

HOUSE BILL REPORT

HB 1139

As Passed House:
March 2, 2015

Title: An act relating to establishing a work group to study human trafficking of youth issues.

Brief Description: Establishing a work group to study human trafficking of youth issues.

Sponsors: Representatives Orwall, Kochmar, Appleton, Tarleton, Ortiz-Self, Hayes, Zeiger, Gregerson, Bergquist, Ormsby, Senn, S. Hunt, Riccelli, Ryu, Fey and Santos.

Brief History:

Committee Activity:

Public Safety: 1/27/15, 1/30/15 [DP].

Floor Activity:

Passed House: 3/2/15, 97-0.

Brief Summary of Bill

- Creates a work group, staffed by the Department of Commerce, to study the prosecution of juveniles for prostitution offenses and the provision of services to such juveniles.
- Requires the work group to meet twice annually and report its findings each year until June 30, 2017.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass. Signed by 9 members: Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Griffey, Moscoso, Pettigrew and Wilson.

Staff: Cassie Jones (786-7303).

Background:

In 2010 Chapter 289, Laws of 2010 (ESSB 6476) was enacted. This law contained the following provisions:

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- required the Department of Social and Health Services to connect a youth with services and treatment who has been diverted for a prostitution or prostitution loitering offense;
- deemed a minor a victim of a criminal act for purposes of Crime Victims Compensation if the youth was identified as a "minor" in the charge of crimes such as Commercial Sexual Abuse of a Minor even if the youth was also charged with prostitution;
- required prosecutors to divert a juvenile's first offense for prostitution or prostitution loitering; and
- allowed prosecutors to divert a juvenile's second or subsequent offense for prostitution or prostitution loitering if the offense was alleged to have occurred in a county which has a comprehensive program that provides safe and stable housing, comprehensive on-site case management, integrated mental health and chemical dependency services, education and employment training delivered on-site, and referrals to off-site specialized services.

In 2013 Chapter 121, Laws of 2013 was enacted. This law created the Statewide Coordinating Committee on Sex Trafficking (SCC) to address issues of sex trafficking, to examine the practices of local and regional entities involved in addressing sex trafficking, and to develop a statewide plan to address sex trafficking. In December of 2014 the SCC recommended in its report to the Legislature that a work group be convened to examine the implementation of ESSB 6476, known as the Safe Harbor Law, and the issues and questions associated with a child welfare response to the commercial sexual exploitation of children. The SCC recommended that the work group review the implementation of ESSB 6476, the extent to which the law is understood and applied throughout the state, and any barriers that exist to its full implementation.

Summary of Bill:

A work group is created to study the implementation of ESSB 6476 throughout the state and report its findings and recommendations. The President of the Senate will appoint one member from each of the two largest caucuses of the Senate and the Speaker of the House of Representatives will appoint one member from each of the two largest caucuses of the House of Representatives. In addition, membership in the work group will be comprised of representatives from each of the following groups:

- the Washington State Patrol;
- the Washington Association of Sheriffs and Police Chiefs;
- the Washington Association of Prosecuting Attorneys;
- the Washington Defender's Association or Washington Association of Criminal Defense Attorneys;
- the Washington Coalition of Sexual Assault Programs;
- the Office of Crime Victims Advocacy;
- the Office of the Attorney General;
- the Washington State Criminal Justice Training Commission;
- community advocacy groups addressing issues of human trafficking of youth;
- community service providers that serve youth victims of human trafficking; and
- survivors of human trafficking.

The work group shall review the extent to which ESSB 6476 is understood and applied by enforcement authorities. The work group will also research any barriers that exist to full implementation of ESSB 6476. The work group will also make recommendations regarding the policies of eliminating prosecution of juveniles for prostitution offenses and providing services to juveniles in lieu of prosecution. The work group will report to the Legislature and Governor annually and expires on June 30, 2017.

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) Our state struggles with sex trafficking. Sometimes the victims are very young. This state leads the nation in laws on human trafficking. This bill is to build on that work. There was a Safe Harbor bill that passed in 2010 but there are still gaps in resources. This bill would create a committee of experts to look at the issues and what resources are needed. Law enforcement does not always receive training regarding the new laws, including the increased prostitution fees. There is more we could be doing to create awareness of the laws and resources for implementation.

The SCC did find inconsistent implementation of enforcement on the laws involving sex crimes against minors. Exploited individuals under age 18 years are victims of a crime and should not be prosecuted. The youth should be diverted to services instead. This bill would bring experts together to help youth who have been victims of crimes. The work group in this bill is an essential, effective, and efficient way to get information to the Legislature.

The Washington Legislature's efforts on human trafficking has put Washington in the lead on the issue. This bill will help ensure that youth victims are being served by current laws. This bill addresses the need to study implementation of current laws by establishing a work group to monitor and evaluate existing law. The work will inform the work group's evaluation of policy options related to prosecution of youth for prostitution offenses.

It takes many years to recover from human trafficking. Prevention is very important. Services can change people's lives. Currently, there is a gap in training on the new human trafficking laws. All entitles in the criminal justice field should be trained on human trafficking issues, as well as anyone else who comes into contact with human trafficking victims and perpetrators.

(Opposed) None.

Persons Testifying: Representative Orwall, prime sponsor; Rick Torrance, Washington Department of Commerce; Nicholas Oakley, Center for Children and Youth Justice; Jo Lembo, Shared Hope International; and Jeri Moomaw, Washington Engage.

Persons Signed In To Testify But Not Testifying: None.