

HOUSE BILL REPORT

ESSB 5884

As Reported by House Committee On:
Public Safety

Title: An act relating to the trafficking of persons.

Brief Description: Concerning the trafficking of persons.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Kohl-Welles, Darneille, Padden, Keiser, Conway, Chase and Hasegawa).

Brief History:

Committee Activity:

Public Safety: 3/25/15, 3/26/15 [DPA].

**Brief Summary of Engrossed Substitute Bill
(As Amended by Committee)**

- Requires the Office of Crime Victims Advocacy (OCVA) to create and maintain an information portal serving as the state government contact regarding human trafficking.
- Requires the OCVA to review and approve a model human trafficking notice for voluntary use by establishments that maintain public restrooms.
- Reinstates the Washington State Task Force Against the Trafficking of Persons.
- Extends the expiration date of the Commercially Sexually Exploited Children Statewide Coordinating Committee (Committee) and adds new duties to the Committee.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass as amended. Signed by 9 members: Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Griffey, Moscoso, Pettigrew and Wilson.

Staff: Cassie Jones (786-7303).

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.

Background:

Office of Crime Victims Advocacy.

The Office of Crime Victims Advocacy (OCVA) is a program of the Department of Commerce (Commerce), which performs the following functions:

- advocates on behalf of victims obtaining needed services and resources;
- administers grant funding for community programs working with victims of crimes;
- assists communities in planning and implementing services for crime victims; and
- advises local and state government agencies of practices, policies, and priorities which impact crime victims.

The OCVA administers grant funding to community agencies providing services to human trafficking victims.

Washington State Task Force Against the Trafficking of Persons.

The 2002 Legislature established the Washington State Task Force Against the Trafficking of Persons (Task Force). The Task Force consisted 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 included nine members, selected by the Director of the Office of Community Development, that represented the public and private sector organizations that provide assistance to persons who are victims of trafficking.

The Task Force was 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 classes, 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 was required to provide a report to the Governor and the Legislature in 2004 on its findings and recommendations. The Task Force expired in 2004.

Commercially Sexually Exploited Children Statewide Coordinating Committee.

The Commercially Sexually Exploited Children Statewide Coordinating Committee (Committee) was established in 2013 to address the issue of children who are commercially sexually exploited, examine the practices of local and regional entities involved in addressing sexually exploited children, and make recommendations on statewide laws and practices.

The Committee is convened by the Office of the Attorney General. The Committee members include representatives of:

- each caucus in the House of Representatives and the Senate;
- the Office of the Governor;
- the Department of Social and Health Services, Children's Administration;

- the Juvenile Rehabilitation Administration;
- the Office of the Attorney General;
- the Office of the Superintendent of Public Instruction;
- the Administrative Office of the Courts;
- the Washington Association of Sheriffs and Police Chiefs;
- the Washington State Criminal Justice Training Commission;
- the Washington Association of Prosecuting Attorneys;
- the Office of Public Defense;
- the Center for Children and Youth Justice;
- three community service providers that provide direct services to commercially sexually exploited children;
- two nongovernmental organizations familiar with the issues affecting commercially sexually exploited children;
- the Washington Superior Court Judges Association;
- the Washington Association of Juvenile Court Administrators;
- any existing chairs of regional task forces on commercially sexually exploited children;
- the criminal defense bar;
- the Office of Crime Victims Advocacy; and
- the Washington Coalition of Sexual Assault Programs.

The duties of the Committee include but are not limited to: overseeing and reviewing the implementation of the Washington State Model Protocol for Commercially Sexually Exploited Children at pilot sites; receiving reports and data from local and regional entities regarding the incidence of commercially sexually exploited children in their areas; reviewing recommendations from local and regional entities regarding policy changes that would improve the effectiveness of local response practices; and making recommendations regarding data collection and strategic local investments to address the commercial sexual exploitation of children.

Until its June 30, 2015 expiration date, the Committee must meet no less than annually and report by June 30 of each year to the appropriate committees of the Legislature and to any other known statewide committees addressing trafficking or the commercial sex trade.

Summary of Amended Bill:

Office of Crime Victims Advocacy.

The OCVA is designated as the single point of contact in state government regarding the trafficking of persons. The OCVA must create and maintain an information portal serving as the state government contact regarding human trafficking. The portal is known as the Washington State Clearinghouse on Human Trafficking (Clearinghouse). The Clearinghouse must share and coordinate statewide efforts to combat the trafficking of persons. The Clearinghouse must:

- coordinate information on all statewide human trafficking task forces;
- publish statewide task force reports;
- maintain a comprehensive resource directory for trafficking victims; and

- collect and disseminate up-to-date state and federal news, legislative efforts, and information on human trafficking.

The OCVA must review and approve a model human trafficking notice for voluntary use by establishments that maintain public restrooms. The OCVA may work with businesses, other establishments, and human trafficking victim advocates to develop notice placement policies. The notice is produced and distributed by a participating nonprofit organization. The OCVA must report the progress of the voluntary public restroom notices to legislative committees by December 31, 2016.

Washington State Task Force Against the Trafficking of Persons.

The Task Force is reinstated and includes the following new members:

- one member from each of the two largest caucuses of both the Senate and the House of Representatives;
- the Director of the OCVA, instead of the Office of Community Development;
- the Attorney General;
- the Superintendent of Public Instruction;
- the Director of the Department of Agriculture;
- at least one human trafficking survivor; and
- 11 members from various entities that provide assistance to victims and survivors of human trafficking or who work on related issues.

In addition to its previous duties, the Task Force must review the statutory response to human trafficking, analyze the impact and effectiveness of the laws, and make recommendations on legislation to further anti-trafficking efforts.

Commercially Sexually Exploited Children Statewide Coordinating Committee.

The Committee's expiration date is extended to June 30, 2017, and the Committee will be convened jointly by the Attorney General and the Commerce. Representatives from organizations providing inpatient chemical dependency treatment and mental health treatment and a survivor of human trafficking are added to the Committee's membership. The Committee is given the following additional duties:

- review the extent to which Chapter 289, Laws of 2010 (Engrossed Substitute Senate Bill 6476 (ESSB 6476)) is understood and applied by enforcement authorities;
- research any barriers that exist to full implementation of Chapter 289, Laws of 2010 (ESSB 6476) throughout the state;
- make recommendations regarding the policy of eliminating prosecution of juveniles for prostitute and prostitution loitering; and
- make recommendations regarding the provision of services to juveniles suspected of prostitution and prostitution loitering in lieu of prosecution.

The Committee is required to report its findings regarding its new duties to the Legislature by February 1, 2016.

Amended Bill Compared to Engrossed Substitute Bill:

The amended bill contains the following provisions:

1. Provides that the Committee is to be convened jointly by the Attorney General (AG) and the Commerce, rather than only by the AG.
2. Adds the following additional members to the Committee: a representative from an organization providing inpatient chemical dependency treatment to youth, a representative from an organization provided mental health treatment to youth, and a survivor of human trafficking.
3. Adds the following to the duties of the Committee: review the extent to which Chapter 289, Laws of 2010 (ESSB 6476) is understood and applied by enforcement authorities; research any barriers that exist to full implementation of Chapter 289, Laws of 2010 (ESSB 6476) throughout the state; make recommendations regarding the policy of eliminating prosecution of juveniles for prostitute and prostitution loitering; and make recommendations regarding the provision of services to juveniles suspected of prostitution and prostitution loitering in lieu of prosecution.
4. Requires the Committee to report its findings regarding its new duties to the appropriate committees of the Legislature by February 1, 2016.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony:

(In support) The issue of human trafficking was introduced into the Legislature in 2002 when a task force was created which will be revived in this bill. Washington has enacted 37 bills on human trafficking since 2002. There is much more work to do on this issue. It would be helpful to have a single point of contact in state government to provide knowledge to everyone in the state on these issues. This bill will help toward having anti-trafficking posters in all public restrooms and the state will incur no expense.

The bill would also extend another task force that works on the issue of commercial sexual exploitation of children. The Committee will look at what services children need to help them with the trauma they suffer as a result of sexual exploitation. Two more years will help the Committee gather data and make progress. It is important to have a youth focused coordinating committee. It is an effective and efficient way to have information presented to the Legislature. The Committee will bring together all stakeholders. The Committee strengthens the power of public-private partnership.

There have been many strides made in combating human trafficking, but there is additional work to do. A single portal is needed in state government to provide information on human trafficking. The portal should provide a comprehensive directory of resources for victims of human trafficking. It is also very important to have posters with the human trafficking hotline number placed in public restrooms. Washington has a high volume of calls to the hotline, and this policy will increase the chance that victims will get the resources they need.

(Opposed) None.

(Other) There is support for the policy behind the bill, but there is a fiscal impact that is not reflected in the Governor's budget. There is a great appreciation for the work that all stakeholders have done on human trafficking issues.

Persons Testifying: (In support) Senator Kohl-Welles, prime sponsor; Bobbe J. Bridge; Nicholas Oakley, Center for Children and Youth Justice; Rebecca Podszus, Office of the Attorney General; Velma Veloria, Faith Action Network; and Stephanie Martinez, Seattle Against Slavery.

(Other) Nick Demerice, Department of Commerce.

Persons Signed In To Testify But Not Testifying: None.