

HOUSE BILL REPORT

SHB 2360

As Passed House:
February 8, 2018

Title: An act relating to increasing penalties for the crime of patronizing a prostitute.

Brief Description: Concerning sexual exploitation.

Sponsors: House Committee on Public Safety (originally sponsored by Representatives Pellicciotti, Kraft, Dolan, McDonald, Orwall, Hayes, Van Werven, Klippert, Lovick, Kloba, Fey, Tarleton, Johnson, Sawyer, Kirby, Stanford, Reeves, Jinkins, Ryu, Ortiz-Self, Riccelli and Gregerson).

Brief History:

Committee Activity:

Public Safety: 1/16/18, 2/1/18 [DPS].

Floor Activity:

Passed House: 2/8/18, 97-0.

Brief Summary of Substitute Bill

- Renames the crime of "Patronizing a Prostitute" to "Sexual Exploitation."
- Raises the classification for any second or subsequent conviction for the crime of Sexual Exploitation 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 10 members: Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Chapman, Griffey, Holy, Orwall, Pettigrew and Van Werven.

Minority Report: Do not pass. Signed by 1 member: Representative Appleton.

Staff: Sydney Sullivan (786-7291) and Omeara Harrington (786-7136).

Background:

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.

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; or
- pays or agrees to pay a fee to another person with the understanding that the person will engage in sexual conduct; or
- solicits or requests another person to engage in sexual conduct with him or her in exchange for a fee.

The crime of Patronizing a Prostitute is a misdemeanor offense.

Classification of Crimes.

Crimes are classified as misdemeanors, gross misdemeanors, or felonies, of which there are class A, B, and C 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

Summary of Substitute Bill:

The crime of Patronizing a Prostitute is renamed as the crime of Sexual Exploitation. A second or subsequent conviction for the crime of Sexual Exploitation under state law or an equivalent municipal ordinance is classified as 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 establishes asymmetrical enforcement for the crime of prostitution; buyers are held more accountable with greater penalties and sex workers have a greater access to resources. Prosecutors believe that harsher penalties for sex buyers will reduce prostitution, because sex buyers monitor law enforcement's approach to commercial sex crimes.

The current penalty for Patronizing a Prostitute is the lowest penalty for a crime under Washington's criminal system and one of the lowest penalties for Patronizing a Prostitute in

the nation. The penalty for Patronizing a Prostitute is less severe than the punishment that can result from the simple theft of a candy bar. In order to end prostitution and sex buying, the state needs to increase penalties for people who actually have a choice in the scenario, the buyers. Many people do not willingly choose to go into prostitution, which is an inherently violent and dangerous enterprise.

Prostitution has resulted from a gender-based violence system, which has no similarity to the war on drugs. Many sex buyers have previous criminal records that contain rapes, child rapes, and violent crimes against persons. There is no way to decriminalize and implement harm reduction to make prostitution a nonviolent and safe enterprise. Native American women, women of color, and women in poverty experience violence at a higher rate and are often victimized in the sex trade. Indian reservations have been specifically found to foster commercial sex buying, because tribes cannot prosecute sex buyers due to certain sovereignty barriers. Seattle is also a main location for commercial sex buying in the nation, with commercial sex buying activity not only harming the victimized sex workers, but businesses as well. Prostitution is illegal, and this bill will act as a message to the sex buying community that the culpability in commercial sex buying is with the buyers.

(Opposed) Prostitution should be decriminalized. Increasing the penalty for sex buyers will not deter prostitution, but will drive prostitution further underground making it more dangerous. With how strapped the criminal justice budgets are, resources should be spent on things that are more important and should not go towards the increased rates of imprisonment for sex buyers. Additionally, the model to decrease demand of prostitution puts an economic strangle-hold on sex workers, which creates desperation in the sex worker community. Sex work will become riskier because sex buyers will be less willing to give the commercial sex worker personal information to research prior to meeting, as is often a safety procedure sex workers currently use. Additionally, people who are violent predators are not going to be deterred from engaging in prostitution with the increase in punishment to a gross misdemeanor.

Persons Testifying: (In support) Representative Pellicciotti, prime sponsor; Debra Boyer, Organization for Prostitution Survivors; Heidi Sargent, Seattle City Attorney's Office; Kyra Doubek, Kent Youth and Family Services; Jeri Moomaw, Innovations Human Trafficking Collaboration; Carolyn DeFord, Puyallup Tribe; and Rachel Padgett, Businesses Ending Slavery and Trafficking.

(Opposed) Elisabeth Smith, American Civil Liberties Union of Washington; and Savannah Sly, Sex Workers Outreach Project of Seattle.

Persons Signed In To Testify But Not Testifying: None.