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**SUBSTITUTE HOUSE BILL 1989**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** House Children, Youth & Families (originally sponsored by Representatives Orwall, Taylor, Berry, J. Johnson, Shewmake, Sutherland, and Pollet)

AN ACT Relating to commercially sexually exploited children and adults; amending RCW 7.68.380 and 43.185C.260; and adding a new section to chapter 7.68 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 7.68 RCW to read as follows:

(1) For the purposes of this section, the following definitions apply:

(a) "Commercial sexual exploitation of an adult" means another
person or circumstance such as systematic discrimination, poverty,
prior victimization or trauma, substance abuse, lack of housing,
education, health care or any other basic need or vulnerability that
compels the adult to enter or remain in the sex trade.

(b) "Department" means the department of commerce.

(c) "Healing and transition center" or "center" means a safe, trauma-informed location that provides healing services that meet the multidisciplinary needs of commercially sexually exploited adults ages 18 and older.

(d) "Healing services" means assistance or referrals for clients with basic, ongoing needs such as chemical dependency assessment and treatment, clothing, food, health care, housing, individual and group counseling, legal advocacy, mental health assessment and treatment, safety assessment and planning, translation services, and educational, training, and employment opportunities.

(2) Subject to the availability of amounts appropriated for this specific purpose, the department shall administer funding for healing and transition centers for commercially sexually exploited adults. At least one of the centers must be located east of the crest of the Cascade mountains, and at least one of the centers must be located west of the crest of the Cascade mountains. Law enforcement and service providers may refer adults to the healing and transition centers or adults may self-refer to the centers.

(3) The healing and transition centers receiving funding under this section must:

(a) Offer healing services designed to enhance safety to reduce and prevent further exploitation;

(b) Provide ongoing services for adults who are being served or were served by the center;

(c) Provide culturally competent services to the underserved populations in the region, which are most impacted by commercial sexual exploitation. Depending on the region, underserved populations may include people who are African American, Indigenous, LGBTQ2SIA+, or Latinx;

(d) Incorporate into the program leadership from communities with unique risk factors for violence and exploitation in the commercial sex trade, survivor leadership, survivor-informed services, and survivor mentorship;

(e) Meet core needs, provide long-term services, and offer skill training to increase the range of options available to participants, including an exit path from the commercial sex trade;

(f) Regularly participate in coordination meetings for healing and transition centers; and

(g) Provide training and information to law enforcement officers, service providers and other first responders, and communities with culturally specific risk factors for commercial sexual exploitation on how to engage and refer individuals to these services.

(4) The department shall:

(a) Prioritize funding for centers located in underserved areas of the state that have a need for healing services;

(b) Provide additional funding to one center for the purpose of convening statewide coordination meetings no less than quarterly for the centers and related service providers;

(c) Issue a request for proposals for healing and transition centers by September 1, 2022;

(d) Include diverse community representatives who have lived experience of exiting commercial sexual exploitation in the development of the request for proposals and prioritization of funding;

(e) Collect nonidentifiable demographic data, data on the entry path to commercial sexual exploitation, and data on the exit path of clients served by the centers, including whether clients are current or former foster youth; and

(f) Beginning December 1, 2023, submit an annual report to:

(i) The relevant committees of the legislature that includes a summary of the demographic data, data on the entry path to sexual commercial exploitation, data on the exit path of center clients, and any recommendations for modification or expansion of the centers; and

(ii) The department of children, youth, and families that includes data on current and former foster youth served by the centers. The department of children, youth, and families shall use the data for coordination with its liaisons for commercially sexually exploited children.

**Sec.**  RCW 7.68.380 and 2020 c 331 s 2 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department of children, youth, and families shall administer funding for ((~~two~~)) receiving center programs for commercially sexually exploited children. ((~~One~~)) At least one of these programs must be located west of the crest of the Cascade mountains, and at least one of these programs must be located east of the crest of the Cascade mountains. Law enforcement and service providers may refer children to these programs or children may self-refer into these programs.

(2) ((~~The receiving center programs established under this section shall:~~

~~(a) Begin providing services by January 1, 2021;~~

~~(b) Utilize existing facilities and not require the construction of new facilities; and~~

~~(c) Provide ongoing case management for all children who are being served or were served by the programs.~~

~~(3)~~)) The receiving centers established under this section shall:

(a) Include a short-term evaluation function that is accessible twenty-four hours per day seven days per week that has the capacity to evaluate the immediate needs of commercially sexually exploited children ages twelve through seventeen and either meet those immediate needs or refer those children to the appropriate services;

(b) Assess children for mental health and substance use disorder needs and provide appropriate referrals as needed; ((~~and~~))

(c) Provide individual and group counseling focused on developing and strengthening coping skills, and improving self-esteem and dignity;

(d) Provide shelter and services within the receiving center for up to 30 days; and

(e) Provide ongoing case management for all children who are being served or were served by the programs.

((~~(4)~~)) (3) The department of children, youth, and families shall:

(a) Collect nonidentifiable demographic data of the children served by the programs established under this section;

(b) Collect data regarding the locations that children exit to after being served by the programs; and

(c) Report the data described in this subsection along with recommendations for modification or expansion of these programs to the relevant committees of the legislature by December 1, 2022.

((~~(5)~~)) (4) For the purposes of this section, the following definitions apply:

(a) "Receiving center" means a trauma-informed, secure location that meets the multidisciplinary needs of commercially sexually exploited children ages twelve through seventeen located in a behavioral health agency licensed or certified under RCW 71.24.037 to provide inpatient or residential treatment services; and

(b) "Short-term evaluation function" means a short-term emergency shelter that is accessible twenty-four hours per day seven days per week that has the capacity to evaluate the immediate needs of commercially sexually exploited children under age eighteen and either meet those immediate needs or refer those children to the appropriate services.

((~~(6)(a)~~)) (5) The department of children, youth, and families, the department of health, and the division of behavioral health and recovery, shall meet to coordinate the implementation of receiving centers as provided for in this section, including developing eligibility criteria for serving commercially sexually exploited children that allows referral from service providers and prioritizes referral from law enforcement.

((~~(b) By December 1, 2020, and in compliance with RCW 43.01.036, the department of children, youth, and families shall submit a report to the governor and legislature summarizing the implementation plan and eligibility criteria as described in (a) of this subsection, and provide any additional policy recommendations regarding receiving centers as it deems necessary.~~))

**Sec.**  RCW 43.185C.260 and 2020 c 331 s 8 are each amended to read as follows:

(1) A law enforcement officer shall take a child into custody:

(a) If a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent; or

(b) If a law enforcement officer reasonably believes, considering the child's age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child's safety or that a child is violating a local curfew ordinance; or

(c) If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement.

(2) Law enforcement custody shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination. Law enforcement custody continues until the law enforcement officer transfers custody to a person, agency, or other authorized entity under this chapter, or releases the child because no placement is available. Transfer of custody is not complete unless the person, agency, or entity to whom the child is released agrees to accept custody.

(3) If a law enforcement officer takes a child into custody pursuant to either subsection (1)(a) or (b) of this section and transports the child to a crisis residential center, the officer shall, within twenty-four hours of delivering the child to the center, provide to the center a written report detailing the reasons the officer took the child into custody. The center shall provide the department of children, youth, and families with a copy of the officer's report if the youth is in the care of or receiving services from the department of children, youth, and families.

(4) If the law enforcement officer who initially takes the juvenile into custody or the staff of the crisis residential center have reasonable cause to believe that the child is absent from home because he or she is abused or neglected, a report shall be made immediately to the department of children, youth, and families.

(5) Nothing in this section affects the authority of any political subdivision to make regulations concerning the conduct of minors in public places by ordinance or other local law.

(6) If a law enforcement officer has a reasonable suspicion that a child is being unlawfully harbored in violation of RCW 13.32A.080, the officer shall remove the child from the custody of the person harboring the child and shall transport the child to one of the locations specified in RCW 43.185C.265.

(7) If a law enforcement officer takes a juvenile into custody pursuant to subsection (1)(b) of this section and reasonably believes that the juvenile may be the victim of sexual exploitation, the officer shall:

(a) Transport the child to:

(i) An evaluation and treatment facility as defined in RCW 71.34.020, including the receiving centers established in RCW 7.68.380, for purposes of evaluation for behavioral health treatment authorized under chapter 71.34 RCW, including adolescent-initiated treatment, family-initiated treatment, or involuntary treatment; ((~~or~~))

(ii) Another appropriate youth-serving entity or organization including, but not limited to:

(A) A HOPE Center as defined under RCW 43.185C.010;

(B) A foster family home as defined under RCW 74.15.020;

(C) A crisis residential center as defined under RCW 43.185C.010; or

(D) A community-based program that has expertise working with adolescents in crisis; or

(iii) A parent or legal guardian; or

(b) Coordinate transportation to one of the locations identified in (a) of this subsection, with a liaison dedicated to serving commercially sexually exploited children established under RCW 74.14B.070 or a community service provider.

(8) Law enforcement shall have the authority to take into protective custody a child who is or is attempting to engage in sexual conduct with another person for money or anything of value for purposes of investigating the individual or individuals who may be exploiting the child and deliver the child to an evaluation and treatment facility as defined in RCW 71.34.020, including the receiving centers established in RCW 7.68.380, for purposes of evaluation for behavioral health treatment authorized under chapter 71.34 RCW, including adolescent-initiated treatment, family-initiated treatment, or involuntary treatment.

(9) No child may be placed in a secure facility except as provided in this chapter.

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