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SENATE BILL 6407

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State of Washington      57th Legislature                      2002 Regular Session

By Senators Costa, Kohl-Welles, Kline, Kastama and Thibaudeau

Read first time 01/16/2002. Referred to Committee on Judiciary.

1            AN ACT Relating to the trafficking of persons; amending RCW  
2 7.68.020; and creating new sections.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            NEW SECTION.    **Sec. 1.** (1) The legislature finds that:

5            (a) The trafficking in persons is a modern form of slavery, and it  
6 is the largest manifestation of slavery today;

7            (b) At least seven hundred thousand persons annually, primarily  
8 women and children, are trafficked within or across international  
9 borders;

10           (c) Approximately fifty thousand women and children are trafficked  
11 into the United States each year;

12           (d) Trafficking in persons is not limited to the sex industry, and  
13 includes forced labor with significant violations of labor, public  
14 health, and human rights standards worldwide;

15           (e) Traffickers primarily target women and girls, who are  
16 disproportionately affected by poverty, the lack of access to  
17 education, chronic unemployment, discrimination, and the lack of  
18 economic opportunities in countries of origin; and

1 (f) There are not adequate services and facilities to meet the  
2 needs of trafficking victims regarding health care, housing, education,  
3 and legal assistance, which safely reintegrate trafficking victims into  
4 their home countries.

5 (2) The legislature declares that the purpose of this act is to  
6 provide a coordinated, humane response for victims of human trafficking  
7 through a review of existing programs and clarification of existing  
8 options for such victims.

9 NEW SECTION. **Sec. 2.** (1) There is created the Washington state  
10 task force against the trafficking of persons.

11 (2) The task force shall consist of the following members:

12 (a) The director of the office of community development, or the  
13 director's designee;

14 (b) The secretary of the department of health, or the secretary's  
15 designee;

16 (c) The secretary of the department of social and health services,  
17 or the secretary's designee;

18 (d) The director of the department of labor and industries, or the  
19 director's designee;

20 (e) The commissioner of the employment security department, or the  
21 commissioner's designee;

22 (f) Nine members, selected by the director of the office of  
23 community development, that represent public and private sector  
24 organizations that provide assistance to persons who are victims of  
25 trafficking.

26 (3) The task force shall be chaired by the director of the office  
27 of community development, or the director's designee.

28 (4) The task force shall carry out the following activities:

29 (a) Measure and evaluate the progress of the state in trafficking  
30 prevention activities;

31 (b) Identify available federal, state, and local programs that  
32 provide services to victims of trafficking that include, but are not  
33 limited to health care, human services, housing, education, legal  
34 assistance, job training or preparation, interpreting services, English  
35 as a second language classes, and victim's compensation; and

36 (c) Make recommendations on methods to provide a coordinated system  
37 of support and assistance to persons who are victims of trafficking.

1 (5) The task force shall report its findings and recommendations to  
2 the governor and legislature by November 30, 2002.

3 (6) The office of community development shall provide necessary  
4 administrative and clerical support to the task force.

5 (7) The members of the task force shall serve without compensation,  
6 but shall be reimbursed for travel expenses as provided in RCW  
7 43.03.050 and 43.03.060.

8 (8) The task force expires March 1, 2003.

9 **Sec. 3.** RCW 7.68.020 and 2001 c 136 s 1 are each amended to read  
10 as follows:

11 The following words and phrases as used in this chapter have the  
12 meanings set forth in this section unless the context otherwise  
13 requires.

14 (1) "Department" means the department of labor and industries.

15 (2) "Criminal act" means an act committed or attempted in this  
16 state which is: (a) Punishable under federal law; (b) punishable as a  
17 felony or gross misdemeanor under the laws of this state(~~(, or)~~); (c)  
18 an act committed outside the state of Washington against a resident of  
19 the state of Washington which would be compensable had it occurred  
20 inside this state(~~(, )~~) and the crime occurred in a state which does not  
21 have a crime victims compensation program, for which the victim is  
22 eligible as set forth in the Washington compensation law(~~(, )~~); or (d)  
23 an act of terrorism as defined in 18 U.S.C. Sec. 2331, as it exists on  
24 May 2, 1997, committed outside of the United States against a resident  
25 of the state of Washington, except as follows:

26 (~~((a))~~) (i) The operation of a motor vehicle, motorcycle, train,  
27 boat, or aircraft in violation of law does not constitute a "criminal  
28 act" unless:

29 (~~((i))~~) (A) The injury or death was intentionally inflicted;

30 (~~((ii))~~) (B) The operation thereof was part of the commission of  
31 another non-vehicular criminal act as defined in this section;

32 (~~((iii))~~) (C) The death or injury was the result of the operation  
33 of a motor vehicle after July 24, 1983, and a preponderance of the  
34 evidence establishes that the death was the result of vehicular  
35 homicide under RCW 46.61.520, or a conviction of vehicular assault  
36 under RCW 46.61.522, has been obtained: PROVIDED, That in cases where  
37 a probable criminal defendant has died in perpetration of vehicular  
38 assault or, in cases where the perpetrator of the vehicular assault is

1 unascertainable because he or she left the scene of the accident in  
2 violation of RCW 46.52.020 or, because of physical or mental infirmity  
3 or disability the perpetrator is incapable of standing trial for  
4 vehicular assault, the department may, by a preponderance of the  
5 evidence, establish that a vehicular assault had been committed and  
6 authorize benefits; or

7 ~~((iv))~~ (D) The injury or death was caused by a driver in  
8 violation of RCW 46.61.502;

9 ~~((b))~~ (ii) Neither an acquittal in a criminal prosecution nor the  
10 absence of any such prosecution is admissible in any claim or  
11 proceeding under this chapter as evidence of the noncriminal character  
12 of the acts giving rise to such claim or proceeding, except as provided  
13 for in ~~((subsection (2)(a)(iii) of this section))~~ (d)(i)(C) of this  
14 subsection;

15 ~~((e))~~ (iii) Evidence of a criminal conviction arising from acts  
16 which are the basis for a claim or proceeding under this chapter is  
17 admissible in such claim or proceeding for the limited purpose of  
18 proving the criminal character of the acts; and

19 ~~((d))~~ (iv) Acts which, but for the insanity or mental  
20 irresponsibility of the perpetrator, would constitute criminal conduct  
21 are deemed to be criminal conduct within the meaning of this chapter.

22 (3) "Victim" means a person who suffers bodily injury or death as  
23 a proximate result of a criminal act of another person, the victim's  
24 own good faith and reasonable effort to prevent a criminal act, or his  
25 or her good faith effort to apprehend a person reasonably suspected of  
26 engaging in a criminal act. For the purposes of receiving benefits  
27 pursuant to this chapter, "victim" is interchangeable with "employee"  
28 or "~~(workman)~~ worker" as defined in chapter 51.08 RCW as now or  
29 hereafter amended.

30 (4) "Child," "accredited school," "dependent," "beneficiary,"  
31 "average monthly wage," "director," "injury," "invalid," "permanent  
32 partial disability," and "permanent total disability" have the meanings  
33 assigned to them in chapter 51.08 RCW as now or hereafter amended.

34 (5) "Gainfully employed" means engaging on a regular and continuous  
35 basis in a lawful activity from which a person derives a livelihood.

36 (6) "Private insurance" means any source of recompense provided by  
37 contract available as a result of the claimed injury or death at the  
38 time of such injury or death, or which becomes available any time  
39 thereafter.

1       (7) "Public insurance" means any source of recompense provided by  
2 statute, state or federal, available as a result of the claimed injury  
3 or death at the time of such injury or death, or which becomes  
4 available any time thereafter.

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