

HOUSE BILL REPORT

SHB 1826

As Passed Legislature

Title: An act relating to trafficking in persons.

Brief Description: Including trafficking in persons in the criminal profiteering law.

Sponsors: By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Veloria, McMahan, O'Brien, Kenney, Boldt, Mielke, Santos, Hudgins, Upthegrove, Simpson and Conway).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/25/03, 2/28/03 [DPS].

Floor Activity:

Passed House: 3/14/03, 94-0.

Senate Amended.

Passed Senate: 4/17/03, 46-2.

House Concurred.

Passed House: 4/22/03, 97-0.

Passed Legislature.

Brief Summary of Substitute Bill

- Requires that international matchmaking organizations to notify foreign recruits that they may have access to background and personal information about a person using the matchmaking services.
- Requires international matchmaking organizations to make personal (instead of marital) history information available to foreign recruits that request such information.

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; Darneille, Vice Chair; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Lovick and Pearson.

Staff: Yvonne Walker (786-7841).

Background:

Foreign social referral agencies, also known as international matchmaking organizations, bring together approximately 4,000 to 6,000 couples annually, who eventually marry and petition for immigration of the female spouse. Many of the female spouses come to the United States from the Philippines and from the independent states of the former Soviet Union.

The Immigration and Naturalization Service estimates there are over 200 international matchmaking organizations operating in the United States. Federal law requires these organizations to provide accurate information about immigration laws to prospective foreign spouses in their native language.

In Washington, international matchmaking organizations must notify foreign prospective spouses that background check and marital history information is available for prospective spouses who are Washington residents. Notice must be in writing in the recruits native language. Upon a request for such information, the organization must notify the Washington resident prospective spouse. The Washington resident must obtain a background check report from the Washington State Patrol, and must provide the report and his or her marital history information to the organization.

The organization must forward the background report and marital history information to the foreign prospective spouse. Organizations may not knowingly provide continued services to facilitate further interaction between the prospective spouses until the organization has received the information from the Washington client and forwarded it to the foreign client.

Summary of Substitute Bill:

International matchmaking organizations doing business in Washington State must notify foreign recruits stating that they may have access to background and personal (instead of solely marital) information about a Washington State resident using the matchmaking services. In addition, international matchmaking organizations must make personal (instead of solely marital) history information available to foreign recruits that request such information.

Personal history information includes the person's current marital status, the number of previous marriages, annulments, and dissolutions for the person, whether any previous marriages occurred as a result of receiving services from an international making organization; any founded allegations of child abuse or neglect; and whether there are any existing antiharassment protection orders, domestic violence protection orders, and domestic violence no-contact orders against the person.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: Trafficking is a problem that is increasing at an alarming extent in this country. Trafficking of humans should not be tolerated in this country. The House of Representatives has already passed SHB 1175 which creates in state statute the criminal penalties for trafficking. This bill gets at perpetrators of trafficking another way, through their pocketbooks. The majority of trafficking offenders are primarily trafficking for financial gain and the monetary penalties and forfeitures in this bill are great tools for penalizing these such perpetrators.

Testimony Against: Most trafficking crimes are prosecuted at the federal level because they usually involve global organizations. However most offenders involved in trafficking crimes are beyond the reach of this state and usually the federal government as well. The people that will probably be prosecuted in this state are what some defense attorneys call the "mules," the ones who are probably not making large amounts of money from this crime.

The crime of criminal profiteering has been historically used for people that commit profiteering for financial gain. Several provisions of this bill would penalize a trafficking offender "whether or not" he or she benefitted financially from the crime. Those specific provisions should be eliminated from the bill and the crime of profiteering should be limited to human trafficking for financial gain only. (These provisions of the bill have been eliminated in the substitute version of the bill.)

Testified: (In support) Representative McMahan, co-sponsor; and Lonnie Johns-Brown, Washington Coalition of Sexual Assault Programs.

(Opposed) Amanda Lee, Washington Association of Criminal Defense Lawyers.