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## Community Safety Committee

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### HB 1265

**Brief Description:** Concerning commercial sexual exploitation.

**Sponsors:** Representatives Stearns, Taylor, Salahuddin, Richards, Davis, Obras, Ormsby, Parshley and Hill.

#### Brief Summary of Bill

- Renames the offense of Patronizing a Prostitute to Commercial Sexual Exploitation and provides additional means of committing the offense.
- Elevates the classification of Commercial Sexual Exploitation from a misdemeanor to a Class C felony and increases fees assessed for the offense.

**Hearing Date:** 2/4/25

**Staff:** Lena Langer (786-7192).

#### Background:

Crimes are classified as misdemeanors, gross misdemeanors, or class A, B, or C felonies. While there are exceptions, the classification of a crime generally determines the maximum term of confinement and fine for an offense. For each classification, the maximum terms of confinement and maximum fines are as follows:

Classification	Maximum Confinement	Maximum Fine
Misdemeanor	90 Days	\$1,000

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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 part of the legislation nor does it constitute a statement of legislative intent.*

Gross Misdemeanor	364 Days	\$5,000
Class C Felony	5 Years	\$10,000
Class B Felony	10 Years	\$20,000
Class A Felony	Life	\$50,000

Patronizing a Prostitute.

A person is guilty of the crime of Patronizing a Prostitute if the person:

- pays a fee, pursuant to a prior understanding, as compensation for another person having engaged in sexual conduct with him or her;
- pays or agrees to pay a fee to another person with the understanding that the person will engage in sexual conduct with him or her in return; or
- solicits or requests another person to engage in sexual conduct with him or her in exchange for a fee.

Patronizing a Prostitute is a misdemeanor offense.

Additional Fees Assessed for Patronizing a Prostitute.

A person who is convicted, given a deferred sentence or a deferred prosecution, or has entered into a diversion agreement as a result of an arrest for violating the offense of Patronizing a Prostitute or a comparable county or city ordinance must be assessed a fee, in addition to other criminal penalties. The fee is \$1,500 for a first offense, \$2,500 for a second offense, and \$5,000 for a third or subsequent offense.

The court may not reduce, waive, or suspend payment of the fee unless it finds that the person does not have the ability to pay, in which case it may reduce the fee by up to two-thirds of the maximum allowable fee.

The assessed fees are sent to the city or county where the offense occurred to be used for local efforts to reduce the commercial sale of sex, including increased enforcement of commercial sex laws. At least 50 percent of the funds must be spent on prevention, including education programs for persons who commit the offense, and rehabilitative services for victims, such as mental health and substance abuse counseling, parenting skills, vocational training, and housing relief.

**Summary of Bill:**

The offense of Patronizing a Prostitute is renamed to Commercial Sexual Exploitation.

The means of committing the offense are expanded. A person is guilty of Commercial Sexual

Exploitation if, instead of paying a fee, the person:

- provides anything of value, pursuant to a prior understanding, as compensation for another person having engaged in sexual conduct with him or her;
- provides anything of value to another person with the understanding that the person will engage in sexual conduct with him or her in return; or
- solicits or requests another person to engage in sexual conduct with him or her in exchange for providing anything of value.

The classification for the crime of Commercial Sexual Exploitation is elevated from a misdemeanor to a class C felony. Additional fees assessed for Commercial Sexual Exploitation are increased to:

- \$3,000 for a first offense;
- \$5,000 for a second offense; and
- \$10,000 for a third or subsequent offense.

**Appropriation:** None.

**Fiscal Note:** Requested on January 28, 2025.

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