



Engaging Communities to Prevent Human Trafficking

SUMMARY OF 2012 ANTI-TRAFFICKING LEGISLATION

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With the twelve pieces of anti-human trafficking legislation passed in the 2012 Legislative Session, Washington State now has probably the strongest state legislation to combat human trafficking. Washington Engage wants to credit the partnership of all sectors in this accomplishment, and to thank the research from the following sources in particular that helped formulate and guide the Legislation Proposal¹ from which most of these bills were derived: Polaris Project's comprehensive model state law, the Shared Hope International's recommendation for Washington State under their Protective Innocence Initiative, the National Report on Eliminating Sex Trafficking funded by Demand Abolition.

PROSECUTION

Comprehensive Human Trafficking Codes
<p>SB 6251 – Washington State is leading the nation in criminalizing businesses like Backpage.com, that knowingly profit from the advertising and commercializing the sexual abuse of minors online; adding a new section to RCW 9A.68. An affirmative defense will be made available if the defendant can show that there was a bona fide attempt to ascertain the age of the minor through identification verification with a birthdate shown. Update: A suit brought forward in the US District Court by Backpage.com and Village Voice LLC includes a motion that has suspended SB 6251 until the Court has made a decision on the merits.</p>
<p>SB 6257 – Adds “sexually explicit act” to the existing definition of the human trafficking code (RCW 9A.40.100) codes related to commercial sexual abuse of a minor (RCW 9.68A.100-103). “Sexually explicit act” moves beyond the definition of commercial sex act (defined as sexual intercourse or sexual contact) and includes “a broader range of commercial sexual acts, including activity that may be legal in the absence of coercion or the involvement of minors.”</p>
<p>SB 6256 – This bill adds the Promoting Commercial Sex Abuse of a Minor ((RCW 9.68A.100-103) under the street gang crime, allowing enhancement of penalties under (RCW 9.94A.030).</p>
<p>SB 6254 – This bill removes the requirement to show force or threat when one is prosecuted for the crime of Promoting Prostitution in the first degree (RCW 9A.88.070). It is designed to make a statement that traffickers cannot take advantage of the vulnerability of</p>

¹ A packet of 2012 Legislation Proposal and a Massage Industry White Paper Washington Engage published were used as the basis of 9 out of the 12 pieces of legislation passed. They publications are available at <http://waengage.com/publications/>



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those who are developmentally disabled. Additionally, it enhances the possibility of conviction and/or the prosecutor can now go from 2nd degree charge to a 1st degree charge of promoting prostitution.

[HB 2692](#) and [1983](#) – These bills raise the fine on traffickers and exploiters. With any subsequent offenses, the fines increase and is designed to serve as a deterrent for those promoting prostitution and the commercial sex trafficking industry. Revenues from the fees must be used for local efforts to reduce commercial sale of sex, including enforcement of laws. At least 50% of the revenue must be spent on prevention, including education programs for offenders and rehabilitation services. (*specific fines are listed under Protection)

PREVENTION

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[SB 6103](#)- This bill require licensing of reflexologists ([RCW 18.108](#)), and authorizes the Department of Health to inspect both massage and reflexology businesses during business hours to ensure compliance.

[HB 2535](#) – This bill authorizes counties to establish juvenile gang courts that have special dockets designed to provide judicially supervised treatment in an effort to reduce recidivism. It allows for juvenile offenders to have an opportunity to be rehabilitated thus allowing the reduction of risk that they will be more vulnerable to victimization or evolve as perpetrators of crime under Juvenile Justice Act of 1977 ([RCW 13.40](#)).

End Demand

[HB 1983](#) and [2692](#) – These bills raise fines on traffickers and exploiters, with funds to go mostly to local jurisdictions. Revenues from the fees must be used for local efforts to reduce commercial sale of sex, including enforcement of laws. At least 50% of the revenue must be spent on prevention, including education programs for offenders and rehabilitation services. (*specific fines are listed under Protection)

PROTECTION

Equal Rights and Relief For All Human Trafficking Survivors

The legislation listed below are essentially the Legislature’s recognition that victims of human trafficking include those who have been injured by an act of Human Trafficking ([RCW 9A.40.100](#)). Commercial Sex Abuse of a Minor ([RCW 9.68A.100](#)), Promoting Sexual Abuse of a Minor ([RCW 9.68A.101](#)), or Promoting Prostitution in the first degree ([RCW 9A.88.070](#)).

[SB 6252](#) – The Criminal Profiteering Act ([RCW 9A.82](#)) allows victims of human trafficking to assert justice through civil litigation as an alternative to criminal liability toward the larger purpose of vindicating victim’s rights.

Since this provision does not require the alleged defendant’s criminal conviction, it is a great tool to assert justice and provide financial means through damage awards for victim

rehabilitation in addition to criminal prosecution.

[SB 6253](#) – This bill permits civil forfeitures for real and personal property of every kind used or intended for use in crimes related to human trafficking ([RCW 9A.40.100](#)), promoting prostitution ([RCW 9A.88.070](#)), and commercial sexual abuse of minors ([RCW 9.68A.100](#)). Personal, non-real estate property may be seized based on an officer’s probable cause determination or incident to arrest or a search warrant. These forfeiture properties will be used to support victim services.

[SB 6255](#) – Through this bill, victims/survivors of human trafficking will be permitted to file a vacation of prostitution convictions if they can show evidence to support that their offense was committed as result of them being trafficked by another person or persons ([RCW 9.96.060](#)).

[HB 1983](#) – Increasing fines on those convicted of the promotion of prostitution ([RCW 9A.88.070](#)) or human trafficking ([RCW 9A.40.100](#)). A person convicted or receives deferred prosecution for violation of a trafficking crime will be fined a \$3,000 fee.

[HB 2692](#) – Fines on johns convicted of soliciting sex from victims of the sex trade will generate revenue that mandatorily will have to be spent on prevention and rehabilitative services and they cannot be reduced, suspended or waived; amending Fees start at \$1,500 for the first offense, \$2500 for the second offense and \$5,000 for the third and each subsequent offense.

[HB 2177](#) – This bill protects children from further sexual exploitation during mandatory pretrial disclosure of evidence. The law deals with discovery process rules in criminal proceedings. Any material depicting a minor engaging in sexually explicit conduct must remain in the care, custody and control of the court or enforcement agency, cannot be duplicated, and must be reviewed by the defendant in the presence of his/her attorney. It also oversees that any files are sealed and/or destroyed depending on the outcome of the trial.

[SB 6258](#) – This bill addresses concerns of unaccompanied persons (minors) as traffickers often target them through luring ([RCW 9A.40.090](#)). It expands on the language of the law as it relates to different methods of transportation.