
SENATE BILL 5546

State of Washington

62nd Legislature

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By Senators Kohl-Welles, Delvin, Chase, Pflug, Fraser, Keiser, Rockefeller, Regala, Kline, Holmquist Newbry, King, Shin, White, Stevens, Roach, and Conway

Read first time 01/28/11. Referred to Committee on Judiciary.

1 AN ACT Relating to the crime of human trafficking; and amending RCW
2 9A.40.100 and 9A.40.010.

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

4 **Sec. 1.** RCW 9A.40.100 and 2003 c 267 s 1 are each amended to read
5 as follows:

6 (1)(a) A person is guilty of trafficking in the first degree when:

7 (i) Such person:

8 (A) Recruits, harbors, transports, transfers, provides, ~~((or))~~
9 obtains, or receives by any means another person knowing that force,
10 fraud, deception, or coercion as defined in RCW 9A.36.070 will be used
11 to cause the person to engage in forced labor ~~((or))~~ involuntary
12 servitude, or sexual exploitation; or

13 (B) Benefits financially or by receiving anything of value from
14 participation in a venture that has engaged in acts set forth in
15 (a)(i)(A) of this subsection; and

16 (ii) The acts or venture set forth in (a)(i) of this subsection:

17 (A) Involve committing or attempting to commit kidnapping;

18 (B) Involve a finding of sexual motivation under RCW 9.94A.835;

19 ~~((or))~~

1 (C) Involve the illegal harvesting or sale of human organs; or

2 (D) Result in a death.

3 (b) Trafficking in the first degree is a class A felony.

4 (2)(a) A person is guilty of trafficking in the second degree when
5 such person:

6 (i) Recruits, harbors, transports, transfers, provides, ~~((or))~~
7 obtains, or receives by any means another person knowing that force,
8 fraud, deception, or coercion as defined in RCW 9A.36.070 will be used
9 to cause the person to engage in forced labor or involuntary servitude;
10 or

11 (ii) Benefits financially or by receiving anything of value from
12 participation in a venture that has engaged in acts set forth in (a)(i)
13 of this subsection.

14 (b) Trafficking in the second degree is a class A felony.

15 **Sec. 2.** RCW 9A.40.010 and 1975 1st ex.s. c 260 s 9A.40.010 are
16 each amended to read as follows:

17 The following definitions apply in this chapter:

18 (1) "Restrain" means to restrict a person's movements without
19 consent and without legal authority in a manner which interferes
20 substantially with his or her liberty. Restraint is "without consent"
21 if it is accomplished by (a) physical force, intimidation, or
22 deception, or (b) any means including acquiescence of the victim, if he
23 or she is a child less than sixteen years old or an incompetent person
24 and if the parent, guardian, or other person or institution having
25 lawful control or custody of him or her has not acquiesced.

26 (2) "Abduct" means to restrain a person by either (a) secreting or
27 holding him or her in a place where he or she is not likely to be
28 found, or (b) using or threatening to use deadly force.

29 (3) "Forced labor" means knowingly providing or obtaining labor or
30 services of a person by: (a) Threats of serious harm to, or physical
31 restraint against, that person or another person; or (b) means of any
32 scheme, plan, or pattern intended to cause the person to believe that,
33 if the person did not perform such labor or services, that person or
34 another person would suffer serious harm or physical restraint.

35 (4) "Involuntary servitude" means a condition of servitude in which
36 the victim was forced to work by the use or threat of physical

1 restraint or physical injury, or by the use of threat of coercion
2 through law or legal process.

3 (5) "Relative" means an ancestor, descendant, or sibling, including
4 a relative of the same degree through marriage or adoption, or a
5 spouse.

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