Landmark Washington State Accomplishments to Prevent Human Trafficking and Sexual Exploitation of Minors

2002

- **House Bill (HB) 2381** created the Task Force Against the Trafficking of Persons—the first of its kind in the nation—directed to measure and evaluate the state's progress in trafficking prevention activities, identify available programs providing services to victims of trafficking, and recommend methods to provide a coordinated system of support and assistance to victims of trafficking (Veloria). *Not codified; Report issued in 2004 (see below)*
- **Senate Bill (SB) 6412**, the International Matchmaking Organization Act—also the first of its kind in the nation—established protections for prospective foreign spouses of Washington residents who go through online international marriage brokers by requiring the brokers to notify recruits in their native language that background check and marital history information is available for prospective spouses who are Washington residents (Kohl-Welles). *RCW 19.220.010.*

2003

- **HB 1175** created two human trafficking crimes, both class A felonies, and expanded the definition of criminal profiteering to include the crime of trafficking—making Washington the first state in the nation to criminalize trafficking and specify criminal and civil penalties (Veloria). *RCW 9A.40.100.*
- **HB 1826** increased protections for prospective foreign spouses by also making personal history information available to them, including spousal abuse and founded child abuse (Veloria). *RCW 19.220.010.*

2004


2005

- **SB 5127** created requirements for state agencies to develop written protocols for the delivery of services to victims of human trafficking (Kohl-Welles). *RCW 7.68.360*
- State funding was provided for legal aid to undocumented immigrants who are victims of sexual assault, domestic violence, or human trafficking.

2006

- **SB 6731** prohibited sex tourism—making WA the second state in the nation to do so (Fraser). *RCW 9A.88.085.*
• Task Force funding was renewed and the task force was directed to create a Comprehensive Response to Human Trafficking—a coordinated system containing seven components, including prevention, victim identification and victim services.


### 2007-2008

• **SB 6339** added victims of human trafficking to the list of persons eligible for the state’s address confidentiality program (Kohl-Welles). *RCW 40.24.010.*

• **SB 5718** created four new crimes relating to child sexual exploitation: commercial sexual abuse of a minor (CSAM) that replaced the crime of patronizing a juvenile prostitute, promoting CSAM, promoting travel for CSAM, and permitting CSAM. It also added an additional one-year penalty to the sentence for a conviction of the most serious crimes of child sex abuse if the offender paid to engage in the abuse (Kohl-Welles). *RCW 9.68A.100 through .103.*


### 2009

• **SB 5850**—the first legislation of its kind in the nation—required international labor recruiters and domestic employers of foreign workers to disclose federal and state labor laws to employees and required health care professionals be provided with information to help identify human trafficking victims (Kohl-Welles). *RCW 19.320.020.*

• **HB 1505** allowed prosecutors to divert cases in which a minor is alleged to have committed the offense of prostitution, if the juvenile agrees to participate in a program that provides wraparound services, including mental health counseling (Dickerson). *RCW 13.40.213.*

### 2010

• **SB 6332**, built on SB 5850 enacted in 2009, added nonimmigrant workers to the list of employees who must be provided with federal and state labor laws, and established civil penalties for labor recruiters and employers who fail to do so (Kohl-Welles). *RCW 19.320.010.*

• **SB 6476** strengthened penalties for the crime of commercial sexual abuse of a minor and required development of training for law enforcement officers. It also requires the prosecutor to file a diversion for a juvenile's first prostitution-related offense, even if the juvenile has other criminal history (Stevens). *RCW 9.68A.100, .101, and .105, and 9A.88.140.*

• **SB 6330** allowed informational posters on domestic trafficking, including trafficking of minors and a “1-800” number, to be placed at rest stops throughout the state which could be very helpful for individuals being taken to international events, such as the Winter Olympics which were held in British Columbia (Kohl-Welles). *RCW 47.38.080.*

### 2011

• **SB 5482** authorized local governments to use affordable housing funds to provide housing assistance to victims of human trafficking and their families (Kohl-Welles). *RCW 36.22.178, .179, and .1791.*

• **HB 1874** authorized law enforcement officers to conduct surveillance operations on suspected human-trafficking and commercial sexual abuse activities with the consent of the victim. It also authorized prosecutors to request assistance from minors in the undercover surveillance of telephone communications in trafficking investigations without putting youth in danger (Dickerson). *RCW 9.73.210 and .230.*

• **SB 5546** amended the crime of human trafficking to include the illegal harvesting or sale of human organs and broadened the scope of the crimes to hold criminals accountable when caught transporting a person despite not knowing whether the person would eventually be forced into prostitution or manual labor (Kohl-Welles). *RCW 9A.40.100 and .010, 9.95.062, and 10.64.025.*
• **SB 6251** created a new crime, making it illegal to knowingly publish an escort ad online or in print that involves a minor (Kohl-Welles). *Chapter 9.68A RCW.*

• **SB 6252** added the crimes of commercial sexual abuse of a minor and promoting commercial sexual abuse of a minor to the list of offenses that may constitute a pattern of criminal profiteering activity (Kline). *RCW 9A.82.010 and .100.*

• **SB 6253** authorized law enforcement agencies to seize any proceeds or property that facilitate the crimes of commercial sexual abuse of a minor, promoting sexual abuse of a minor, or promoting prostitution in the first degree (Eide). *Chapter 9A.88 RCW.*

• **SB 6254** criminalized the act of compelling a person with a disability that renders the person incapable of consent to engage in an act of prostitution (Delvin). *RCW 9A.88.070.*

• **SB 6256** added to the list of gang-related crimes the promotion of sexual abuse of a minor that provides the gang with an advantage, control, or dominance over a market sector (Conway). *RCW 9.94A.030.*

• **SB 6257** defined sexually explicit acts with regard to sex trafficking and promoting the sexual abuse of a minor and added sexually explicit acts to these offenses (Roach). *RCW 9.68A.101 and 9A.40.100.*

• **SB 6258** criminalized ordering, luring, or attempting to lure a minor or a person with a cognitive disability into any transportation terminal or into a motor vehicle (Stevens). *RCW 9A.40.090.*

• **SB 6103** prohibited anyone from practicing reflexology or representing himself or herself as a reflexologist unless certified as a reflexologist or licensed by the health department as a massage practitioner (Keiser). *Chapter 18.108 RCW.*

• **SB 6255** established an affirmative defense in any prosecution for prostitution if the defendant engaged in 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, and allowed minors who were convicted of prostitution resulting from being trafficked by force, fraud, or coercion to request the court to vacate the conviction (Fraser). *RCW 9.96.060 and Chapter 9A.88 RCW.*

• **HB 1983** increased the fees imposed against individuals convicted of promoting or patronizing prostitution and required that an offender with a prior conviction for promoting prostitution in the first or second degree register as a sex offender (Parker). *RCW 9A.40.100, 9A.44.128, 9A.88.120, 9.68A.105, 3.50.100, 3.62.020, 3.62.040, 10.82.070, and 35.20.220.*

• **HB 2692** increased the additional fine a person must pay when convicted of patronizing a prostitute and requires those fees be used to pay for increased enforcement and prevention programs (Orwall). *RCW 9A.88.130, 3.50.100, 3.62.020, 3.62.040, 10.82.070, and 35.20.220.*

• **HB 2177** prohibited the duplication or distribution of child pornography as part of the discovery process in a criminal prosecution, and instead required the material to be made reasonably available to the prosecutor, defense attorney, and expert witnesses who may testify at trial (Ladenburg). *Chapter 9.68A RCW.*

2013

• **SSB 5308** creates a statewide coordinating committee to recommend ways to combat the commercial sexual exploitation of children. This new Commercially Sexually Exploited Children Statewide Coordinating Committee will examine laws and practices of local and regional entities to address issues relating to commercially and sexually exploited children and make recommendations for statewide protocols, laws and practices (Kohl-Welles). *Chapter 7.68 RCW.*

• **SB 5488** imposes a $5,000 fine on top of existing penalties for using online ads to facilitate the commercial sexual abuse of a minor. The bill defines an internet advertisement as a statement in electronic media that would be understood by a reasonable person to be an implicit offer for sexual contact or sexual intercourse in exchange for something of value (Kohl-Welles). *Chapter 9.68 RCW and Chapter 9.68A RCW.*

• **SSB 5563** requires that to receive initial certification as a teacher, an applicant must complete training on how to recognize and prevent commercial sexual abuse and exploitation of minors. Certificated and classified school employees must complete training in their orientation and every three years thereafter. The Washington Coalition of Sexual Assault Programs, in consultation with other organizations, must update existing educational materials.
informing parents and other interested community members about how to prevent children from being recruited into sex trafficking, among other issues (Kohl-Welles). RCW 28A.410.035, 28A.300.145, 28A.400.317.

- **SB 5669** allows for a victim of trafficking and sexual exploitation up to 14 years of age to testify outside the presence of her or his abuser. This bill also tightens current laws addressing trafficking, clarifies that victim consent cannot be used as a defense in the prosecution of a trafficking crime, including when an abuser utilizes an online platform to recruit or sell the victim for sex (Padden). RCW 9.68A.090, 9.68A.100, 9.68A.101, 9.68A.102, 9.68A.103, 9A.44.020, 9A.44.128, 9A.44.150, 9A.82.010, 13.34.132, 9A.40.100.

- **EHB 1291** creates a Statewide Coordinating Committee on Sex Crimes composed of community agencies, legislators and agencies providing services to victims of sex trafficking. This bill also details how the committee will oversee the distribution of funds collected from trafficking crimes to services for victims of sex trade, including revenue collected from impounding vehicles when the driver is involved in exploiting a sex trafficking victim. Fifty percent of revenue from fees and fines for sex crimes must be spent on preventative and rehabilitative services for victims of sex trafficking (Orwall). RCW 43.63A.740, 9.68A.105, 9A.88.120, 9A.88.140, 43.280.

2014

- **Senate Joint Memorial (SJM) 8003** requests that Congress amend the federal Communication Decency Act enacted in 1996 in order to reflect changes in the scope and role of the internet, and the publisher-like role of companies, such as backpage.com, which facilitate child sex trafficking by allowing their online platforms to run adult escort services ads without age verification of those depicted in the ads (Kohl-Welles).

- **SSB 6339** addresses involuntary servitude when an individual is being coerced to perform labor by another person who threatens to withhold or destroy documents relating to immigration status or threatens to contact law enforcement to notify that a person is in the United States in violation with immigration laws. A person is committing coercion of involuntary servitude regardless of whether they are providing compensation or benefits for the forced labor performed. Coercion of involuntary servitude is a class C felony (Fraser). Chapter 9A.40 RCW and RCW 9A.40.010.

- **SHB 1791** expanded the definition of “sex offense” to include trafficking in the first degree when the trafficked person is caused to engage in a sexually explicit act or a commercial sex act. A finding of sexual motivation is not required in order for the offense to qualify as a sex crime. The bill was amended with language from SB 6017 (Kohl-Welles) that permits the seizing law enforcement agency to keep 90 percent of proceeds obtained through seizures and forfeitures for cases in which the crime was committed in connection to child pornography, commercial sexual abuse of a minor, or promoting prostitution (Parker). RCW 9.68A.120, 9A.40.100, 9A.44.128, 9A.88.150.

- **SHB 1292** addresses the vacating of prostitution convictions when the person committed the offense as a result of being a victim of Trafficking, Federal Trafficking in Persons, Promoting Prostitution in the first degree or Commercial Sexual Abuse of a Minor. An individual can apply and have the record vacated regardless of whether other prior records of prostitution convictions were vacated or if there are pending prostitution charges. The applicant must show by a preponderance of evidence that the elements of the crime she or he is charged with were a result of the applicant having been a victim of Trafficking, Federal Trafficking in Persons, Promoting Prostitution in the first degree, or Commercial Sexual Abuse of a Minor (Orwall). Chapter 9.96 RCW and RCW 9.96.060.

2015

- **SSB 5215** creates the Washington Internet Crimes Against Children Account, which will be administered by the Criminal Justice Training Commission. The account must be used exclusively for combating Internet-facilitated crimes against children, promoting education on Internet safety to the public and to minors, and rescuing child victims from abuse and exploitation (Roach). Chapter 43.101 RCW.

- **SSB 5884** establishes an information clearinghouse within the Department of Commerce's Office of Crime Victims Advocacy, known as the Washington State Clearinghouse on Human Trafficking. The Clearinghouse must share and coordinate statewide efforts to combat the trafficking of persons. The bill reauthorizes the Washington State Task Force on the Trafficking of Persons, which must evaluate progress in Washington's anti-trafficking activities and services, taking into consideration the activities and services of other states; review the effectiveness of Washington's anti-trafficking laws; and recommend needed changes to the Governor and the Legislature. The bill also reauthorizes the Commercially Sexually Exploited Children Statewide Coordinating Committee through June 30,
2017. In addition to its existing duties, the Coordinating Committee must review the extent to which the 2010 law on sex crimes involving children (Chapter 289, Laws of 2010; ESSB 6476) is understood and applied by law enforcement authorities and must research any barriers that exist to full implementation of the 2010 law. Finally, the bill incorporates provisions of SSB 5883 (Kohl-Welles) to allow for the voluntary posting of anti-trafficking notices in public restrooms (Kohl-Welles). Chapter 7.68 RCW, Chapter 47.38 RCW, RCW 7.68.350, and RCW 7.68.801.

- **SB 5933** requires the Office of Crime Victims Advocacy to establish a statewide training program on human trafficking laws for criminal justice personnel, and to provide a biennial report to the Legislature on the program (O'Ban). Chapter 43.280 RCW.

**2016**

- **2SHB 2530** requires the Washington state Patrol to create and operate the Statewide Sexual Assault Kit Tracking system. Authorizes the Department of Commerce to accept private donations to fund the testing of previously unsubmitted sexual assault kits and training for sexual assault nurse examiners. (Orwall) RCW 36.27.020; 42.56.240; 43.79A.040; 43.43; 35.21.

- **SB 5342** adds definitions to the Human Trafficking chapter of RCW for the following terms: any person; menace of any penalty; forced labor; human trafficking or trafficking; and work or service. Menace of any penalty is all forms of criminal sanctions and other forms of coercion; Forced work is all work exacted under the menace of any penalty and where the person has not voluntarily offered to work; Human trafficking is an act conducted to exploit, including forced work, by any means. Examples of means include the threat of use of force or other forms of coercion, abduction, fraud or deception, abuse of power, or abuse of position of vulnerability; and Work or service includes all types of legal or illegal work, employment or occupation. (Hasegawa) 19.320.010.

- **SB 6376** recognizes January 11 as Human Trafficking Awareness Day in Washington state. (Fraser). RCW 1.16.050.

- **SR 8644** supports increased education, stronger laws and law enforcement, and the promotion of justice to reduce the exploitation of all people, including women and children. (Chase).

- **SB 6463** establishes the unranked class C felony of luring with intent to harm or to facilitate the commission of any crime. 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 without the consent of parent or guardian and with the intent to harm the health, safety, or welfare of the minor or person with a developmental disability or with intent to facilitate the commission of any crime. (Pearson). RCW 9A.40.090.