
**Criminal Justice & Corrections
Committee**

HB 1175

Brief Description: Prohibiting trafficking in persons.

Sponsors: Representatives Veloria, Roach, O'Brien, Conway, Clements, Lantz, Linville, Moeller, Delvin, Benson, Darneille, Kenney, Kessler, Simpson, Chase, McMahan and Upthegrove.

Brief Summary of Bill

- Two crimes of sex trafficking are created and penalizes the perpetrator based upon the age of the victim.
- Two crimes of labor trafficking are created and penalizes the perpetrator based upon whether or not death or kidnapping occurred as part of the trafficking offense.

Hearing Date: 1/28/03

Staff: Yvonne Walker (786-7841).

Background:

The definition of trafficking varies, but it can generally be defined as any act that involves the recruitment or transportation of a person, within or across national borders, for work or services, by means of violence or threat of violence, debt bondage, deception or other coercion. A person 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 for the trafficking business. However, over the last decade or so, persons from Germany and Russia have added to the market economy of trafficking.

Washington has statutes that punishes a person for certain prostitution types of offenses. Unlike federal law, it does not have a criminal statute specifically prohibiting the trafficking of persons. Federal statute governing trafficking crimes contains laws prohibiting these types

of offenses which are generally punishable by a fine and up to 20 years of incarceration. If death results from the violation of a trafficking offense, or if the violation includes kidnapping, aggravated sexual abuse, or a victim under the age of 14 years old at the time of the offense was involved, then the punishment can increase to life imprisonment.

The maximum sentence for all class A felonies under Washington's statute is life imprisonment and a \$50,000 fine.

Summary of Bill:

Four crimes relating to the trafficking of persons are created.

Second Degree Sex Trafficking. A person is guilty of sex trafficking in the second degree, despite whether he or she benefitted financially or received anything of value as a result of the act, when:

- the victim is at least 14 years old, but no older than 18 years old; and
- the perpetrator knowingly, in or affecting interstate commerce, recruited, enticed, harbored, transported, provided, or obtained by any means the victim knowing that force, fraud, or coercion would be used to cause the victim to engage in a commercial sex act.

Sex trafficking in the second degree is a seriousness level XIV, class A felony offense.

First Degree Sex Trafficking. Sex trafficking in the first degree includes the same elements as sex trafficking in the second degree, however the victim must be under the age of 14 years old. Sex trafficking in the first degree is a seriousness level XVI, class A felony offense.

Second Degree Trafficking. A person is guilty of trafficking in the second degree, despite whether he or she benefitted financially or received anything of value, when the perpetrator knowingly, recruited, harbored, transported, provided, or obtained by any means, another person, knowing that force, fraud, or coercion would be used to cause the victim to engage in labor, services, peonage, or involuntary servitude. Trafficking in the second degree is a seriousness level XIV, class A felony offense.

First Degree Trafficking. A person is guilty of trafficking in the first degree if, in the process of violating trafficking in the second degree, his or her criminal act results in death, kidnapping or an attempt to commit kidnapping, or the offense involves a finding of sexual motivation. Trafficking in the first degree is a seriousness level XVI, class A felony offense.

Appropriation: None.

Fiscal Note: Requested on January 22, 2003.

Effective Date: Ninety days after adjournment of session in which bill is passed, except section 4, which takes effect July 1, 2004.