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**SUBSTITUTE SENATE BILL 5236**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl, Hargrove, Long, Franklin, Prentice, Spanel and Fraser)

Read first time 02/22/95.

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

33 The prostitution prevention and intervention account is created in  
34 the state treasury. All designated receipts from fees under sections  
35 8 and 9 of this act shall be deposited into the account. Expenditures  
36 from the account may be used only for funding the grant program to

1 enhance prostitution prevention and intervention services under section  
2 2 of this act.

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

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

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

15 (1)(a) In addition to penalties set forth in RCW 9.68A.100, a  
16 person who is either convicted or given a deferred sentence or a  
17 deferred prosecution as a result of an arrest for violating RCW  
18 9.68A.100 shall be assessed a two hundred fifty dollar fee.

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

21 (c) When a minor has been adjudicated a juvenile offender for an  
22 offense which, if committed by an adult, would constitute a violation  
23 of RCW 9.68A.100, the court shall assess the fee under (a) of this  
24 subsection. The court may not suspend payment of all or part of the  
25 fee unless it finds that the minor does not have the ability to pay the  
26 fee.

27 (2) The fee assessed under subsection (1) of this section shall be  
28 collected by the clerk of the court and distributed each month to the  
29 state treasurer for deposit in the prostitution and intervention  
30 account under section 6 of this act for the purpose of funding  
31 prostitution prevention and intervention activities.

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

34 (1)(a) In addition to penalties set forth in RCW 9A.88.010,  
35 9A.88.030, and 9A.88.090, a person who is either convicted or given a  
36 deferred sentence or a deferred prosecution as a result of an arrest

1 for violating RCW 9A.88.010, 9A.88.030, or 9A.88.090 shall be assessed  
2 a fifty dollar fee.

3 (b) In addition to penalties set forth in RCW 9A.88.110, a person  
4 who is either convicted or given a deferred sentence or a deferred  
5 prosecution as a result of an arrest for violating RCW 9A.88.110 shall  
6 be assessed a one hundred fifty dollar fee.

7 (c) In addition to penalties set forth in RCW 9A.88.070 and  
8 9A.88.080, a person who is either convicted or given a deferred  
9 sentence or a deferred prosecution as a result of an arrest for  
10 violating RCW 9A.88.070 or 9A.88.080 shall be assessed a three hundred  
11 dollar fee.

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

15 (3) When a minor has been adjudicated a juvenile offender for an  
16 offense which, if committed by an adult, would constitute a violation  
17 under this chapter, the court shall assess the fee as specified under  
18 subsection (1) of this section. Except as provided under section 10 of  
19 this act, the court may not suspend payment of all or part of the fee  
20 unless it finds that the minor does not have the ability to pay the  
21 fee.

22 (4) Any fee assessed under subsection (1) of this section shall be  
23 collected by the clerk of the court and distributed each month to the  
24 state treasurer for deposit in the prostitution and intervention  
25 account under section 6 of this act for the purpose of funding  
26 prostitution prevention and intervention activities.

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

29 In granting probation to persons convicted of prostitution under  
30 RCW 9A.88.030, the court may require, as a condition of probation, that  
31 the defendant successfully complete a prostitution intervention and  
32 counseling program. The court may require the defendant to contribute  
33 to the costs of the intervention and counseling program based on the  
34 defendant's ability to pay. Any fee assessed under section 9 of this  
35 act may be deferred by the court and waived upon a demonstration by the  
36 defendant that he or she has complied with the conditions of probation.

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