

# SENATE BILL REPORT

## SB 5243

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As Reported By Senate Committee On:  
Human Services & Corrections, January 31, 2005

**Title:** An act relating to assessments for the prostitution prevention and intervention account.

**Brief Description:** Imposing an additional assessment for persons entering diversion agreements in regard to prostitution offenses.

**Sponsors:** Senators Kohl-Welles, Hargrove and Stevens.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/25/05, 1/31/05 [DPS].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 5243 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Stevens.

**Staff:** Kiki Keizer (786-7430)

**Background:** Washington law prohibits indecent exposure, prostitution, permitting prostitution, patronizing a prostitute or juvenile prostitute, and promoting prostitution. A court may impose a fine or jail or prison terms for convictions of these offenses. For some of these offenses, a court could enter into a statutory or non-statutory diversion agreement with the accused, under the terms of which, the accused would agree to fulfill certain conditions in lieu of prosecution.

Unless the court finds that the offender does not have the ability to pay, it must assess a \$50 fee against persons, including juveniles, who are convicted or who receive deferred sentences or deferred prosecution for prostitution, permitting prostitution, or indecent exposure, or a comparable county or municipal ordinance. Persons, including juveniles, who are convicted or who receive deferred sentences or deferred prosecution for patronizing a prostitute are assessed a \$150 fee. Persons, including juveniles, who are convicted or who received deferred sentences or deferred prosecution for patronizing a juvenile prostitute must be assessed a \$250 fee. Persons, including juveniles, who are convicted or who receive deferred sentences or deferred prosecution for promoting prostitution must be assessed a \$300 fee. All of those fees must go to the state treasurer for deposit in the prostitution prevention and intervention account.

**Summary of Substitute Bill:** Persons subject to statutory or non-statutory diversion agreements, as defined in the sections relevant to the prostitution prevention and intervention account, are subject to the fees designated for deposit in the prostitution prevention and intervention account. "Statutory and non-statutory diversion agreement" is defined to include

both a diversion agreement as defined in the Juvenile Justice Act, as well as any agreement with a court or prosecutor, in which a person, accused of certain crimes, agrees to fulfill certain conditions in lieu of prosecution. "Deferred sentence" is defined to mean a sentence that will not be carried out if the defendant meets certain requirements, such as complying with the conditions of probation.

**Substitute Bill Compared to Original Bill:** The substitute bill changes a defined term from "diversion agreement" to "statutory or non-statutory diversion agreement," in order to include diversion agreements, as defined under the Juvenile Justice Act, as well as those arising from a prosecutor's non-statutory charging discretion.

A definition for the term "deferred sentence" is also added.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** In 1995, the legislature passed a law creating a prostitution prevention and intervention account. The account, which is aimed at getting people out of prostitution, is funded by fees that must be paid by persons convicted of prostitution or prostitution-related offenses.

It is important to help people find a way out of prostitution for several reasons. For example, in 1995, legislators heard testimony showing a strong correlation between victims of child sex abuse and persons who later become prostitutes.

Many people charged with prostitution-related offenses enter diversion agreements instead of going to jail. This bill would ensure that persons entering such diversion agreements would also be subject to the fees designated for the prostitution prevention and intervention account.

**Testimony Against:** None.

**Who Testified:** PRO: Sen. Jeanne Kohl-Welles, prime sponsor.