

SENATE BILL REPORT

SB 5342

As Passed Senate, February 5, 2016

Title: An act relating to human trafficking definitions.

Brief Description: Concerning definitions related to human trafficking.

Sponsors: Senators Hasegawa, Kohl-Welles, Padden, McAuliffe, Brown, Keiser, Roach, Chase and Conway.

Brief History:

Committee Activity: Commerce & Labor: 1/30/15, 2/04/15 [DP].
Passed Senate: 2/05/16, 49-0.

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass.

Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Hasegawa, Ranking Minority Member; Conway, Keiser, King and Warnick.

Staff: Susan Jones (786-7404)

Background: International labor recruitment agencies and domestic employers of foreign workers must provide a disclosure statement to foreign workers who have been referred to or hired by a Washington employer. The disclosure statement must state that the worker may be considered an employee under the laws of the state of Washington; state that the worker may be subject to both state and federal laws governing overtime and work hours; include an itemized listing of any deductions the employer intends to make from the worker's pay for food and housing; include an itemized listing of the agency's fees; state that the worker has the right to control the worker's travel and labor documents, subject to federal law; and include a list of services or a hotline the worker may contact if the person thinks the worker is a human trafficking victim. The Department of Labor and Industries created a model form and posted it on its website; and integrated information on assisting victims on human trafficking in posters and brochures.

As required under federal law, the U.S. Secretary of State developed a federal informational pamphlet on the legal rights and resources available to nonimmigrant visa holders in certain employment and education-based visa categories. International labor recruitment agencies and domestic employers of foreign workers are not required to provide the Washington

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disclosure statement if the foreign worker has been provided the federal informational pamphlet. A worker is presumed to have been provided the pamphlet if the federal law requiring the pamphlet is in effect and the worker holds an A-3, G-5, NATO-7, H, J, or B-1 personal or domestic servant visa.

An international labor recruitment agency or domestic employer that fails to provide the disclosure statement to any foreign worker is liable to that foreign worker in a civil action. The court must award a prevailing foreign worker an amount between \$200 and \$500, or actual damages, whichever is greater, and court costs and attorneys' fees. The court may also award other equitable relief.

Summary of Bill: Definitions are added to the Human Trafficking chapter for the following terms: (1) any person; (2) menace of any penalty; (3) forced labor; (4) human trafficking or trafficking; and (5) work or service:

- Menace of any penalty is all forms of criminal sanctions and other forms of coercion;
- Forced work is all work exacted under the menace of any penalty and where the person has not voluntarily offered to work;
- Human trafficking is an act conducted to exploit, including forced work, by any means. Examples of means include the threat of use of force or other forms of coercion, abduction, fraud or deception, abuse of power, or abuse of position of vulnerability; and
- Work or service includes all types of legal or illegal work, employment, or occupation.

Appropriation: None.

Fiscal Note: Not requested.

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: The bill adds labor trafficking into the definitions. When the legislation was passed in 2003, the legislation failed to define human trafficking. This corrects the oversight. Victims of human trafficking may pay exorbitant fees and the promise of a job does not exist. They may be forced to work under threats of deportation, and harm to themselves and their families. Recruiters leave them with broken promises, broken spirits, and broken futures. This legislation is a strong catalyst for transforming victims of human trafficking. Human beings are not intended to be sold or used for profit gain. This will help break the cycle of this hate crime. Washington leads the nation in preventing human trafficking.

Persons Testifying: PRO: Senator Hasegawa, prime sponsor; Velma Veloria, UW Womens Center Task Force Against Human Trafficking; Ethel Paat, citizen.