

FINAL BILL REPORT

2SSB 6006

C 298 L 24

Synopsis as Enacted

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.).

Senate Committee on Law & Justice

Senate Committee on Ways & Means

House Committee on Community Safety, Justice, & Reentry

House Committee on Appropriations

Background: Trafficking. A person commits trafficking in the second degree when the person:

- recruits, harbors, transports, transfers, provides, obtains, or receives by any means another person, knowing or with reckless disregard 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 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
- 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 foregoing acts involve kidnapping, sexual motivation, illegal harvesting or sale of human organs, or results in a death.

If the victim of any trafficking offense is a minor, it is not necessary to demonstrate force, fraud, or coercion, and consent to any sexual act is not a defense. Trafficking in the first or second degree is a class A felony.

Any person who is convicted, given a deferred sentence or prosecution, or has entered into a diversion agreement as a result of violating a trafficking crime must be assessed a \$10,000 fine. Fees collected must be remitted to the treasurer of the city, town, or county where the

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offense occurred for deposit in that municipality's general fund. Revenue from fees must be used for local efforts to reduce commercial sale of sex, including that at least 50 percent must be spent on prevention, including education programs for offenders, and rehabilitation services.

Commercially Sexually Exploited Children Statewide Coordinating Committee. The Commercially Sexually Exploited Children Statewide Coordinating Committee (Committee) was established in 2013, to address the issue of children who are commercially sexually exploited, to examine the practices of local and regional entities involved in addressing sexually exploited children, and to make recommendations on statewide laws and practices. The Committee expired on June 30, 2023. Prior to expiration, the Committee met annually, convened by the Office of the Attorney General and reported its findings and recommendations annually to the Legislature.

Abuse of Children. Certain individuals have a requirement to report child abuse or neglect if there is reasonable cause to believe a child has suffered abuse or neglect. These individuals must report such abuse or neglect to a law enforcement agency or to the Department of Children, Youth, and Families (DCYF).

Abuse or neglect means 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.

Civil Protection Orders. There are different types of civil protection orders that a court may issue 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.

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. A victim is not eligible for benefits if:

- the injury was the result of consent, provocation, or incitement by the victim;
- the injury was sustained while the victim was committing or attempting to commit a felony;
- the injury was sustained while the victim was incarcerated;
- the person making the claim refused to give reasonable cooperation to state or local law enforcement agencies to apprehend and convict the perpetrator of the crime giving rise to the claim;
- a victim has been convicted of a felony offense that is a violent offense or crime against a person within five years preceding the criminal act giving rise to the claim, or if a person is convicted of such a felony offense after the criminal act; or
- a victim has not completely satisfied all legal financial obligations owed.

Statute of Limitations. A criminal 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.

Criminal Profiteering Act. The state Criminal Profiteering Act provides civil penalties and remedies for a variety of criminal activities. Criminal profiteering is defined to include 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.

Hearsay. A hearsay statement made by a child under the age of 16 is admissible evidence in a dependency proceeding, adult criminal proceeding, or juvenile offense adjudication if the statement describes one of the following crimes performed with or on the child:

- trafficking;
- commercial sexual abuse of a minor;
- promoting commercial sexual abuse of a minor; or
- promoting travel for the commercial sexual abuse of a minor.

Closed-Circuit Television. In a criminal proceeding, the court may order a child under the age of 14 to 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 in cases involving certain crimes against children, including trafficking and sexual exploitation of children crimes.

Disclosures. 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 victims and the child's legal guardian.

Summary: Trafficking. The crimes of trafficking in the first and second degree are modified and new definitions are established for coercion, kidnapping, maintain, and sexual motivation.

Distribution and use of fees assessed for violating trafficking crimes are modified.

Audit Requirement. The state auditor must conduct a performance audit of the collection and use of mandatory fees assessed for trafficking violations. The audit must determine whether jurisdictions are:

- assessing fees consistent with statutory requirements;
- using fee revenue to fund local efforts to reduce the commercial sale of sex; and
- using at least 50 percent of fee revenue on prevention and rehabilitative services.

If fees are not being assessed and used as required, the auditor must make recommendations

for corrective action. The state auditor may conduct an audit at a sample of jurisdictions as needed, and must complete these audits and publish a report with its findings no later than December 31, 2025.

Commercially Sexually Exploited Children Statewide Coordinating Committee.

The Commercially Sexually Exploited Children Statewide Coordinating Committee is reestablished, and its purpose, committee membership, and duties are modified.

Victim Identification, Reporting, and Screening. The definition of dependent child is modified to include any child who is a victim of either sex trafficking or severe forms of trafficking in persons as described under the federal Trafficking Victims Protection Act, when the parent is involved in the trafficking, facilitating the trafficking, or should have known that the child is being trafficked.

The definition of abuse or neglect of a child that must be reported by mandatory reporters is modified to include trafficking, and sex trafficking or severe forms of trafficking in persons as described under the federal Trafficking Victims Protection Act.

Diversion unit staff are included in the list of mandatory reporters required to report abuse or neglect of a child.

DCYF must use a validated assessment tool to screen children for commercial sexual abuse of a minor if a report of abuse and neglect alleges commercial sexual abuse of a minor.

Juvenile justice agencies must use a validated assessment tool to screen children for commercial sexual abuse of a minor whenever there is reasonable cause to believe a child under the juvenile justice agencies' jurisdiction has suffered commercial sexual abuse of a minor. Such agencies must report such abuse and neglect.

DCYF must assess and offer services to children who have been identified by a state or local agency as being a victim of either sex trafficking or severe forms of trafficking in persons as described under the federal Trafficking Victims Protection Act. DCYF may assess and offer services to children who have not been found dependent. DCYF must make recommendations to the Legislature about the types of services that need to be offered to children who have been identified by a state or local agency as being a victim of either sex trafficking or severe forms of trafficking in persons as described under the federal Trafficking Victims Protection Act.

Civil Protection Orders. A petitioner may petition for a sexual assault civil protection order if commercial sexual exploitation is alleged to have been committed against the petitioner by the respondent. Commercial sexual exploitation includes commercial sexual abuse of a minor and sex trafficking.

DCYF files petitions for sexual assault civil protection orders on behalf of a minor when the

agency believes a minor lacks the ability or capacity to consent.

Law enforcement agencies may file petitions for an ex parte temporary sexual assault civil protection order on behalf of a minor when the agency believes a minor lacks the ability or capacity to consent.

When a petitioner alleges a respondent engaged in commercial sexual exploitation, denial of a civil protection order may not be based, in whole or in part, on evidence the petitioner consented to sexual conduct or sexual penetration.

Crime Victims' Compensation Program. Minor victims of sex trafficking and commercial sexual abuse of minor offense are exempt from certain crime victims compensation ineligibility factors. Such minor victims may file a claim for crime victim benefits at any time.

Statute of Limitations. The statute of limitations for the following crimes are removed:

- trafficking if a victim was under the age of 18;
- 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.

Criminal Profiteering Act. The civil statute of limitations to recover damages for injury to a person, the person's business, or the person's property by an act of criminal profiteering is modified for the following crimes:

- trafficking;
- commercial sexual abuse of a minor;
- promoting commercial sexual abuse of a minor;
- promoting travel for commercial sexual abuse of a minor; or
- permitting commercial sexual abuse of a minor.

Hearsay. The hearsay exception is expanded in any case involving a child under the age of 18 describing any acts or attempted acts of trafficking, commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, and promoting travel for commercial sexual abuse of a minor performed with or on the child.

Closed-Circuit Television. A prosecuting attorney may make a motion to allow a child under the age of 18 to testify in a room outside the presence of the defendant, the jury, or both using one-way closed-circuit television equipment if the child would be traumatized by the presence of the defendant or the jury; the source of the trauma is not the courtroom generally, but the presence of either the defendant or the jury; and the emotional or mental distress suffered by the child would be more than de minimis.

Disclosures. A child victim of commercial sexual exploitation's identifying information and

contact information are confidential and not subject to release to the press or public by an agency without the permission of the child victims and the child's legal guardian. Such information is further exempt from public inspection and copying.

Votes on Final Passage:

Senate 48 0

House 92 0 (House amended)

Senate 49 0 (Senate concurred)

Effective: July 1, 2025