



WCSAP

Washington Coalition of
Sexual Assault Programs

63rd Legislative Session in Review

Sexual Assault Legislation in the Washington State Legislature

Washington Coalition of Sexual Assault Programs
4317 6th Avenue, SE, Suite 102
Olympia, WA 98503
Phone: 360/754-7583 Fax: 360/786-8707
contact: policy@wcsap.org
<http://www.wcsap.org>

End Sexual Violence in our Communities

2012 Session in Brief

The 60-day session of the 63rd Legislature of the State of Washington began on January 9, 2012 and ended on March 8, 2012. A special session was called and ran from March 12 to April 10, 2012. To finalize the budget a second special session occurred and lasted for one day—April 11, 2012.

During this session a sizable amount of policy was introduced, but the primary issue before the legislature was balancing the state budget. Over the last three years a total of 10.5 billion dollars in cuts were made in efforts to establish balanced budgets. At the beginning of December 2011, an estimated 2 billion dollars in cuts were needed to balance the budget. After a special session held in December, legislators were able to reduce that total by 500 million. Session began with an estimated 1.5 billion dollar deficit to resolve. Come February the state revenue forecast had improved and caseloads were down which brought the deficit to just under a billion dollars. Closing the nearly one billion dollar deficit would prove challenging and lawmakers were placed in the position of having to find additional savings without tax increases (voters rejected referenda on taxes in 2010) from a budget that has already been significantly reduced in the last few years.

These challenging financial times have forced lawmakers to make tough decisions and cut programs, jobs, and other important funding from the budget.

Even in the midst of this dire economic climate, our work to protect sexual assault funding and other victim service funding was successful. We proudly report that primary funding to sexual assault centers, children's advocacy centers, domestic violence agencies, crime victim services, and crime victim compensation were maintained. We are proud to have been part of a victim-service-led response to communicate that victim services could not be reduced further; the ramifications for survivors would be devastating. With your help, we kept up continual advocacy and lobbying to ensure crime victim funding was protected.

Early in the legislative session, the Governor's budget proposed a 20% reduction to SA funding; the House proposed a 5% reduction, and the Senate had no reduction. As part of the concerned victim service community we worked not only to protect monies, but to propose a revenue option for consideration (SB 6389: Creating a Crime Victim Service Account). SB 6389 did not pass this year, but we are interested in continuing to work on the bill to help secure additional needed funding for victim services in Washington State.

WCSAP tracked approximately 80 pieces of legislation regarding victims of sexual violence, community services, and public safety. WCSAP's Executive Director and Lobbyist were present at legislative hearings during the 2012 session and provided testimony regarding operating appropriations, creating a victim service account, crime victim compensation, sexual offender management, statute of limitations for child sex abuse, addressing the rights of crime victims, human trafficking violations, DNA collection, offender sentencing, and victim privacy.

Our legislative agenda focused on issues including maintaining funding for sexual assault services, revision of the sexual assault administration statute, sex offender management, human trafficking, crime victim compensation, victim privacy, DNA collection, victims of crime, and victim service program transfers.

Our number one priority this session was to maintain sexual assault funding. As mentioned, we have had remarkable success protecting this funding. We celebrate the many legislative successes and are extremely grateful to our members for their advocacy. Your visits with legislators and your calls and emails helped make a difference—voices were strong and they were heard!

Given the budget and the climate on the Hill, there were numerous bills WCSAP supported that didn't pass. We will continue to work on those issues as relevant in the upcoming year.

This report includes information regarding legislation affecting our agenda that went before the legislature this year. Bills are effective June 7, 2012 unless otherwise noted. Please feel free to contact WCSAP about any of these issues as we are happy to provide additional information to you. Again, we are deeply grateful for your support and we look forward to 2013!

Legislation Supported by WCSAP in 2012

<p>Funding for Sexual Assault Services</p>	<p>Lead efforts to maintain current funding for sexual assault services and support sound legislation that generates additional funding for victim services.</p> <p><u>ESHB 2127</u>: 2011/2013 Supplemental Operating Budget</p> <p>Sexual assault funding was successfully maintained.</p> <p><u>SB 6389</u>: <i>Creating a Crime Victim Service Account</i> This bill would have added a \$10.00 fee to traffic infraction tickets to benefit a crime victim fund for general crimes, sexual assault, and crime victim witness programs. This bill did not pass.</p>
<p>Statute of Limitations for Child Sex Abuse</p>	<p>Support the elimination of the statute of limitations for child sexual abuse in civil cases, and support the extension of limitations in criminal cases.</p> <p>No bills were introduced that WCSAP fully supported.</p> <p><u>HB 1657</u>: <i>Removing the statute of limitations for certain sex offenses</i></p> <p>HB 1657 was introduced to make modification to the existing state criminal statute of limitations. The legislature recognizing the need for substantial research and review of the matter directed the Sex Offender Policy Board (SOPB) to conduct a comprehensive review of civil and criminal statute of limitations. The SOPB is charged with preparing a findings report to the legislature within the interim session. WCSAP is a member of the SOPB and is actively involved in the review process. The bill did not pass.</p> <p>WCSAP agreed with the legislature that an ample review was necessary and expressed additional concerns and considerations in testimony. WCSAP supported the legislature’s recommendation for a comprehensive review by the SOPB rather than further bill action.</p>
<p>Mandatory Reporting</p>	<p>Support legislation which further clarifies educational institution reporting requirements and other provisions that strengthen reporting.</p> <p>A few bills (<u>SB 5971</u>, <u>HB 2331</u>, <u>SB 5991</u>) were introduced to further expand/clarify who is a required mandated reporter. SB 5991 was the only bill to pass.</p> <p><u>SB 5991</u>: <i>Extending mandatory child abuse reporting requirements to specified employees of institutions of higher education</i></p> <p>Requires certain employees of institutions of higher education who, through observations made or information received during the course of</p>

	<p>their employment, have reasonable cause to believe a child has suffered abuse or neglect, to report the abuse or neglect immediately. It also requires institutions of higher education to ensure that the employees have knowledge of their reporting responsibilities.</p>
<p>Victim Service Program Transfers</p>	<p>Lead efforts to support statewide stakeholder input processes. Support a sustainable plan that upholds sexual assault priorities, goals, and offers quality administration of sexual assault monies and contractors.</p> <p>No bills passed concerning victim service transfers. WCSAP was actively involved in conversations regarding program transfers and expressed opposition to HB 2573 (transferring programs to the Attorney General’s office), which failed.</p>
<p>State Sexual Assault Plan</p>	<p>Support technical updates to the sexual assault plan.</p> <p>SB 6100: <i>Updating the administration of the sexual assault grant programs</i></p> <p>This technical cleanup bill simply updated current language and grant administration practice information.</p>

<p>Sex Offender Management</p>	<p>Support proposals which address the sentencing, release, housing and overall management of adult and juvenile sex offenders in order to improve the safety of victims and communities.</p> <p>Several bills were introduced including SB 6407, HB 1977 and HB 1983.</p> <p>HB 1983: <i>Increasing fees for prostitution crimes</i></p> <p>This bill requires sex offender registration for second and subsequent convictions of promoting prostitution in the first or second degree.</p>
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Tier 2

<p>Human Trafficking</p>	<p>Support efforts to improve access to services for survivors of human trafficking.</p> <p>There were 18 human trafficking bills introduced this session, 12 of which passed. Those which passed include:</p> <p><u>HB 1983</u>: <i>An act relating to increasing fee assessments for prostitution and trafficking crimes and requiring sex offender registration for second and subsequent convictions of promoting prostitution in the first or second degree</i></p> <p>The bill increases the additional fees imposed for Promoting Prostitution in the first or second degrees from \$300 to \$3,000 for a first offense, \$6,000 for a second offense, and \$10,000 for a third or subsequent offense. It directs the revenue to the arresting city or county for increased enforcement of sex crimes and preventative measures, including educational programs for offenders and rehabilitative programs for individuals involved in the sex trade.</p> <p><u>HB 2535</u>: <i>Creating a juvenile gang court</i></p> <p>The bill authorizes counties to create gang courts and outlines court requirements. Persons who have a current sex offenses charge are have been previously charged with a sex offense are ineligible for participation in the gang court process.</p> <p><u>HB 2692</u>: <i>Concerning the reduction of the commercial sale of sex</i></p> <p>The additional fine imposed in connection with a prosecution for Patronizing a Prostitute is \$1,500 for a first offense, \$2,500 for a second offense, and \$5,000 for a third or subsequent offense. These fines may not be reduced, suspended, or waived unless the court finds, on the record, that the offender is unable to pay, in which case, the fees may be reduced by up to two-thirds.</p> <p>The revenue raised from this fine is collected by the clerk of the court and remitted to the county where the offense occurred for the county general fund, except if the offense occurred within a city or town which provides for its own law enforcement, in which case the funds will be deposited in the city or town general fund. The funds must be used for local efforts to reduce the commercial sale of sex including prevention and increased enforcement of commercial sex laws. Specifically, at least half of the funds must be spent on prevention, including education programs for offenders, such as “john schools,” and rehabilitative services to help individuals transition out of the commercial sex industry such as: mental health and substance abuse counseling, parenting skills training, housing relief, education, vocational training, drop-in centers, and employment counsel. The revenue from these fees is exempt from distribution statutes that require a certain percentage of funds collected by courts to be remitted to the state.</p> <p>First-time offenders are required to fulfill the terms of a program, such as a “john school,” designed to educate offenders about the negative costs of prostitution. The specific program will be designated by the sentencing court.</p>
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SB 6103: Concerning the practice of reflexology and massage therapy

Provides for licensure to differentiate between the professions of reflexology and massage therapy. The bill creates certification requirements and advertising requirements for reflexology. It also authorizes the Department of Health to inspect massage and reflexology businesses during operating hours to ensure compliance with the law. Effective dates: June 7, 2012 and July 1, 2013 (Sections 1-19)

SB 6251: Regulating advertising of commercial sexual abuse of a minor

This bill criminalizing business such as backpage.com who purposefully benefit from advertising trafficked youth. It requires documentation of those pictured and establishes defense requirements. Advertising commercial sexual abuse of a minor is a class C felony, punishable by up to one year of confinement and/or a fine of up to \$10,000.

SB 6252: Addressing commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, and promoting prostitution in the first degree

Commercial sexual abuse of a minor and promoting commercial sexual abuse of a minor are added to the list of criminal offenses that may constitute a pattern of criminal profiteering activity. A single act of commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, or promoting prostitution may trigger the criminal profiteering act remedies, i.e, allows for the victim to seek civil remedy without requiring a criminal conviction.

SB 6253: Concerning seizure and forfeiture of property in commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, and promoting prostitution in the first degree crimes

This bill allows civil forfeiture to be sought against proceeds or properties and instrumentalities used to facilitate the crimes of commercial sexual abuse of a minor, promoting sexual abuse of a minor, or promoting prostitution in the first degree. A conviction is required.

The property may be seized pursuant to an arrest, or upon probable cause. The hearing regarding the forfeiture is before the chief law enforcement officer of the seizing agency, but may be removed to a court upon motion by any person asserting a claim or right to the property. The burden of proof is on the agency to establish, by a preponderance of the evidence, that the property is subject to forfeiture. When property is forfeited, it must be sold and the proceeds deposited in the prostitution prevention and intervention account.

SB 6254: Changing promoting prostitution provisions

This bill addresses compelling a person with a mental or developmental disability (disability must be one that renders the person incapable of consent) to engage in prostitution or promotion by finding it a first degree offense. It removes the requirement to demonstrate compelled force or threat for prosecuting promotion in the first degree.

SB 6255: Concerning victims of human trafficking and promoting prostitution

This bill allows for victims to file to vacation of prostitution charges when it can be demonstrated that it was a result of trafficking. Every person convicted of prostitution, who committed the offense as a result of being a victim of trafficking, promoting prostitution in the first degree, or trafficking in persons under the Trafficking Victims Protection Act may apply to the sentencing court for vacation of the applicant's record of conviction for the prostitution offense. An applicant may not have the record of conviction for prostitution vacated if any one of the following is present:.

- there are any criminal charges against the applicant pending in any court of this state, another state, or in any federal court;
- the offender has been convicted of another crime in this state, another state, or federal court since the date of conviction; or
- the applicant has ever had the record of another prostitution conviction vacated.

SB 6256: Adding commercial sexual abuse of a minor to the list of criminal street gang-related offenses

Promoting commercial sexual abuse of a minor is added to the list of gang-related offenses that are committed to provide the gang with any advantage in or control or dominance over a market sector.

SB 6257: Addressing a sexually explicit act. Sexually explicit acts are added to the crimes of trafficking and commercial sexual abuse of a minor

A sexually explicit act, with regard to promoting the sexual abuse of a minor, is a public, private, or live; photographed, recorded, or videotaped act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons and for which something of value is given or received. A sexually explicit act, with regard to trafficking, is a public, private, or live; photographed, recorded, or videotaped act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons.

SB 6258: Concerning unaccompanied persons

A person commits the crime of luring if the person orders, lures, or attempts to lure a minor or a person with a developmental disability into any area or structure that is obscured from or inaccessible to the public, or away from any area or structure constituting a bus terminal, airport terminal, or other transportation terminal, or into a motor vehicle; does not have the consent of the minor's parent or guardian or of the guardian of the person with a developmental disability; or is unknown to the child or developmentally disabled person.

<p>Crime Victims Compensation</p>	<p>Support efforts to maintain Crime Victim Compensation benefits for sexual assault victims.</p> <p>No changes were made to CVC benefits.</p> <p>HB 2807 was introduced, but failed. The bill sought to change the timeline required for victims to report crimes to law enforcement. It sought to change the requirement from one year to 90 days. WCSAP strongly opposed this bill. The bill did not pass.</p>
<p>Victim Privacy</p>	<p>Support proposals that clarify and remove court authority in ordering victim and witnesses in a criminal case to be deposed and/or to have their interview with defense counsel recorded.</p> <p>No bills were introduced regarding depositions. However, there were a handful of other bills (SB 6075, HB 2316, SB 5019) that impacted victim privacy—none passed.</p>



<p>DNA Conviction Collection</p>	<p>Support DNA collection from individuals whose original charges prior to plea bargain met criteria for collection.</p> <p>No bills passed increasing DNA collection efforts (SB 6478 and HB 2588 were introduced).</p>
<p>Victims of Crime</p>	<p>Support proposals to improve services to victims of other crimes (i.e., homicide, assault, etc).</p> <p>No bills WCSAP supported passed under this category.</p>

A selection of legislation signed into law by the Governor that was also supported by WCSAP:

[HB 2177](#): *Protecting children from sexual exploitation*

This bill addresses possession and viewing of evidence by certain parties (such as pro se defendants) in cases involving sexual exploitation of children.

[SB 6095](#): *Making technical corrections to gender-based terms*

Gender-specific terms and references are made gender-neutral in several Titles of RCW unless specification of gender is intended.

[SB 6555](#): *Implementing provisions relating to child protection*

The bill establishes a family assessment response as a method of response to certain reports of child abuse or child neglect.

Looking Ahead

WCSAP will continue to monitor public policy issues throughout the interim. We will also continue to send updates on policy developments.

As we gear up for 2013 and begin formulating a strategy, we will be working with our lobbyist and Legislative Committee to be sure we are covering all concerns regarding victims of sexual violence and the programs that serve them.

Building and maintaining relationships with your legislators both in and out of Session is critical to our public policy efforts. We strongly encourage our programs to contact their legislators when they are back in their district offices. We recommend that you invite them to your programs, drop by and visit their district offices, share information about your programs, send a card when they win an award or are featured in a story in your local paper, and just keep the relationship current. You are their constituents and they want to meet with you! Please feel free to contact us if you need any assistance in this area. We are happy to help you find your legislators and provide guidance as you strengthen your relationships with them.

Get Connected

Through our Legislative Action Center, we keep you apprised of happenings on the Hill via alerts and updates. This information is integral for alerting our membership to the critical pieces of legislation before the House and Senate. Huge thanks to the more than 300 individuals signed up already for your ongoing responsiveness to emails and phone calls. Your advocacy makes a tremendous impact!

WCSAP website: <http://www.wcsap.org>

Here you will find current legislation updates, our yearly legislative agenda, position papers, Session in Review, and a link to our capwiz site. Capwiz is our bill tracking site—visit it to see what bills we are tracking and our position. We constantly update it throughout the legislative session.

WCSAP's Legislative Action Center: <http://capwiz.com/wcsap/home/>

This page is linked to our main public policy page. It contains tracked bills and current action alerts.

Washington State Legislature: <http://www1.leg.wa.gov/legislature>

This is the state legislative page where you can find your legislator and you can search laws and bills.

Email us: policy@wcsap.org Your policy-related question will be directly routed to our policy team!

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