
**Community Safety, Justice, & Reentry
Committee**

2SSB 6006

Brief Description: Supporting victims of human trafficking and sexual abuse.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Dhingra, Wagoner, Braun, Conway, Frame, Hasegawa, Keiser, Kuderer, Lias, McCune, Nguyen, Nobles, Salomon, Stanford, Torres, Valdez and Wilson, C.).

Brief Summary of Second Substitute Bill

- Expands reporting requirements for abuse or neglect of children and requires certain state agencies to use a validated assessment tool to screen for commercial sexual abuse of a minor.
- Allows individuals to seek sexual assault protection orders where commercial sexual exploitation is alleged.
- Removes the statutes of limitations for specified sex crimes involving minors and modifies certain civil statutes of limitations.
- Modifies evidentiary standards and court procedures involving minor victims of specified crimes.
- Permits minor victims of certain sex offenses access to benefits under the Crime Victims Compensation Act.

Hearing Date: 2/15/24

Staff: Michelle Rusk (786-7153).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Abuse of Children.

Under Washington's laws concerning abuse of children, certain individuals must report to law enforcement or the Department of Children, Youth, and Families (DCYF) if they have reasonable cause to believe a child has suffered abuse or neglect. Abuse or neglect includes sexual abuse, exploitation, female genital mutilation, or other injury to the child, or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child.

The DCYF must respond in specified ways to reports of child abuse or neglect, which includes parameters for responding to allegations involving a child who is an adjudicated dependent child. Dependent child means any child who: (1) has been abandoned; (2) has been abused or neglected by a person legally responsible for the child's care; (3) has no parent, guardian, or custodian capable of adequately caring for the child; or (4) is receiving extended foster care services.

Civil Protection Orders.

Courts may issue different types of civil protection orders to protect a person from the behavior of another. Separate types of protection orders exist for domestic violence, sexual assault, stalking, antiharassment, vulnerable adult abuse, and extreme risk.

For most types of protection orders, where it appears that the respondent has engaged in conduct against the petitioner that serves as a basis for a protection order, and the petitioner alleges that serious immediate harm or irreparable injury could result if an order is not issued immediately, the court may grant an ex parte temporary protection order, pending a full hearing. After a hearing, the court may issue a full protection order.

Statutes of Limitations.

A statute of limitations is a time limit for initiating prosecution after a crime is committed. Once a statute of limitations has expired, a prosecutor is barred from bringing charges against an alleged perpetrator.

Certain Sex Crimes Involving Minors.

The criminal offense of Trafficking may not be prosecuted more than 10 years after its commission. The following offenses may be prosecuted either up to 10 years after its commission, or, if a victim was under the age of 18, up to the victim's thirtieth birthday, whichever is later: (1) Commercial Sexual Abuse of a Minor; (2) Promoting Commercial Sexual Abuse of a Minor; and (3) Promoting Travel for Commercial Sexual Abuse of a Minor.

Criminal Profiteering Act.

The state Criminal Profiteering Act provides civil penalties and remedies for a variety of criminal activities. Criminal profiteering includes any act for financial gain, of any one of a number of crimes, including Trafficking, Commercial Sexual Abuse of a Minor, Promoting Commercial Sexual Abuse of a Minor, Promoting Travel for Commercial Sexual Abuse of a Minor, and Permitting Commercial Sexual Abuse of a Minor. Civil actions under the Criminal Profiteering Act based on violations of Trafficking crimes must be brought within specified time

periods.

Court Procedures Involving Children.

Statements Made by Children.

In a dependency proceeding, adult criminal proceeding, or juvenile offense adjudication, statements not otherwise admissible are admissible if made by a child under the age of 16 and describing any of the following acts performed with or on the child: (1) Trafficking; (2) Commercial Sexual Abuse of a Minor; (3) Promoting Commercial Sexual Abuse of a Minor; or (4) Promoting Travel for the Commercial Sexual Abuse of a Minor.

Closed-Circuit Television.

In a criminal proceeding, a court may order that a child under the age of 14 may testify in a room outside the presence of the defendant and the jury while one-way closed-circuit television equipment simultaneously projects the child's testimony so the defendant and the jury can watch and hear the child testify. The court must consider whether requiring a child witness to testify in the defendant's presence will cause serious emotional or mental distress that will prevent the child from reasonably communicating at the trial.

Crime Victims.

Privacy.

Certain information revealing specific details about an alleged or proven child victim of sexual assault under the age of 18, or the identity or contact information of such a child victim, is confidential and not subject to release to the press or public by an agency without the permission of the child victim and the child's legal guardian.

Crime Victims Compensation Program.

The Crime Victims Compensation Program (CVCP) within the Department of Labor and Industries assists victims with costs associated with violent crimes. To qualify for benefits, a victim must meet several criteria, including applying for benefits within specified time periods. A victim is not eligible for benefits if, for example, the injury was: (1) the result of consent, provocation, or incitement by the victim; (2) sustained while the victim was committing or attempting to commit a felony; or (3) sustained while the victim was incarcerated.

A person identified as the "minor" in the following offenses is considered a victim for purposes of receiving benefits from the CVCP, even if the person is also charged with prostitution: Commercial Sexual Abuse of a Minor, Promoting Commercial Sexual Abuse of a Minor, or Promoting Travel for Commercial Sexual Abuse of a Minor.

Summary of Bill:

Abuse of Children.

Abuse or Neglect Reporting and Assessment.

The definition of abuse or neglect under the state's abuse of children laws is modified to include Trafficking and sex trafficking or severe forms of trafficking under the Trafficking Victims

Protection Act, and diversion unit staff are added to the list of individuals required to report suspected child abuse or neglect.

The Department of Children, Youth, and Families (DCYF) must use a validated assessment tool to screen a child for commercial sexual abuse of a minor if a report of abuse and neglect alleges such abuse. Juvenile justice agencies must also use a validated assessment tool to screen a child for commercial sexual abuse whenever there is reasonable cause to believe a child under the agencies' jurisdiction has suffered commercial sexual abuse, and report such abuse and neglect to the appropriate authorities. Juvenile justice agencies are law enforcement, diversion units, juvenile courts, detention centers, and persons or public or private agencies having children committed to their custody.

DCYF Services and Dependent Children.

The DCYF must make recommendations to the Legislature about the types of services needed for children identified as victims of sex trafficking or other severe forms of trafficking in persons under the Trafficking Victims Protection Act. For identified children victims, the DCYF must assess and offer services to those who have been found "dependent children," and may assess and offer services to children who are not dependents. The definition of "dependent child" under the Juvenile Court Act is expanded to include any child who is a victim of sex trafficking or severe forms of trafficking in persons under the Trafficking Victims Protection Act when the parent is involved in, facilitates, or should have known the child is being trafficked.

Civil Protection Orders.

Sexual Assault Protection Order.

A civil sexual assault protection order may be sought where commercial sexual exploitation is alleged to have been committed against a petitioner by the respondent. Commercial sexual exploitation means commercial sexual abuse of a minor and sex trafficking. In proceedings where a petitioner alleges a respondent engaged in commercial sexual exploitation, the court may not require proof of physical injury on the petitioner's person or any other forensic remedy. Other provisions regarding evidence, renewal, modification, or termination of civil protection orders are extended to these orders.

Minors.

Either the DCYF or a law enforcement agency may file a petition for an ex parte temporary sexual assault protection order on behalf of a minor when it has reason to believe a minor lacks the ability or capacity to consent. Neither the DCYF, a law enforcement agency, or the state is liable for seeking or failing to seek relief on behalf of a minor, and a minor may not be held responsible for any violations of an ex parte temporary sexual assault protection order.

Statutes of Limitations.

The statute of limitations is removed for the following crimes: (1) Trafficking if a victim is under the age of 18; (2) Commercial Sexual Abuse of a Minor; (3) Promoting Commercial Sexual Abuse of a Minor; (4) Promoting Travel for Commercial Sexual Abuse of a Minor; and (5) Permitting Commercial Sexual Abuse of a Minor.

The civil statute of limitations to recover damages for injury to a person, the person's business, or the person's property, under the Criminal Profiteering Act, is modified for the following crimes: (1) Trafficking; (2) Commercial Sexual Abuse of a Minor; (3) Promoting Commercial Sexual Abuse of a Minor; (4) Promoting Travel for Commercial Sexual Abuse of a Minor; or (5) Permitting Commercial Sexual Abuse of a Minor.

Court Procedures Involving Children.

Statements Made by Minors.

A statement not otherwise admissible but made by a child under the age of 18 is admissible evidence in a dependency proceeding, adult criminal proceeding, or juvenile offense adjudication if the statement describes one of the following acts performed with or on the child: (1) Trafficking; (2) Commercial Sexual Abuse of a Minor; (3) Promoting Commercial Sexual Abuse of a Minor; or (4) Promoting Travel for Commercial Sexual Abuse of a Minor.

Closed-Circuit Television.

A court may order a person under the age of 18 to testify in a room outside the presence of the defendant and jury. The standards by which a court determines whether and how a qualifying child may participate in specified criminal proceedings are modified to include an evaluation of whether:

- the child involved would be traumatized;
- the source of the trauma is not the courtroom generally, but the presence of the defendant; and
- the emotional or mental distress suffered by the child would be more than de minimis.

Crime Victims.

Privacy.

Identifying or contact information for child victims of commercial sexual exploitation under the age of 18 is deemed confidential and exempt from disclosure under the Public Records Act, and may not be released to the press or public without permission from the child and the child's legal guardian. Such information may be released to law enforcement, prosecutors, judges, defense attorneys, or services providers to child victims of sexual assault, but must be deleted prior to the release of any criminal history record information.

Crime Victims Compensation Program.

A person identified as a minor victim of sex trafficking is considered a victim for purposes of receiving benefits under the Crime Victims Compensation Program (CVCP), even if the person is also charged with prostitution. The following individuals may apply for CVCP benefits at any time, and are not subject to enumerated benefits eligibility factors: (1) minor victims of sex trafficking; and (2) the "minor" in the following charges: Commercial Sexual Abuse of a Minor, Promoting Commercial Sexual Abuse of a Minor, or Promoting Travel for Commercial Sexual Abuse of a Minor.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on July 1, 2025.