
HOUSE BILL 2323

State of Washington

62nd Legislature

2012 Regular Session

By Representatives Orwall, Asay, Carlyle, Walsh, Pettigrew, Dickerson, Kagi, Goodman, Green, Ladenburg, Dammeier, Hurst, Upthegrove, Maxwell, Parker, Sells, Probst, Darneille, Miloscia, Anderson, Ryu, Kelley, Stanford, Moscoso, Finn, Hudgins, Ormsby, Roberts, and Santos

Read first time 01/11/12. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to the protection of young adults involved in the
2 commercial sale of sex; amending RCW 9A.88.120; adding a new section to
3 chapter 9.94A RCW; creating a new section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that prostitutes
6 eighteen to twenty-one years of age are often survivors of childhood
7 sexual exploitation and that their involvement in sex work is often a
8 by-product of that past. Consequently, it is a logical continuation of
9 the legislature's efforts to protect victims of sexual exploitation to
10 impose increased fees on those who patronize adult prostitutes to
11 facilitate the provision of transitional and supportive services for
12 youth and young adults seeking to evade prostitution, as well as the
13 enhanced prosecution of patronizing a prostitute.

14 **Sec. 2.** RCW 9A.88.120 and 2007 c 368 s 12 are each amended to read
15 as follows:

16 (1)(a) In addition to penalties set forth in RCW 9A.88.010,
17 9A.88.030, and 9A.88.090, a person who is either convicted or given a
18 deferred sentence or a deferred prosecution or who has entered into a

1 statutory or nonstatutory diversion agreement as a result of an arrest
2 for violating RCW 9A.88.010, 9A.88.030, 9A.88.090, or comparable county
3 or municipal ordinances shall be assessed a fifty dollar fee.

4 (b) In addition to penalties set forth in RCW 9A.88.110, a person
5 who is either convicted or given a deferred sentence or a deferred
6 prosecution or who has entered into a statutory or nonstatutory
7 diversion agreement as a result of an arrest for violating RCW
8 9A.88.110 or a comparable county or municipal ordinance shall be
9 assessed a one hundred fifty dollar fee.

10 (c) In addition to penalties set forth in RCW 9A.88.070 and
11 9A.88.080, a person who is either convicted or given a deferred
12 sentence or a deferred prosecution or who has entered into a statutory
13 or nonstatutory diversion agreement as a result of an arrest for
14 violating RCW 9A.88.070, 9A.88.080, or comparable county or municipal
15 ordinances shall be assessed a three hundred dollar fee.

16 (2) The court may not suspend payment of all or part of the fee
17 unless it finds that the person does not have the ability to pay.

18 (3) When a minor has been adjudicated a juvenile offender or has
19 entered into a statutory or nonstatutory diversion agreement for an
20 offense which, if committed by an adult, would constitute a violation
21 under this chapter or comparable county or municipal ordinances, the
22 court shall assess the fee as specified under subsection (1) of this
23 section. The court may not suspend payment of all or part of the fee
24 unless it finds that the minor does not have the ability to pay the
25 fee.

26 (4) Any fee assessed under subsection (1), (2), or (3) of this
27 section shall be collected by the clerk of the court and distributed
28 each month to the state treasurer for deposit in the prostitution
29 prevention and intervention account under RCW 43.63A.740 for the
30 purpose of funding prostitution prevention and intervention activities.

31 (5) In addition to penalties set forth in RCW 9A.88.110 and fees
32 set forth in subsection (1)(b) of this section, a person who is either
33 convicted or given a deferred sentence or a deferred prosecution or who
34 has entered into a statutory or nonstatutory diversion agreement as a
35 result of an arrest for violating RCW 9A.88.110 or a comparable county
36 or municipal ordinance shall be assessed an additional fee.

37 (a) If the offense involved an individual, other than the offender,

1 under the age of twenty-one, the additional fee assessed is two
2 thousand dollars.

3 (b) If the offense involved an individual, other than the offender,
4 aged twenty-one years or over, the additional fee assessed is one
5 thousand dollars.

6 (c) Any fee assessed under this subsection shall be collected by
7 the clerk of court and distributed each month according to the
8 following terms:

9 (i) Fifty percent of the fee shall be directed to local law
10 enforcement, in the municipality or county in which the sentencing
11 court resides, for the purpose of increasing prosecution of patronizing
12 a prostitute and on the provision of diversionary programs directed
13 towards persons arrested for violating RCW 9A.88.110.

14 (ii) Fifty percent of the fee shall be distributed each month to
15 the state treasurer for deposit in the prostitution prevention and
16 intervention account under RCW 43.63A.740 for the purpose of funding
17 prostitution prevention and intervention activities.

18 (6) For the purposes of this section:

19 (a) "Statutory or nonstatutory diversion agreement" means an
20 agreement under RCW 13.40.080 or any written agreement between a person
21 accused of an offense listed in subsection (1) of this section and a
22 court, county, or city prosecutor, or designee thereof, whereby the
23 person agrees to fulfill certain conditions in lieu of prosecution.

24 (b) "Deferred sentence" means a sentence that will not be carried
25 out if the defendant meets certain requirements, such as complying with
26 the conditions of probation.

27 NEW SECTION. Sec. 3. A new section is added to chapter 9.94A RCW
28 to read as follows:

29 (1) In a prosecution of RCW 9A.88.110, the prosecution may file a
30 special allegation that the offense of patronizing a prostitute
31 involved an individual, other than the offender, under the age of
32 twenty-one.

33 (2) The state has the burden of proving the special allegation made
34 under this section beyond a reasonable doubt. If a jury is had, the
35 jury shall, if it finds the defendant guilty, also find a special
36 verdict as to whether the offense of patronizing a prostitute involved
37 an individual, other than the offender, under the age of twenty-one.

1 If no jury is had, the court shall make a finding of fact as to whether
2 the offense of patronizing a prostitute involved an individual, other
3 than the offender, under the age of twenty-one.

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