision.

34       (4) An information shall be a plain, concise, and definite  
35 written statement of the essential facts constituting the offense  
36 charged. It shall be signed by the prosecuting attorney and conform  
37 to chapter 10.37 RCW.

38       (5) The prosecutor shall file an information with the juvenile  
39 court if (a) an alleged offender is accused of an offense that is

1 defined as a sex offense or violent offense under RCW 9.94A.030,  
2 other than assault in the second degree or robbery in the second  
3 degree; or (b) an alleged offender has been referred by a diversion  
4 unit for prosecution or desires prosecution instead of diversion.

5 (6) Where a case is legally sufficient the prosecutor shall  
6 divert the case if the alleged offense is a misdemeanor or gross  
7 misdemeanor or violation and the alleged offense is the offender's  
8 first offense or violation. If the alleged offender is charged with a  
9 related offense that may be filed under subsections (5) and (8) of  
10 this section, a case under this subsection may also be filed.

11 (7) Where a case is legally sufficient to charge an alleged  
12 offender with:

13 (a) (~~(Either prostitution or prostitution)~~) Prostitution  
14 loitering and the alleged offense is the offender's first  
15 (~~(prostitution or)~~) prostitution loitering offense, the prosecutor  
16 shall divert the case;

17 (b) Voyeurism in the second degree, the offender is under  
18 seventeen years of age, and the alleged offense is the offender's  
19 first voyeurism in the second degree offense, the prosecutor shall  
20 divert the case, unless the offender has received two diversions for  
21 any offense in the previous two years;

22 (c) Minor selling depictions of himself or herself engaged in  
23 sexually explicit conduct under RCW 9.68A.053(5) and the alleged  
24 offense is the offender's first violation of RCW 9.68A.053(5), the  
25 prosecutor shall divert the case; or

26 (d) A distribution, transfer, dissemination, or exchange of  
27 sexually explicit images of other minors thirteen years of age or  
28 older offense as provided in RCW 9.68A.053(1) and the alleged offense  
29 is the offender's first violation of RCW 9.68A.053(1), the prosecutor  
30 shall divert the case.

31 (8) Where a case is legally sufficient and falls into neither  
32 subsection (5) nor (6) of this section, it may be filed or diverted.  
33 In deciding whether to file or divert an offense under this section  
34 the prosecutor may be guided by the length, seriousness, and recency  
35 of the alleged offender's criminal history and the circumstances  
36 surrounding the commission of the alleged offense.

37 (9) Whenever a juvenile is placed in custody or, where not placed  
38 in custody, referred to a diversion interview, the parent or legal  
39 guardian of the juvenile shall be notified as soon as possible  
40 concerning the allegation made against the juvenile and the current

1 status of the juvenile. Where a case involves victims of crimes  
2 against persons or victims whose property has not been recovered at  
3 the time a juvenile is referred to a diversion unit, the victim shall  
4 be notified of the referral and informed how to contact the unit.

5 (10) The responsibilities of the prosecutor under subsections (1)  
6 through (9) of this section may be performed by a juvenile court  
7 probation counselor for any complaint referred to the court alleging  
8 the commission of an offense which would not be a felony if committed  
9 by an adult, if the prosecutor has given sufficient written notice to  
10 the juvenile court that the prosecutor will not review such  
11 complaints.

12 (11) The prosecutor, juvenile court probation counselor, or  
13 diversion unit may, in exercising their authority under this section  
14 or RCW 13.40.080, refer juveniles to community-based programs,  
15 restorative justice programs, mediation, or victim offender  
16 reconciliation programs. Such mediation or victim offender  
17 reconciliation programs shall be voluntary for victims.

18 (12) Prosecutors and juvenile courts are encouraged to engage  
19 with and partner with community-based programs to expand, improve,  
20 and increase options to divert youth from formal processing in  
21 juvenile court. Nothing in this chapter should be read to limit  
22 partnership with community-based programs to create diversion  
23 opportunities for juveniles.

24 **Sec. 6.** RCW 13.40.213 and 2010 c 289 s 8 are each amended to  
25 read as follows:

26 (1) When a juvenile is alleged to have committed (~~the offenses~~  
27 ~~of prostitution or~~) a prostitution loitering offense, and the  
28 allegation, if proved, would not be the juvenile's first offense, a  
29 prosecutor may divert the offense if the county in which the offense  
30 is alleged to have been committed has a comprehensive program that  
31 provides:

32 (a) Safe and stable housing;

33 (b) Comprehensive on-site case management;

34 (c) Integrated mental health and chemical dependency services,  
35 including specialized trauma recovery services;

36 (d) Education and employment training delivered on-site; and

37 (e) Referrals to off-site specialized services, as appropriate.

38 (2) A prosecutor may divert a case for (~~prostitution or~~)  
39 prostitution loitering into the comprehensive program described in

1 this section, notwithstanding the filing criteria set forth in RCW  
2 13.40.070(5).

3 (3) A diversion agreement under this section may extend to twelve  
4 months.

5 (4)(a) The administrative office of the courts shall compile data  
6 regarding:

7 (i) The number of juveniles whose cases are diverted into the  
8 comprehensive program described in this section;

9 (ii) Whether the juveniles complete their diversion agreements  
10 under this section; and

11 (iii) Whether juveniles whose cases have been diverted under this  
12 section have been subsequently arrested or committed subsequent  
13 offenses.

14 (b) An annual report of the data compiled shall be provided to  
15 the governor and the appropriate committee of the legislature. (~~The~~  
16 ~~first report is due by November 1, 2010.~~)

17 **Sec. 7.** RCW 7.68.801 and 2018 c 58 s 65 are each amended to read  
18 as follows:

19 (1) The commercially sexually exploited children statewide  
20 coordinating committee is established to address the issue of  
21 children who are commercially sexually exploited, to examine the  
22 practices of local and regional entities involved in addressing  
23 sexually exploited children, and to make recommendations on statewide  
24 laws and practices.

25 (2) The committee is convened by the office of the attorney  
26 general with the department of commerce assisting with agenda  
27 planning and administrative and clerical support. The committee  
28 consists of the following members:

29 (a) One member from each of the two largest caucuses of the house  
30 of representatives appointed by the speaker of the house;

31 (b) One member from each of the two largest caucuses of the  
32 senate appointed by the (~~speaker~~) president of the senate;

33 (c) A representative of the governor's office appointed by the  
34 governor;

35 (d) The secretary of the department of children, youth, and  
36 families or his or her designee;

37 (e) The secretary of the juvenile rehabilitation administration  
38 or his or her designee;

39 (f) The attorney general or his or her designee;

- 1 (g) The superintendent of public instruction or his or her  
2 designee;
- 3 (h) A representative of the administrative office of the courts  
4 appointed by the administrative office of the courts;
- 5 (i) The executive director of the Washington association of  
6 sheriffs and police chiefs or his or her designee;
- 7 (j) The executive director of the Washington state criminal  
8 justice training commission or his or her designee;
- 9 (k) A representative of the Washington association of prosecuting  
10 attorneys appointed by the association;
- 11 (l) The executive director of the office of public defense or his  
12 or her designee;
- 13 (m) Three representatives of community service providers that  
14 provide direct services to commercially sexually exploited children  
15 appointed by the attorney general;
- 16 (n) Two representatives of nongovernmental organizations familiar  
17 with the issues affecting commercially sexually exploited children  
18 appointed by the attorney general;
- 19 (o) The president of the superior court judges' association or  
20 his or her designee;
- 21 (p) The president of the juvenile court administrators or his or  
22 her designee;
- 23 (q) Any existing chairs of regional task forces on commercially  
24 sexually exploited children;
- 25 (r) A representative from the criminal defense bar;
- 26 (s) A representative of the center for children and youth  
27 justice;
- 28 (t) A representative from the office of crime victims advocacy;
- 29 (u) The executive director of the Washington coalition of sexual  
30 assault programs;
- 31 (v) The executive director of the statewide organization  
32 representing children's advocacy centers or his or her designee;
- 33 (w) A representative of an organization that provides inpatient  
34 chemical dependency treatment to youth, appointed by the attorney  
35 general;
- 36 ~~((w))~~ (x) A representative of an organization that provides  
37 mental health treatment to youth, appointed by the attorney general;  
38 and
- 39 ~~((x))~~ (y) A survivor of human trafficking, appointed by the  
40 attorney general.

1 (3) The duties of the committee include, but are not limited to:

2 (a) Overseeing and reviewing the implementation of the Washington  
3 state model protocol for commercially sexually exploited children at  
4 task force sites;

5 (b) Receiving reports and data from local and regional entities  
6 regarding the incidence of commercially sexually exploited children  
7 in their areas as well as data information regarding perpetrators,  
8 geographic data and location trends, and any other data deemed  
9 relevant;

10 (c) Receiving reports on local coordinated community response  
11 practices and results of the community responses;

12 (d) Reviewing recommendations from local and regional entities  
13 regarding policy and legislative changes that would improve the  
14 efficiency and effectiveness of local response practices;

15 (e) Making recommendations regarding policy and legislative  
16 changes that would improve the effectiveness of the state's response  
17 to and promote best practices for suppression of the commercial  
18 sexual exploitation of children;

19 (f) Making recommendations regarding data collection useful to  
20 understanding or addressing the problem of commercially sexually  
21 exploited children;

22 (g) Reviewing and making recommendations regarding strategic  
23 local investments or opportunities for federal and state funding to  
24 address the commercial sexual exploitation of children;

25 (h) Reviewing the extent to which chapter 289, Laws of 2010  
26 (Engrossed Substitute Senate Bill No. 6476) is understood and applied  
27 by enforcement authorities; (~~and~~)

28 (i) Researching any barriers that exist to full implementation of  
29 chapter 289, Laws of 2010 (Engrossed Substitute Senate Bill No. 6476)  
30 throughout the state;

31 (j) Convening a meeting and providing recommendations required  
32 under section 11 of this act; and

33 (k) Compiling data on the number of juveniles believed to be  
34 victims of sexual exploitation taken into custody under RCW  
35 43.185C.260.

36 (4) The committee must meet no less than annually.

37 (5) The committee shall annually report its findings and  
38 recommendations to the appropriate committees of the legislature and  
39 to any other known statewide committees addressing trafficking or the  
40 commercial sex trade.

1 (6) This section expires June 30, 2023.

2 **Sec. 8.** RCW 43.185C.260 and 2019 c 312 s 15 are each amended to  
3 read as follows:

4 (1) A law enforcement officer shall take a child into custody:

5 (a) If a law enforcement agency has been contacted by the parent  
6 of the child that the child is absent from parental custody without  
7 consent; or

8 (b) If a law enforcement officer reasonably believes, considering  
9 the child's age, the location, and the time of day, that a child is  
10 in circumstances which constitute a danger to the child's safety or  
11 that a child is violating a local curfew ordinance; or

12 (c) If an agency legally charged with the supervision of a child  
13 has notified a law enforcement agency that the child has run away  
14 from placement.

15 (2) Law enforcement custody shall not extend beyond the amount of  
16 time reasonably necessary to transport the child to a destination  
17 authorized by law and to place the child at that destination. Law  
18 enforcement custody continues until the law enforcement officer  
19 transfers custody to a person, agency, or other authorized entity  
20 under this chapter, or releases the child because no placement is  
21 available. Transfer of custody is not complete unless the person,  
22 agency, or entity to whom the child is released agrees to accept  
23 custody.

24 (3) If a law enforcement officer takes a child into custody  
25 pursuant to either subsection (1)(a) or (b) of this section and  
26 transports the child to a crisis residential center, the officer  
27 shall, within twenty-four hours of delivering the child to the  
28 center, provide to the center a written report detailing the reasons  
29 the officer took the child into custody. The center shall provide the  
30 department of children, youth, and families with a copy of the  
31 officer's report if the youth is in the care of or receiving services  
32 from the department of children, youth, and families.

33 (4) If the law enforcement officer who initially takes the  
34 juvenile into custody or the staff of the crisis residential center  
35 have reasonable cause to believe that the child is absent from home  
36 because he or she is abused or neglected, a report shall be made  
37 immediately to the department of children, youth, and families.

1 (5) Nothing in this section affects the authority of any  
2 political subdivision to make regulations concerning the conduct of  
3 minors in public places by ordinance or other local law.

4 (6) If a law enforcement officer has a reasonable suspicion that  
5 a child is being unlawfully harbored in violation of RCW 13.32A.080,  
6 the officer shall remove the child from the custody of the person  
7 harboring the child and shall transport the child to one of the  
8 locations specified in RCW 43.185C.265.

9 (7) If a law enforcement officer takes a juvenile into custody  
10 pursuant to subsection (1)(b) of this section and reasonably believes  
11 that the juvenile may be the victim of sexual exploitation, the  
12 officer shall:

13 (a) Transport the child to:

14 (i) An evaluation and treatment facility as defined in RCW  
15 71.34.020, including the receiving centers established in section 2  
16 of this act, for purposes of evaluation for behavioral health  
17 treatment authorized under chapter 71.34 RCW, including adolescent-  
18 initiated treatment, family-initiated treatment, or involuntary  
19 treatment; or

20 (ii) Another appropriate youth-serving entity or organization  
21 including, but not limited to:

22 (A) A HOPE Center as defined under RCW 43.185C.010;

23 (B) A foster-family home as defined under RCW 74.15.020;

24 (C) A crisis residential center as defined under RCW 43.185C.010;

25 or

26 (D) A community-based program that has expertise working with  
27 adolescents in crisis; or

28 (b) Coordinate transportation to one of the locations identified  
29 in (a) of this subsection, with a liaison dedicated to serving  
30 commercially sexually exploited children established under RCW  
31 74.14B.070 or a community service provider.

32 (8) Law enforcement shall have the authority to take into  
33 protective custody a child who is or is attempting to engage in  
34 sexual conduct with another person for money or anything of value for  
35 purposes of investigating the individual or individuals who may be  
36 exploiting the child and deliver the child to an evaluation and  
37 treatment facility as defined in RCW 71.34.020, including the  
38 receiving centers established in section 2 of this act, for purposes  
39 of evaluation for behavioral health treatment authorized under

1 chapter 71.34 RCW, including adolescent-initiated treatment, family-  
2 initiated treatment, or involuntary treatment.

3 (9) No child may be placed in a secure facility except as  
4 provided in this chapter.

5 **Sec. 9.** RCW 74.14B.070 and 2017 3rd sp.s. c 6 s 508 are each  
6 amended to read as follows:

7 (1) The department shall, subject to available funds, establish a  
8 system of early identification and referral to treatment of child  
9 victims of sexual assault or sexual abuse. The system shall include  
10 schools, physicians, sexual assault centers, domestic violence  
11 centers, child protective services, and foster parents. A mechanism  
12 shall be developed to identify communities that have experienced  
13 success in this area and share their expertise and methodology with  
14 other communities statewide.

15 (2) The department shall provide services to support children it  
16 suspects have been commercially sexually exploited. The child may  
17 decide whether to voluntarily engage in the services offered by the  
18 department.

19 (a) To provide services supporting children it suspects have been  
20 commercially sexually exploited, the department may provide:

21 (i) At least one liaison position in each region of the  
22 department where receiving center programs are established under  
23 section 2 of this act who are dedicated to serving commercially  
24 sexually exploited children and who report directly to the statewide  
25 program manager under (a)(ii) of this subsection;

26 (ii) One statewide program manager;

27 (iii) A designated person responsible for supporting commercially  
28 sexually exploited children, who may be assigned other duties in  
29 addition to this responsibility, in regions of the department where  
30 there is not a dedicated liaison position as identified under (a)(i)  
31 of this subsection; and

32 (iv) Coordinate appropriate, available, community-based services  
33 for children following discharge from an evaluation and treatment  
34 facility as defined in RCW 71.34.020, including the receiving centers  
35 established in section 2 of this act.

36 (b) The department shall collect nonidentifiable data regarding  
37 the number of commercially sexually exploited children, including  
38 reports of commercially sexually exploited children received from law  
39 enforcement under chapter 26.44 RCW.

1       (3) The department shall provide an annual report to the  
2 commercially sexually exploited children statewide coordinating  
3 committee established under RCW 7.68.801 by December 1st that  
4 includes:

5       (a) A description of services provided by the department to  
6 commercially sexually exploited children; and

7       (b) Nonidentifiable data regarding the number of commercially  
8 sexually exploited children.

9       (4) The department may solicit and accept gifts, grants,  
10 conveyances, bequests, and devices for supporting the purposes of  
11 this section.

12       (5) Nothing in this section shall be construed to create a  
13 private right of action against the department for failure to  
14 identify, offer, or provide services.

15       (6) The department shall convene a work group to study, analyze,  
16 and issue recommendations regarding how decriminalizing prostitution  
17 and prostitution loitering for persons under eighteen will impact law  
18 enforcement and prosecutor efforts and ability to discover and access  
19 the victim's cell phone records to aid in prosecution of the  
20 perpetrator or abuser. The work group must issue recommendations to  
21 appropriate committees of the legislature by October 31, 2021.

22       **Sec. 10.** RCW 74.15.020 and 2019 c 172 s 10 are each amended to  
23 read as follows:

24       The definitions in this section apply throughout this chapter and  
25 RCW 74.13.031 unless the context clearly requires otherwise.

26       (1) "Agency" means any person, firm, partnership, association,  
27 corporation, or facility which receives children, expectant mothers,  
28 or persons with developmental disabilities for control, care, or  
29 maintenance outside their own homes, or which places, arranges the  
30 placement of, or assists in the placement of children, expectant  
31 mothers, or persons with developmental disabilities for foster care  
32 or placement of children for adoption, and shall include the  
33 following irrespective of whether there is compensation to the agency  
34 or to the children, expectant mothers, or persons with developmental  
35 disabilities for services rendered:

36       (a) "Child-placing agency" means an agency which places a child  
37 or children for temporary care, continued care, or for adoption;

38       (b) "Community facility" means a group care facility operated for  
39 the care of juveniles committed to the department under RCW

1 13.40.185. A county detention facility that houses juveniles  
2 committed to the department under RCW 13.40.185 pursuant to a  
3 contract with the department is not a community facility;

4 (c) "Crisis residential center" means an agency which is a  
5 temporary protective residential facility operated to perform the  
6 duties specified in chapter 13.32A RCW, in the manner provided in RCW  
7 43.185C.295 through 43.185C.310;

8 (d) "Emergency respite center" is an agency that may be commonly  
9 known as a crisis nursery, that provides emergency and crisis care  
10 for up to seventy-two hours to children who have been admitted by  
11 their parents or guardians to prevent abuse or neglect. Emergency  
12 respite centers may operate for up to twenty-four hours a day, and  
13 for up to seven days a week. Emergency respite centers may provide  
14 care for children ages birth through seventeen, and for persons  
15 eighteen through twenty with developmental disabilities who are  
16 admitted with a sibling or siblings through age seventeen. Emergency  
17 respite centers may not substitute for crisis residential centers or  
18 HOPE centers, or any other services defined under this section, and  
19 may not substitute for services which are required under chapter  
20 13.32A or 13.34 RCW;

21 (e) "Foster-family home" means an agency which regularly provides  
22 care on a twenty-four hour basis to one or more children, expectant  
23 mothers, or persons with developmental disabilities in the family  
24 abode of the person or persons under whose direct care and  
25 supervision the child, expectant mother, or person with a  
26 developmental disability is placed;

27 (f) "Group-care facility" means an agency, other than a foster-  
28 family home, which is maintained and operated for the care of a group  
29 of children on a twenty-four hour basis. "Group care facility"  
30 includes but is not limited to:

31 (i) Qualified residential treatment programs as defined in RCW  
32 13.34.030;

33 (ii) Facilities specializing in providing prenatal, postpartum,  
34 or parenting supports for youth; and

35 (iii) Facilities providing high-quality residential care and  
36 supportive services to children who are, or who are at risk of  
37 becoming, victims of sex trafficking;

38 (g) "HOPE center" means an agency licensed by the secretary to  
39 provide temporary residential placement and other services to street  
40 youth. A street youth may remain in a HOPE center for thirty days

1 while services are arranged and permanent placement is coordinated.  
2 No street youth may stay longer than thirty days unless approved by  
3 the department and any additional days approved by the department  
4 must be based on the unavailability of a long-term placement option.  
5 A street youth whose parent wants him or her returned to home may  
6 remain in a HOPE center until his or her parent arranges return of  
7 the youth, not longer. All other street youth must have court  
8 approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center  
9 up to thirty days;

10 (h) "Maternity service" means an agency which provides or  
11 arranges for care or services to expectant mothers, before or during  
12 confinement, or which provides care as needed to mothers and their  
13 infants after confinement;

14 (i) "Resource and assessment center" means an agency that  
15 provides short-term emergency and crisis care for a period up to  
16 seventy-two hours, excluding Saturdays, Sundays, and holidays to  
17 children who have been removed from their parent's or guardian's care  
18 by child protective services or law enforcement;

19 (j) "Responsible living skills program" means an agency licensed  
20 by the secretary that provides residential and transitional living  
21 services to persons ages sixteen to eighteen who are dependent under  
22 chapter 13.34 RCW and who have been unable to live in his or her  
23 legally authorized residence and, as a result, the minor lived  
24 outdoors or in another unsafe location not intended for occupancy by  
25 the minor. Dependent minors ages fourteen and fifteen may be eligible  
26 if no other placement alternative is available and the department  
27 approves the placement;

28 (k) "Service provider" means the entity that operates a community  
29 facility.

30 (2) "Agency" shall not include the following:

31 (a) Persons related to the child, expectant mother, or person  
32 with developmental disability in the following ways:

33 (i) Any blood relative, including those of half-blood, and  
34 including first cousins, second cousins, nephews or nieces, and  
35 persons of preceding generations as denoted by prefixes of grand,  
36 great, or great-great;

37 (ii) Stepfather, stepmother, stepbrother, and stepsister;

38 (iii) A person who legally adopts a child or the child's parent  
39 as well as the natural and other legally adopted children of such

1 persons, and other relatives of the adoptive parents in accordance  
2 with state law;

3 (iv) Spouses of any persons named in (a)(i), (ii), or (iii) of  
4 this subsection (2), even after the marriage is terminated;

5 (v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this  
6 subsection (2), of any half sibling of the child; or

7 (vi) Extended family members, as defined by the law or custom of  
8 the Indian child's tribe or, in the absence of such law or custom, a  
9 person who has reached the age of eighteen and who is the Indian  
10 child's grandparent, aunt or uncle, brother or sister, brother-in-law  
11 or sister-in-law, niece or nephew, first or second cousin, or  
12 stepparent who provides care in the family abode on a twenty-four-  
13 hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

14 (b) Persons who are legal guardians of the child, expectant  
15 mother, or persons with developmental disabilities;

16 (c) Persons who care for a neighbor's or friend's child or  
17 children, with or without compensation, where the parent and person  
18 providing care on a twenty-four-hour basis have agreed to the  
19 placement in writing and the state is not providing any payment for  
20 the care;

21 (d) A person, partnership, corporation, or other entity that  
22 provides placement or similar services to exchange students or  
23 international student exchange visitors or persons who have the care  
24 of an exchange student in their home;

25 (e) A person, partnership, corporation, or other entity that  
26 provides placement or similar services to international children who  
27 have entered the country by obtaining visas that meet the criteria  
28 for medical care as established by the United States citizenship and  
29 immigration services, or persons who have the care of such an  
30 international child in their home;

31 (f) Schools, including boarding schools, which are engaged  
32 primarily in education, operate on a definite school year schedule,  
33 follow a stated academic curriculum, accept only school-age children  
34 and do not accept custody of children;

35 (g) Hospitals licensed pursuant to chapter 70.41 RCW when  
36 performing functions defined in chapter 70.41 RCW, nursing homes  
37 licensed under chapter 18.51 RCW and assisted living facilities  
38 licensed under chapter 18.20 RCW;

39 (h) Licensed physicians or lawyers;

40 (i) Facilities approved and certified under chapter 71A.22 RCW;

1 (j) Any agency having been in operation in this state ten years  
2 prior to June 8, 1967, and not seeking or accepting moneys or  
3 assistance from any state or federal agency, and is supported in part  
4 by an endowment or trust fund;

5 (k) Persons who have a child in their home for purposes of  
6 adoption, if the child was placed in such home by a licensed child-  
7 placing agency, an authorized public or tribal agency or court or if  
8 a replacement report has been filed under chapter 26.33 RCW and the  
9 placement has been approved by the court;

10 (l) An agency operated by any unit of local, state, or federal  
11 government or an agency licensed by an Indian tribe pursuant to RCW  
12 74.15.190;

13 (m) A maximum or medium security program for juvenile offenders  
14 operated by or under contract with the department;

15 (n) An agency located on a federal military reservation, except  
16 where the military authorities request that such agency be subject to  
17 the licensing requirements of this chapter;

18 (o) A host home program, and host home, operated by a tax exempt  
19 organization for youth not in the care of or receiving services from  
20 the department, if that program: (i) Recruits and screens potential  
21 homes in the program, including performing background checks on  
22 individuals over the age of eighteen residing in the home through the  
23 Washington state patrol or equivalent law enforcement agency and  
24 performing physical inspections of the home; (ii) screens and  
25 provides case management services to youth in the program; (iii)  
26 obtains a notarized permission slip or limited power of attorney from  
27 the parent or legal guardian of the youth authorizing the youth to  
28 participate in the program and the authorization is updated every six  
29 months when a youth remains in a host home longer than six months;  
30 (iv) obtains insurance for the program through an insurance provider  
31 authorized under Title 48 RCW; (v) provides mandatory reporter and  
32 confidentiality training; and (vi) registers with the secretary of  
33 state as provided in RCW 24.03.550. A host home is a private home  
34 that volunteers to host youth in need of temporary placement that is  
35 associated with a host home program. Any host home program that  
36 receives local, state, or government funding shall report the  
37 following information to the office of homeless youth prevention and  
38 protection programs annually by December 1st of each year: The number  
39 of children the program served, why the child was placed with a host  
40 home, and where the child went after leaving the host home, including

1 but not limited to returning to the parents, running away, reaching  
2 the age of majority, or becoming a dependent of the state. A host  
3 home program shall not receive more than one hundred thousand dollars  
4 per year of public funding, including local, state, and federal  
5 funding. A host home shall not receive any local, state, or  
6 government funding;

7 (p) Receiving centers as defined in section 2 of this act.

8 (3) "Department" means the department of children, youth, and  
9 families.

10 (4) "Juvenile" means a person under the age of twenty-one who has  
11 been sentenced to a term of confinement under the supervision of the  
12 department under RCW 13.40.185.

13 (5) "Performance-based contracts" or "contracting" means the  
14 structuring of all aspects of the procurement of services around the  
15 purpose of the work to be performed and the desired results with the  
16 contract requirements set forth in clear, specific, and objective  
17 terms with measurable outcomes. Contracts may also include provisions  
18 that link the performance of the contractor to the level and timing  
19 of the reimbursement.

20 (6) "Probationary license" means a license issued as a  
21 disciplinary measure to an agency that has previously been issued a  
22 full license but is out of compliance with licensing standards.

23 (7) "Requirement" means any rule, regulation, or standard of care  
24 to be maintained by an agency.

25 (8) "Secretary" means the secretary of the department.

26 (9) "Street youth" means a person under the age of eighteen who  
27 lives outdoors or in another unsafe location not intended for  
28 occupancy by the minor and who is not residing with his or her parent  
29 or at his or her legally authorized residence.

30 (10) "Transitional living services" means at a minimum, to the  
31 extent funds are available, the following:

32 (a) Educational services, including basic literacy and  
33 computational skills training, either in local alternative or public  
34 high schools or in a high school equivalency program that leads to  
35 obtaining a high school equivalency degree;

36 (b) Assistance and counseling related to obtaining vocational  
37 training or higher education, job readiness, job search assistance,  
38 and placement programs;

39 (c) Counseling and instruction in life skills such as money  
40 management, home management, consumer skills, parenting, health care,

1 access to community resources, and transportation and housing  
2 options;

3 (d) Individual and group counseling; and

4 (e) Establishing networks with federal agencies and state and  
5 local organizations such as the United States department of labor,  
6 employment and training administration programs including the  
7 workforce innovation and opportunity act which administers private  
8 industry councils and the job corps; vocational rehabilitation; and  
9 volunteer programs.

10 NEW SECTION. **Sec. 11.** A new section is added to chapter 7.68  
11 RCW to read as follows:

12 (1) By September 1, 2020, the statewide coordinating committee  
13 shall convene a meeting related to the role that child advocacy  
14 centers have in responding to and supporting commercially sexually  
15 exploited children.

16 (a) The meeting required under this subsection must include  
17 representatives from child advocacy centers.

18 (b) By October 1, 2020, the department must provide a report to  
19 the statewide coordinating committee that includes:

20 (i) An inventory of the number and location of child advocacy  
21 centers in the state; and

22 (ii) A description of the services provided by each of the child  
23 advocacy centers in the state.

24 (2) By December 1, 2020, and in compliance with RCW 43.01.036,  
25 the statewide coordinating committee must provide a report to the  
26 relevant committees of the legislature that includes:

27 (a) An inventory of the number and location of child advocacy  
28 centers in the state;

29 (b) A description of the services provided by each of the child  
30 advocacy centers in the state;

31 (c) Recommendations for expanded use of child advocacy centers in  
32 providing additional services for commercially sexually exploited  
33 children; and

34 (d) Recommendations for ensuring that child advocacy centers  
35 connect commercially sexually exploited children with available  
36 services in the community.

37 (3) For purposes of this section:

38 (a) "Child advocacy center" has the same meaning as the  
39 definition provided under RCW 26.44.020.

1 (b) "Department" means the department of commerce.

2 (c) "Statewide coordinating committee" means the commercially  
3 sexually exploited children statewide coordinating committee  
4 established under RCW 7.68.801.

5 (4) This section expires June 30, 2021.

6 NEW SECTION. **Sec. 12.** Sections 4, 5, and 6 of this act take  
7 effect January 1, 2024.

Passed by the House March 10, 2020.

Passed by the Senate March 6, 2020.

Approved by the Governor April 3, 2020.

Filed in Office of Secretary of State April 3, 2020.

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