

# HOUSE BILL REPORT

## SHB 2381

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### As Passed Legislature

**Title:** An act relating to the trafficking of persons.

**Brief Description:** Addressing the trafficking of persons.

**Sponsors:** By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Veloria, Van Luven, Kenney, Dunshee, Romero, O'Brien, Darneille, Schual-Berke, Chase, Tokuda, Upthegrove, Edwards, Santos, Kagi and Haigh).

### Brief History:

#### Committee Activity:

Criminal Justice & Corrections: 1/29/02, 2/5/02 [DPS].

#### Floor Activity:

Passed House: 2/13/02, 98-0.

Passed Senate: 3/4/02, 43-6.

Passed Legislature.

### Brief Summary of Substitute Bill

- Creates a task force to study trafficking activities within Washington and to provide recommendations for providing assistance to victims of trafficking.
- Expands the definition of criminal act in the Crime Victims Compensation Act to include acts that are punishable under federal law.

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## HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives O'Brien, Chair; Lovick, Vice Chair; Ballasiotes, Ranking Minority Member; Ahern, Kagi, Kirby and Morell.

**Staff:** Yvonne Walker (786-7841).

### Background:

The definition of trafficking varies, however it can generally be defined as any act that involves the recruitment or transportation of a woman, within or across national borders, for work or services, by means of violence or threat of violence, debt bondage, deception

or other coercion. Women may be trafficked for a number of reasons including forced prostitution, exploitative domestic service in private homes, and indentured servitude in sweatshops.

The United Nations estimates that criminal groups make more than \$7 billion annually from trafficking human beings. Originally, Latin America and Asia were the main sources of women for the trafficking business; however over the last decade or so, women from Germany and Russia have added to the market economy of trafficking.

*Crime Victims Compensation:* The Crime Victims Act of 1973 established Washington's Crime Victims' Compensation Program (CVCP) to provide benefits to innocent victims of criminal acts. The Department of Labor and Industries was assigned authority for administering the program because benefits available to crime victims under this program were originally based on benefits paid to injured workers under the Industrial Insurance Act.

Generally persons injured by a criminal act in Washington, or their surviving spouses and dependents, are eligible to receive benefits under the program providing that:

- The criminal act for which compensation is being sought is punishable as a gross misdemeanor or felony;
- The crime was reported to law enforcement within one year of its occurrence or within one year from the time a report could reasonably have been made; and
- The applications for crime victims' benefits is made within two years after the crime was reported to law enforcement or the rights of the beneficiaries or dependents accrued.

Criminal act is defined as: 1) an act committed or attempted in Washington, which is punishable as a felony or gross misdemeanor under the laws of Washington, 2) an act committed outside of Washington against a resident of Washington which would be compensable had it occurred inside the state, and the crime occurred in a state which does not have a crime victims compensation program, or 3) an act of terrorism.

Under the Crime Victims Act, claims are denied if the injury for which benefits are being sought was the result of "consent, provocation, or incitement" by the victim. Claims are also denied if the injury was sustained while the victim was committing or attempting to commit a felony.

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### **Summary of Substitute Bill:**

The Washington State Task Force Against the Trafficking of Persons is established. The task force consists of the following persons (or their designees): the director of the Office of Community Development; the secretary of the Department of Health; the secretary of the Department of Social and Health Services; the director of the Department

of Labor and Industries; and the commissioner of the Employment Security Department. In addition, the task force must include nine members, selected by the director of the Office of Community Development, that represent public and private sector organizations that provide assistance to persons who are victims of trafficking. With the exception of travel expenses, all members of the task force must serve without compensation.

The task force is responsible for the following activities:

- Measuring and evaluating the progress of the state's trafficking prevention activities;
- Identifying federal, state, and local programs that provide victims of trafficking with services such as health care, human services, housing, education, legal assistance, job training or preparation, interpreting services, English as a second language class, and victim's compensation; and
- Making recommendations on how to provide a coordinated system of support and assistance to victims of trafficking.

The task force must be chaired by the director of the Office of Community Development, or the director's designee. Administrative and clerical support to the task force is provided by the Office of Community Development.

The task force must provide a report to the Governor and the Legislature by November 30, 2002, on its findings and recommendations for trafficking in Washington.

The task force expires March 1, 2003.

*Crime Victims Compensation:* The definition of criminal act is expanded to include acts that are punishable under federal law that are comparable to a felony or gross misdemeanor offense under the laws of Washington.

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**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available.

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

**Testimony For:** About 1.2 billion people are living on less than \$1 a day. It is hard to believe that in some parts of the world, farmers sell their children to pay off a debt, or a child is taken from his or her family to be sold for profit, or even that a woman will pay or marry a man (through a mail order bride agency) for the promise of a better economic opportunity, only to find that she has been sold into a prostitution ring, used as an indentured servant, or even murdered.

Women and children are often brought into the United States (U.S.) to be used as low paid indentured servants. If they try to run away they are threatened to be turned into

Immigration and Naturalization Services (INS). In one instance, a young woman who was promised a better future was brought into the U.S. by an older couple. She was required to marry the man and when she tried to runaway, the couple took her savings, passport and other paperwork, and turned her into INS. In another instance, a woman who was born into a very poor family in India was sold at the age of 7 years old. In this case, a friend of her mother's had asked if she could be taken to the U.S. for a better life and her mother approved. The friend ended up selling the young girl into a trafficking ring.

Trafficking is the third largest underground industry in the world. Only guns and drugs bring in more money into the U.S.

**Testimony Against:** None.

**Testified:** Representative Veloria, prime sponsor; Helen Clemente, citizen; Rani Hong, Shared Hope; Suzanne Brown, Washington Coalition of Sexual Assault Programs; Bev Emery, Office of Crime Victims Advocacy; and Jon Komouoski, Washington Defenders Association and Washington Association of Criminal Defense Lawyers.