

HOUSE BILL REPORT

SSB 6339

As Passed House:
March 5, 2014

Title: An act relating to coercion of involuntary servitude.

Brief Description: Concerning coercion of involuntary servitude.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Fraser, Roach, Kohl-Welles, Benton, Hasegawa, Chase, Keiser and Kline).

Brief History:

Committee Activity:

Public Safety: 2/19/14, 2/21/14 [DP].

Floor Activity:

Passed House: 3/5/14, 83-15.

<p>Brief Summary of Substitute Bill</p>
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- Creates the offense "Coercion of Involuntary Servitude."

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass. Signed by 9 members: Representatives Goodman, Chair; Roberts, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Holy, Moscoso, Pettigrew and Takko.

Staff: Sarah Koster (786-7303).

Background:

"Involuntary servitude" means a condition of servitude in which the victim was forced to work by the use or threat of physical restraint or physical injury or by the use or threat of coercion through law or legal process.

A person is guilty of Coercion if, by use of a threat, he or she compels or induces a person to engage in conduct which the latter has a legal right to abstain from, or to abstain from conduct which he or she has a legal right to engage in.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Coercion is a gross misdemeanor.

A person is guilty of Trafficking if he or she:

1. recruits, harbors, transports, transfers, provides, obtains, or receives by any means another person, knowing that force, fraud, or coercion will be used to cause the person to engage in forced labor, involuntary servitude, a sexually explicit act or a commercial sex act, or that the person has not reached the age of 18 years and is caused to engage in a sexually explicit act or a commercial sex act; or
2. benefits financially or receives anything of value from participation in a venture that has engaged in the above acts.

The offense is Trafficking in the first degree if the act involves kidnapping, sexual motivation or illegal harvesting of human organs, or results in a death. Otherwise, the offense is Trafficking in the second degree.

Trafficking in the first degree is a class A felony, with a seriousness level of XIV. Trafficking in the second degree is a class A felony, with a seriousness level of XII.

Summary of Bill:

A person commits Coercion of Involuntary Servitude if he or she coerces another person to perform labor or services by:

- withholding or threatening to withhold or destroy documents relating to a person's immigration status; or
- threatening to notify law enforcement officials that a person is present in the United States in violation of federal immigration laws.

A person may commit Coercion of Involuntary Servitude regardless of whether the person provides any sort of compensation or benefits to the person who is coerced.

Coercion does not include reports to law enforcement that a person is present in the United States in violation of federal immigration laws.

Coercion of Involuntary Servitude is an unranked class C felony.

"Involuntary servitude" means a condition of servitude in which the victim was forced to work by the use or threat of physical restraint or physical injury, by the use of threat of coercion through law or legal process, or through Coercion of Involuntary Servitude.

Appropriation: None.

Fiscal Note: See fiscal note for House Bill 2644.

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

Staff Summary of Public Testimony:

(In support) Washington has its share of the horrible situations of human slavery where people are coerced into doing work of many kinds: sex work or other kinds, with the key being Coercion. Many people who are immigrants or here on immigration papers are among those who are being coerced. Holding papers is a significant threat. The bill does not make it illegal to report that someone is in the country illegally; it targets coercing work out of somebody by making this threat. Having these penalties will prevent some of this activity and it will add more penalties to those who are actually caught.

This law states that our state is unfriendly to traffickers. People who would use coercion to cause another to be stuck in involuntary servitude should be punished to the full extent of the law. A class C felony is appropriate; a gross misdemeanor is not adequate.

It is terrifying to come into a new country and feel so lost. People in this situation are susceptible to the control and influence of others whether they are in a strange country or this is their country. Passports prove one's identity and legal status, and provide the support of one's own government when abroad. There are many local examples of those abused through having their documents taken or tampered with.

A decade ago human trafficking became a crime. Before that, it had to be proved that such a crime existed in our state. Law enforcement also had to be urged to enforce the law. Since then, coalition building and education has taken those institutional doubts about the crime away. Confiscation of an employee's documents is considered to be forced labor and a human rights violation by an international human rights organization.

(Opposed) None.

Persons Testifying: Senator Fraser, prime sponsor; Ahnaleza Wilseck, Darly Abbott, and Tim Heffer, The Justice and Mercy Foundation; and Velma Veloria, Faith Action Network.

Persons Signed In To Testify But Not Testifying: None.