

# SENATE BILL REPORT

## SSB 6339

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As Passed Senate, February 12, 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:** Law & Justice: 2/03/14, 2/06/14 [DPS].

Passed Senate: 2/12/14, 48-0.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 6339 be substituted therefor, and the substitute bill do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Kline, Ranking Member; Darneille, Pearson, Pedersen and Roach.

**Staff:** Tim Ford (786-7423)

**Background:** A person is guilty of "coercion" for the use of a threat to compel or induce a person to engage in conduct which the latter has a legal right to abstain from, or to abstain from conduct which the person has a legal right to engage in. Coercion is a gross misdemeanor. Involuntary servitude is when a victim is forced to work by the use or threat of physical restraint or physical injury, or by coercion through law or legal process.

A person is guilty of trafficking if the person:

- 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
- benefits financially or receives anything of value from participation in a venture that has engaged in the above acts.

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*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.*

The offense is trafficking in the first degree if the acts involve kidnapping, sexual motivation, illegal harvesting of human organs, or result 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 Substitute Bill:** A person commits coercion of involuntary servitude by coercing 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.

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

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 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 or threat of coercion through law or legal process, or through coercion of involuntary servitude.

**Appropriation:** None.

**Fiscal Note:** Requested on January 29, 2014.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: Human trafficking exists and it is modern day slavery. Twenty million are in forced labor worldwide and are primarily exploited by private companies. Victims are usually migrant workers, and their employer will take their passport or other immigration papers and threaten to destroy the passport or deport the migrant. They are coerced into providing cheap labor, prostitution, or other services. Without a passport you cannot obtain social or health support, move to another job, or enroll in school. These victims are not informed of their rights and are in constant fear. The victims are mistreated and exploited. Withholding a passport to coerce a person into involuntary servitude should be criminal.

**Persons Testifying:** PRO: Senator Fraser, prime sponsor; Velma Veloria, Faith Action Network; Emma Catague, API Chaya; Jun Aesquivel, Filipino Community of Seattle; Tim Heffer, Darly Abbott, The Justice and Mercy Foundation.