

HOUSE BILL REPORT

SHB 1505

As Passed House:

February 23, 2009

Title: An act relating to a diversion program for sexually exploited juveniles.

Brief Description: Authorizing diversion for sexually exploited juveniles.

Sponsors: House Committee on Human Services (originally sponsored by Representatives Dickerson, Dammeier, Green, Appleton, Roberts, Carlyle, Morrell, Orwall, Nelson, Johnson and Hasegawa).

Brief History:

Committee Activity:

Human Services: 2/4/09, 2/11/09 [DPS].

Floor Activity

Passed House: 2/23/09, 97-0.

Brief Summary of Substitute Bill

- Allows the prosecutor to divert a case where a juvenile is alleged to have committed the offenses of prostitution or prostitution loitering irrespective of the juvenile's offender history or previous diversions, if the juvenile agrees to participate in a program that provides wraparound services.
- Requires the Administrator of the Courts to compile data and prepare a report regarding the number of juveniles whose cases are diverted to a program that provides comprehensive wraparound services, whether the juveniles complete their diversion agreements, and whether juveniles who complete diversions commit subsequent offenses.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green, Klippert, Morrell, O'Brien and Walsh.

Staff: Linda Merelle (786-7092)

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.

Background:

After the release of a report commissioned by the City of Seattle examining juvenile prostitution in King County, an ad hoc committee was created to look at strategies for providing services to juveniles who were involved in prostitution. The committee also examined different models for intervention, such as a prosecution model, where arresting, charging, and holding juveniles in detention is the primary means of linking juveniles to services. Another model is the child abuse model where juveniles involved in prostitution are treated as victims of child abuse rather than offenders. Another alternative was a hybrid approach where charges may be filed against a juvenile and the juvenile is detained. Charges are dismissed in exchange for completing certain conditions. Services for these juveniles are often delivered while they are in custody.

New York recently passed a statute that treated all juveniles under the age of 15 who were involved in prostitution as "children in need of supervision." Las Vegas has the prosecutorial model. San Francisco uses the hybrid approach and detains juveniles for their own safety. Boston uses the child abuse model. Though juvenile prostitution remains a crime in statute, at least one county district attorney indicated that he would not prosecute juveniles for that offense.

The report that was released in June 2008 regarding juvenile prostitution in King County concluded that the juveniles involved in prostitution needed safe housing, and community-based services in a wraparound case management model, which has been used with at-risk youth. A wraparound model requires a team-oriented approach with individualized services, cross-agency teams, and a unified plan for care.

King County is developing a program to provide wraparound services for juveniles involved in prostitution.

Washington currently uses the prosecutorial process, though some offenders may complete a diversion in exchange for resolving his or her case before any charges are filed. A prosecutor must divert a case rather than file one, even if there are sufficient facts to file a case, if the alleged offense is a misdemeanor or gross misdemeanor violation and it is the offender's first offense. When a case is diverted, the juvenile enters into a "diversion agreement" to complete certain conditions. The diversion agreement may be entered into with another person, a community accountability board, a youth court, or any other entity except a law enforcement official or entity. If an offender has two or more diversion agreements already, the prosecutor must file the charges.

Summary of Substitute Bill:

The bill allows the prosecutor to divert a case where a juvenile is alleged to have committed prostitution or prostitution loitering regardless of the juvenile's offender history of previous diversions. In exchange for a diversion, the juvenile must agree to participate in a program that provides wraparound services, including housing, integrated mental health and chemical dependency services, education, and employment training. The Administrative Office of the Courts must compile data regarding: (1) the number of juveniles whose cases are diverted into the comprehensive program; (2) whether the juveniles complete their diversion

agreements; and (3) whether juveniles who have been diverted have been subsequently arrested or committed subsequent offenses. A report shall be provided to the Governor and Legislature by November 1, 2010.

This bill expires on July 1, 2011.

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) Prostitution has always been difficult to handle in juvenile court. It is only a misdemeanor, but it is an indicator of very big problems at home. The Community Accountability Boards are not equipped to handle these cases. Addressing the issues of juveniles involved in prostitution is a critical need, and when it arises, this diversion opportunity fits that need perfectly. Prosecutors and law enforcement can intervene effectively with offenses related to prostitution, but the follow up is not as effective. The bill has a funding source and standards, and it is exactly the way to address alternatives. This opportunity was not available in previous years, and it is appropriate that it is on the table. We should never forget that these are children, most of whom have been abused at home. These young people are skeptical that life can be different and are not often amenable to be helped. This bill allows children to heal and build on their strengths. Sometimes, it takes many opportunities to get the girls to exit the system. It is the nature of breaking the cycle of violence. This bill strikes a balance in recognizing the role of the police and the youth. The services called out in the bill are the key services that need to be provided.

(Opposed) None.

Persons Testifying: Representative Dickerson, prime sponsor; Dan Satterberg, King County Prosecutor's Office; Tom McBride, Washington Association of Prosecuting Attorneys; Dr. Melinda Giovengo, YouthCare; and Terri Kimball, City of Seattle.

Persons Signed In To Testify But Not Testifying: None.