

# HOUSE BILL REPORT

## HB 2361

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### As Reported by House Committee On: Public Safety

**Title:** An act relating to increasing access to emergency assistance for victims by providing immunity from prosecution for prostitution offenses in some circumstances.

**Brief Description:** Increasing access to emergency assistance for victims by providing immunity from prosecution for prostitution offenses in some circumstances.

**Sponsors:** Representatives Pellicciotti, Goodman, Stanford, Macri, Jinkins, Ormsby and Kraft.

#### **Brief History:**

##### **Committee Activity:**

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

#### **Brief Summary of Substitute Bill**

- Provides immunity from prosecution for Prostitution if the evidence for the charge was obtained as a result of a person seeking emergency assistance in certain circumstances.

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### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Appleton, Chapman, Griffey, Orwall and Pettigrew.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Hayes, Assistant Ranking Minority Member; Holy and Van Werven.

**Staff:** Omeara Harrington (786-7136).

#### **Background:**

Prostitution Offenses.

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*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.*

A person is guilty of the crime of Prostitution if he or she engages in, agrees to engage in, or offers to engage in sexual conduct with another person in return for a fee. "Sexual conduct" includes sexual intercourse and sexual contact. Prostitution is a misdemeanor offense.

Immunity from Prosecution for Persons Seeking Emergency Medical Assistance.

Under certain circumstances, persons who could otherwise be convicted of a crime are immunized from criminal charging and prosecution if evidence of the crime is obtained due to the person seeking emergency medical assistance.

A person under the age of 21 years who is acting in good faith in seeking medical assistance for someone experiencing alcohol poisoning cannot be charged with or prosecuted for a Minor in Possession of Alcohol offense, if the evidence for the charge was obtained as a result of the person seeking medical assistance. The same immunity extends to a person who seeks medical assistance for themselves. Likewise, a person acting in good faith in seeking medical assistance for a person experiencing a drug-related overdose, or for himself or herself, cannot be charged with Possession of a Controlled Substance if the evidence was obtained as a result of seeking medical aid.

The immunity from prosecution afforded in these provisions does not serve as grounds for suppression of evidence in other criminal charges.

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**Summary of Substitute Bill:**

A person acting in good faith who seeks emergency assistance on behalf of another person who has been a victim of any statutory violent offense, Assault in the third or fourth degree, or Rape in the third degree, or who seeks emergency assistance on his or her own behalf in such circumstances, may not be charged with or prosecuted for Prostitution if the evidence for the charge was obtained as a result of the person seeking emergency assistance. The protection from prosecution for Prostitution is not grounds for suppression of evidence in other criminal charges.

**Substitute Bill Compared to Original Bill:**

The misdemeanor and gross misdemeanor offenses in the bill include equivalent offenses under municipal ordinances.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** 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 is an effort to create asymmetrical enforcement of the prostitution laws in which the buyer would be facing a more severe penalty under the law. There is a deep mistrust of law enforcement among people working in the sex trade, especially among communities of color and immigrant communities, and a reluctance to seek emergency assistance in crisis for fear of being charged with Prostitution. This proposal only grants prosecutorial immunity from the crime of Prostitution, and not from other offenses like Patronizing a Prostitute or Promoting Prostitution. This is part of a larger effort to make sure that people are safe.

In order to be effective, the immunity in the bill should be expanded to cover other circumstances in which a person in the sex trade may call the police. Sex workers should be able to call 9-1-1 when they see a fire, experience an emergency, or are victimized by a crime not listed in the bill. People may only know that they need help, and not necessarily what offense they have been the victim of. Once community members see the limitations in the protection provided they will not call for assistance. The degree of assault is not the fault of the victim. The bill should also be expanded to grant immunity from involuntary searches and arrest. The bill does not cover third parties that may be helping a sex worker work more safely, for instance, by allowing use of a car or apartment. However, there are also concerns about broadening the immunity to other types of related crimes, because buyers and traffickers need to be held accountable.

This proposal sends the message that all people should be safe from violent crime, and that nobody is disposable. Gary Ridgeway chose prostitutes as victims because he felt like he could not be caught. There are high levels of violence and rape among sex workers. All victims of crime deserve safe and meaningful access to law enforcement and emergency assistance, and this is an important first step in repairing the relationship between law enforcement and people involved in the sex trade.

(Opposed) None.

**Persons Testifying:** Representative Pellicciotti, prime sponsor; Emi Koyama, Coalition for Rights and Safety for People in the Sex Trade; Priya Walia, Legal Voice; Fajer Saeed Ebrahim, Surge Reproductive Justice; Kyra Doubek, Kent Youth and Family Services; Jeri Moomaw, Innovations Human Trafficking Collaborative; and Savannah Sly, Sex Workers Outreach Project of Seattle.

**Persons Signed In To Testify But Not Testifying:** None.