

SENATE BILL REPORT

SB 5277

As Reported by Senate Committee On:
Law & Justice, February 12, 2015

Title: An act relating to making the crime of patronizing a prostitute a gross misdemeanor.

Brief Description: Making the crime of patronizing a prostitute a gross misdemeanor. **[Revised for 1st Substitute:** Concerning the crime of patronizing a prostitute.]

Sponsors: Senators Kohl-Welles, Darneille, Padden, Pedersen, Fain, Frockt, Keiser, Chase and Fraser.

Brief History:

Committee Activity: Law & Justice: 1/22/15, 2/12/15 [DPS].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5277 be substituted therefor, and the substitute bill do pass.

Signed by Senators Padden, Chair; Pedersen, Ranking Minority Member; Darneille, Kohl-Welles, Pearson and Roach.

Staff: Tim Ford (786-7423)

Background: A person commits the crime of patronizing a prostitute if, pursuant to an understanding, the person pays a fee or agrees to pay a fee as compensation for another person engaging in sexual conduct with that person, or if the person solicits prostitution. Sexual conduct means sexual intercourse or sexual contact. Patronizing a prostitute is a misdemeanor. The penalty for a misdemeanor is a fine of not more than \$1,000 or imprisonment for up to 90 days, or both.

Summary of Bill (Recommended Substitute): Patronizing a prostitute is a gross misdemeanor upon the third and any subsequent offenses thereafter within a five-year period. The penalty for a gross misdemeanor is a fine of not more than \$5,000 or imprisonment for up to one year, or both.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (Recommended Substitute): Patronizing a prostitute is a gross misdemeanor upon the third and any subsequent offenses thereafter within a five-year period.

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.

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 on Original Bill: PRO: Prostitution is not a victimless crime. Prostitutes may be vulnerable girls or women exploited for sex. Persons who patronize prostitutes harm the prostitutes. A pimp may exploit a woman's drug, alcohol, and other addictions and force them into prostitution. Law enforcement and prosecutors should shift their focus from the supply of prostitution to the demand by persons who patronize prostitutes. Focusing on the prostitutes does not decrease the crime. Increase the penalty for persons who patronize prostitutes.

CON: Current laws are sufficiently draconian and harsh in their penalties for patronizing prostitutes. Persons arrested for patronizing are usually arrested when law enforcement conducts sting operations which do not involve anyone victimized by prostitution. This is a fraction of the persons who patronize prostitutes. Instead of sting operations, law enforcement should go out on the streets to enforce the law. Where is the proof that focusing on demand will reduce crime?

Persons Testifying: PRO: Senator Kohl-Welles, prime sponsor; Heidi Sargent, Seattle City Attorney's Office; Anjilee Dodge, citizen.

CON: Brad Meryhew, WA Assn. of Criminal Defense Lawyers; Danni N. Askini, MSW, Executive Director, Gender Justice League.