

HOUSE BILL REPORT

SHB 1383

As Passed House:
March 6, 2019

Title: An act relating to modifying the crime of patronizing a prostitute.

Brief Description: Modifying the crime of patronizing a prostitute.

Sponsors: House Committee on Public Safety (originally sponsored by Representatives Pellicciotti, Kraft, Kilduff, Orwall, Dolan, Doglio, Ormsby, Ryu, Macri, Stanford, Appleton, Riccelli and Leavitt).

Brief History:

Committee Activity:

Public Safety: 2/4/19, 2/14/19 [DPS].

Floor Activity:

Passed House: 3/6/19, 97-0.

Brief Summary of Substitute Bill

- Raises the classification for any second or subsequent conviction for the crime of Patronizing a Prostitute from a misdemeanor to a gross misdemeanor.

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; Davis, Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Appleton, Graham, Griffey, Lovick, Orwall, Pellicciotti and Pettigrew.

Staff: Omeara Harrington (786-7136).

Background:

Classification of Crimes.

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.

Crimes are classified as misdemeanors, gross misdemeanors, or felonies. The classification of a crime generally determines the maximum term of confinement and the maximum fine a court can impose for an offense. For each classification, the maximum terms of confinement and maximum fines are as follows:

Classification	Maximum Confinement	Maximum Fine
Misdemeanor	90 days	\$1,000
Gross Misdemeanor	364 days	\$5,000
Class C Felony	5 years	\$10,000
Class B Felony	10 years	\$20,000
Class A Felony	Life	\$50,000

Patronizing a Prostitute.

A person is guilty of the crime of Patronizing a Prostitute if he or she:

- pays a fee, pursuant to a prior understanding, as compensation for another person having engaged in sexual conduct with him or her;
- pays or agrees to pay a fee to another person with the understanding that the person will engage in sexual conduct with him or her in return; or
- solicits or requests another person to engage in sexual conduct with him or her in exchange for a fee.

Patronizing a Prostitute is a misdemeanor offense.

Summary of Substitute Bill:

The classification of a second or subsequent conviction for the crime of Patronizing a Prostitute is elevated from a misdemeanor to a gross misdemeanor.

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) This bill and House Bill 1382 address the need for asymmetrical enforcement in the area of the law concerning prostitution-related offenses. Creating an asymmetrical model is an important step forward. In the State of Washington, the buyer of sex faces the exact same maximum criminal penalties as the person he is buying. Under this bill, a person patronizing a prostitute would face a more serious penalty for subsequent convictions than the person he is buying.

This bill represents an important strategy for ending demand for prostitution. Addressing repeat offenses is important; however, the bill should also elevate the offense if the person has a previous sex offense.

(Opposed) This bill should be reconsidered, as it could increase exploitation. Under this model, sex workers will become more desperate for clients and will engage in activities they otherwise would not. Basic economics teaches that when there is high demand for labor, laborers get to set their own terms. When the demand decreases, the reverse is true. With the war on drugs, criminalization did not stop drug use or sales—it just made it more dangerous and increased violence and incarceration. This will push sex work even further into the shadows. Violent people will not be deterred, but less violent people will. This means the client base will be more violent as a whole.

This bill will also eliminate sex workers' jobs without adding any support for income. Sex workers have unique backgrounds that make traditional employment difficult. It would be better to promote measures that help sex workers find other employment.

(Other) Sexual trafficking is a crime of exploitation. The intent of the bill is good, but work is still needed. Sex workers have been told to find a full-time job where they will be safe. They are discriminated against in accessing services. If the intent is to serve all sex workers, this bill alone will not do that. Unintended consequences will result, and marginalized populations will be left out.

Persons Testifying: (In support) Representative Pellicciotti, prime sponsor; and Andrea Piper-Wentland, City of Seattle.

(Opposed) Charlotte Smith; Toby Hill-Meyer, Gender Justice League; and Flora Benson.

(Other) Erik Gray.

Persons Signed In To Testify But Not Testifying: None.