



Open Letter from Gender-Based Violence Organizations regarding House Bill 1989

January 24, 2022

Dear Chair Senn and members of the House Children, Youth & Families Committee,

We are leading organizations in Washington working to end sexual assault, domestic violence, human trafficking, and other forms of gender-based violence. As organizations with many decades of experience supporting survivors of violence and their communities, we support the establishment of more healing services to individuals in the sex trade that will expand the range of options available to them as well as more coordination among organizations providing such services. However, we are concerned that House Bill 1989 limits the scope of services for adults and also that people directly impacted by the law are not centered or included in its implementation.

1. In Section 1(3), healing services are designed to “intervene and prevent further exploitation” and to provide an “exit path from commercial sexual exploitation.” We

believe this language creates a barrier to services for many people the bill intends to serve, as most people do not view themselves as “commercially sexually exploited” and may not view “exit” as a viable option at the moment they need or connect with healing services. We believe that offering low-barrier, harm reduction-based services designed to enhance safety and self-determination is the more appropriate, humane and responsible option and that those types of services will create a wider range of options, including the choice to exit sex trade.

2. Throughout the bill, the phrase “commercial sexual exploitation” is used, but without definition and perhaps without fully considering the impact of the term. Existing laws refer to “commercial sexual exploitation” only in reference to minors who are in the sex trade (e.g. RCW 7.68) and not to adults. As such, the bill is a departure from the existing legal framing, and treats adults who are in the sex trade akin to children, denying their agency. Further, when the City of Seattle modified its ordinance to rename the misdemeanor crime of “patronizing a prostitute” to “commercial sexual exploitation” a while back, it led to unintended consequences including prejudicial treatment in immigration determinations.

Additional language in Sec. 1(4)(d) specifically excludes the community most knowledgeable about the needs of people working in the sex trade. The bill’s mandate to involve “diverse community representatives who have lived experience of exiting commercial exploitation” in the development of the request for proposals unfortunately excludes and silences people who are currently in the sex trade, despite the fact they are the intended recipients of services it will fund. For the greatest success, we believe people closest to the issue should be included in the policy development and implementation, especially in the coordination efforts of healing and transition centers. (A separate bill, Senate Bill 5793 seeks to provide stipends to low-income or underrepresented community members to participate in state committees, which will help people in the sex trade have a voice in the process.)

We hope to continue to dialogue with the members of the committee to address our concerns and make the bill better. A document detailing proposed changes to the bill language is attached below.

Sincerely,

API Chaya
Coalition Ending Gender-Based Violence

Coalition for Rights & Safety for People in the Sex Trade
Gender Justice League
Legal Voice
Washington Coalition of Sexual Assault Programs
Washington State Coalition Against Domestic Violence

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Proposed Changes to HB 1989

Sec. 1. (1)

Current:

(b) "Healing and transition center" or "center" means a safe, trauma-informed location that provides healing services that meet the multidisciplinary needs of commercially sexually exploited adults ages 18 and older.

Proposed:

(b) "Healing and transition center" or "center" means a safe, trauma-informed location that provides healing services that meet the multidisciplinary needs of ~~commercially sexually exploited~~ adults ages 18 and older who engage in or are experiencing commercial sex trade.

Sec. 1 (2)

Current:

(2) Subject to the availability of amounts appropriated for this specific purpose, the department shall administer funding for healing and transition centers for commercially sexually exploited adults. At least one of the centers must be located east of the crest of the Cascade mountains, and at least one of the centers must be located west of the crest of the Cascade mountains. Law enforcement and service providers may refer adults to the healing and transition centers or adults may self-refer to the centers.

Proposed:

(2) Subject to the availability of amounts appropriated for this specific purpose, the department shall administer funding for healing and transition centers for ~~commercially sexually exploited~~ adults who engage in or experiencing commercial sex trade. At least one of the centers must be located east of the crest of the Cascade mountains, and at least one of the centers must be located west of the crest of the Cascade mountains. Law enforcement and service providers may refer adults to the healing and transition centers or adults may self-refer to the centers.

Sec. 1 (3)(a)

Current:

(a) Offer healing services designed to intervene and prevent further exploitation;

Proposed:

(a) Offer healing services designed to ~~intervene and prevent further exploitation~~ enhance safety and self-determination;

Sec. 1 (3)(d)

Current:

(d) Incorporate leadership from communities with unique risk factors for commercial sexual exploitation, survivor leadership, survivor-informed services, and survivor mentorship into the program;

Proposed:

(d) Incorporate leadership from communities with unique risk factors for ~~commercial sexual exploitation~~ violence and exploitation in commercial sex trade, survivor leadership, survivor-informed services, and survivor mentorship into the program;

Sec. 1 (3)(e)

Current:

(e) Meet core needs, provide long-term services, and offer skill training to provide an exit path from commercial sexual exploitation;

Proposed:

(e) Meet core needs, provide long-term services, and offer skill training to enhance self-determination and increase range of options available to participants including ~~provide~~ an exit path from commercial ~~sexual exploitation~~ sex trade;

Sec. 1 (3)(g)

Current:

(g) Provide training and information to law enforcement officers, other first responders, and communities with unique risk factors for commercial sexual exploitation on how to engage and refer individuals to these services.

Proposed:

(g) Provide training and information to law enforcement officers, other first responders, and communities with unique risk factors for ~~commercial sexual exploitation~~ violence and exploitation in commercial sex trade on how to engage and refer individuals to these services.

Sec. 1 (4)(d)

Current:

(d) Include diverse community representatives who have lived experience of exiting commercial sexual exploitation in the development of the request for proposals and prioritization of funding;

Proposed:

(d) Include diverse community representatives who have lived experience ~~of exiting commercial sexual exploitation in~~ commercial sex trade in the development of the request for proposals and prioritization of funding;

Sec. 1 (4)(e)

Current:

(e) Collect nonidentifiable demographic data, data on the entry path to commercial sexual exploitation, and data on the exit path of clients served by the centers, including whether clients are current or former foster youth; and

Proposed:

(e) Collect nonidentifiable demographic data, data on the entry path to commercial ~~sexual exploitation~~ sex trade, and data on the ~~exit path~~ life accomplishments of clients served by the

centers, including whether clients are current or former foster youth; and

Sec. 1 (4)(f)

Current:

(f) Beginning December 1, 2023, submit an annual report to:

(i) The relevant committees of the legislature that includes a summary of the demographic data, data on the entry path to sexual commercial exploitation, data on the exit path of center clients, and any recommendations for modification or expansion of the centers; and

(ii) The department of children, youth, and families that includes data on current and former foster youth served by the centers. The department of children, youth, and families shall use the data for coordination with its liaisons for commercially sexually exploited children.

Proposed:

(f) Beginning December 1, 2023, submit an annual report to:

(i) The relevant committees of the legislature that includes a summary of the demographic data, data on the entry path to ~~sexual commercial exploitation~~ commercial sex trade, data on the ~~exit path~~ life accomplishments of center clients, and any recommendations for modification or expansion of the centers; and

(ii) The department of children, youth, and families that includes data on current and former foster youth served by the centers. The department of children, youth, and families shall use the data for coordination with its liaisons for commercially sexually exploited children.