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## Public Safety Committee

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### SB 5030

**Brief Description:** Concerning human trafficking, prostitution, and commercial sexual abuse of a minor.

**Sponsors:** Senators Darneille, Fain, Hasegawa, Miloscia, Carlyle, Frockt, Chase, Saldaña, Mullet, Pedersen, Conway, Keiser and Kuderer; by request of Attorney General.

#### Brief Summary of Bill

- Modifies the crimes of Commercial Sexual Abuse of a Minor, Promoting Commercial Sexual Abuse of a Minor, and Promoting Prostitution by specifying that the crimes can be committed when providing anything of value (rather than a fee or other property).
- Extends the statute of limitations for Commercial Sexual Abuse of a Minor and Promoting Commercial Sexual Abuse of a Minor to the victim's thirtieth birthday.
- Extends the statute of limitations for Trafficking to 10 years after the commission of the offense.

**Hearing Date:** 3/9/17

**Staff:** Kelly Leonard (786-7147).

#### Background:

Commercial Sexual Abuse of a Minor. A person is guilty of Commercial Sexual Abuse of a Minor if:

- he or she pays a fee to a minor or a third person as compensation for a minor having engaged in sexual conduct with him or her;
- he or she pays or agrees to pay a fee to a minor or a third person pursuant to an understanding that in return therefore such minor will engage in sexual conduct with him or her; or
- he or she solicits, offers, or requests to engage in sexual conduct with a minor in return for a fee.

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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.*

Promoting Commercial Sexual Abuse of a Minor. A person is guilty of Promoting Commercial Sexual Abuse of a Minor if he or she knowingly advances commercial sexual abuse or a sexually explicit act of a minor or profits from a minor engaged in sexual conduct or a sexually explicit act. Generally, the offense can be committed under certain circumstances involving giving, accepting, or receiving "money or other property" for commercial sexual abuse or a sexually explicit act of a minor.

Promoting Prostitution. A person is guilty of Promoting Prostitution in the first degree if he or she knowingly advances prostitution:

- by compelling a person by threat or force to engage in prostitution or profits from prostitution which results from such threat or force; or
- by compelling a person with a mental incapacity or developmental disability that renders the person incapable of consent to engage in prostitution or profits from prostitution that results from such compulsion.

A person "profits from prostitution" if, among other circumstances, he or she accepts or receives "money or other property" in the exchange.

Trafficking. A person is guilty of Trafficking in the second degree when he or she: (1) recruits, harbors, transports, transfers, provides, obtains, or receives by any means another person, knowing that force, fraud or coercion will be used to cause the person to engage in forced labor, involuntary servitude, a sexually explicit act or a commercial sex act, or that the person has not reached the age of 18 years and is caused to engage in a sexually explicit act or a commercial sex act; or (2) benefits financially or receives anything of value from participation in a venture that has engaged in the above acts. The offense is Trafficking in the first degree if the acts involve kidnapping, sexual motivation, or illegal harvesting of human organs or result in a death.

Statute of Limitations. A statute of limitations is a time limit for initiating prosecution after a offense is committed. Once a statute of limitations has expired, a prosecutor is barred from bringing charges against an alleged perpetrator. Statutes of limitations vary according to the crime. The statute of limitations is three years for Commercial Sexual Abuse of a Minor, Promoting Commercial Sexual Abuse of a Minor, and Trafficking.

### **Summary of Bill:**

Commercial Sexual Abuse of a Minor, Promoting Commercial Sexual Abuse of a Minor, and Promoting Prostitution are modified. References to paying "fees" and "money or other property" are changed to "anything of value" and "money or anything of value," respectively. Therefore, among the other circumstances delineated in statute, a person commits the offenses by providing, accepting, or receiving anything of value in exchange for the prohibited acts.

The statute of limitations for Commercial Sexual Abuse of a Minor and Promoting Commercial Sexual Abuse of a Minor is increased to the victim's thirtieth birthday. The statute of limitations for Trafficking in the first and second degrees is increased to 10 years after the offense is committed.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.