

SENATE BILL REPORT

ESSB 6251

As Passed Senate, February 8, 2012

Title: An act relating to advertising commercial sexual abuse of a minor.

Brief Description: Regulating advertising of commercial sexual abuse of a minor.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Kohl-Welles, Delvin, Eide, Chase, Pflug, Conway, Kline, Ranker, Stevens, Fraser, Regala, Nelson, Roach and Frockt).

Brief History:

Committee Activity: Judiciary: 1/27/12, 2/01/12 [DPS].

Passed Senate: 2/08/12, 49-0.

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6251 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug, Ranking Minority Member; Hargrove, Kohl-Welles, Padden and Roach.

Staff: Katherine Taylor (786-7434)

Background: A 2008 Seattle human services department report estimated that there are 300 to 500 children being exploited for sex in the Seattle area alone each year. According to the Seattle police department, since the beginning of 2010, at least 22 children have been advertised online in the Seattle area for commercial sex and were recovered by the police department.

Summary of Engrossed Substitute Bill: A person commits the offense of advertising commercial sexual abuse of a minor if the person knowingly publishes, disseminates, or displays or causes directly or indirectly to be published, disseminated, or displayed any advertisement for a commercial sex act that is to take place in the state and which includes the depiction of a minor.

Advertisement for a commercial sex act, commercial sex act, and depiction are defined.

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.

It is a defense, which the defendant must prove by a preponderance of the evidence, that the defendant made a reasonable bona fide attempt to ascertain the true age of the minor depicted in the advertisement by requiring, prior to publication, dissemination, or display of the advertisement, production of an identification card or paper of the minor depicted in the advertisement. In order to invoke the defense, the defendant must produce for inspection by law enforcement a record of the identification used to verify the age of the person depicted in the advertisement.

Advertising commercial sexual abuse of a minor is a class C felony, punishable by up to one year of confinement and/or a fine of up to \$10,000.

A federal severability clause is added.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Hundreds of minors are being exploited for sex. Seattle is trying to change its policies to treat minors who are sexually exploited as victims instead of criminals. Seattle Weekly should not minimize the problem of sex trafficking. Online escort ads are an accelerant for sex trafficking. We have asked Seattle Weekly and Backpage.com to require in-person identification and they will not. This issue is receiving state and national attention. We appreciate the bipartisan approach. In reviewing criminal records for criminal sexual abuse of a minor and other sex offenses, there is a common pattern of psychological abuse, acts of violence, and fear used to keep people in prostitution. Many of the victims of sex trafficking are advertised online, and this is happening in several counties in Washington. Washington is a leader in human trafficking. The port of Washington is taking steps to fight trafficking. The ports need to stay safe. We need to do everything we can for victims and go after the pimps. It is hard to fix sexual exploitation. We need in person age identification for escort ads. Washington is in the top four states for strong laws against sex trafficking. We can't let Backpage.com hide behind the federal Decency Communication Act. Backpage's ads are like a mall for picking prostitutes. We need to stop sex trafficking. The kingdom of heaven belongs to children. There is a crisis in America. We need to protect people's dignity. We need to shut down Backpage.com. Backpage.com's current safeguards are not enough. A cost of business should be building an infrastructure to protect kids from exploitation. One kid sold is too many. These victims are knocking on our doors and the doors of the executives of Backpage.com. We can regulate the sale of minors for sex online. There are different levels of protected speech. Everything is being driven underground. When pimps don't trust putting their kid prostitutes on the street, they post them online. It is hard to go after pimps and help victims of sex trafficking with all the budget cuts. Passing a bill like this would put another tool in the police officer's belt. Whose voices are we protecting? We need to protect our kids. Our families need to heal. There are other online companies that sell minors, in addition to Backpage.com. We need to pass this legislation. This bill is excellent. We need

to look at international trade agreements and immigration laws. This is a human rights issue. We need to empower victims. We need to protect the vulnerable population not just minors. Foreign nationals do not have identification or have fake identification. The voice of the victim needs to be incorporated. Until there is a change in federal law, states need to take action. We should go after the ads. We need to stop the demand. We are against slavery. Prostitutes are a product you can choose like cereal. We should send a letter to a john's family, if he is convicted of using a prostitute. Victims become victims before they leave the home. We need more funds. We need to raise fines. We need to raise awareness of statutes. We are not regulating the press, just criminal activity.

Persons Testifying: PRO: Mike McGinn, Mayor of Seattle; Tim Burgess, Seattle Councilmember; Gael Tarleton, Port of Seattle Commissioner; Jim Pugel, Seattle Police Department Assistant Chief; Linda Smith, former U.S. Congresswoman; Reverend John Vaughn, Groundswell, Auburn Seminary; Sean O'Donnell, King County Prosecutor; Brian Taylor, King County Sheriff Detective; Andy Conner, SeaTac Police; Leslie Briner, Youthcare; Nacole Svengard, mother of victim; Velma Veloria, former Representative; Emma Catague, Asian Pacific Islander Women' Safety Center; Megan McCloskey, UW Anti-Trafficking Task Force; Chris Johnson, Attorney General's Office; Sister Susan Francois, Intercommunity Peace and Justice Center; Kristin Harper, former victim; Rose Gunderson, Engage WA.