

SENATE BILL REPORT

SB 5184

As Reported by Senate Committee On:
Law & Justice, February 1, 2017

Title: An act relating to patronizing a prostitute.

Brief Description: Modifying patronizing a prostitute provisions.

Sponsors: Senators Padden, O'Ban, Fain, Pedersen, Darneille, Frockt, Keiser and Chase.

Brief History:

Committee Activity: Law & Justice: 1/17/17, 2/01/17 [DPS].

Brief Summary of Substitute Bill

- Expands the crime of patronizing a prostitute to be able to be committed in more than one location.
- Considers persons who send communication to commit the crime of patronizing a prostitute to have committed the crime in both the place where the communication is sent and received.
- Clarifies that a person may not be prosecuted twice for substantially the same crime.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5184 be substituted therefor, and the substitute bill do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel, Darneille, Frockt and Wilson.

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

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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 (First Substitute): The crime of patronizing a prostitute may be committed in more than one location. A person who sends a communication to commit the crime of patronizing a prostitute is considered to have committed the crime in both the place where the communication is sent and received. A person may not be prosecuted twice for substantially the same crime.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (First Substitute):

- Clarifies that a person may not be prosecuted twice for substantially the same crime.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: The bill is a technical fix. There is a burgeoning online industry of trafficked victims for prostitution. The bill addresses a jurisdictional issue of where a prosecution may be filed in criminal cases of patronizing a prostitute. Many of the communications to patronize a prostitute are made online or via phone messages. The law needs clarity that a prosecution may be filed in either the location where a communication is sent or where a communication is received. Other laws such as telephone harassment and theft of rental property allow that choice for prosecution.

CON: The bill should be changed to make sure that a prosecution can only be brought in one jurisdiction. If it may be brought in both jurisdictions, then the constitutional prohibition against double jeopardy would be violated.

Persons Testifying: PRO: Doug Levy, City of Kent, Everett, Puyallup, and Fife; Michele Walker, Prosecutor, City of Kent.

CON: Sheri Pewitt, WA Defenders Assoc., WA Assoc. of Criminal Defense Lawyers.

Persons Signed In To Testify But Not Testifying: No one.