

SENATE BILL REPORT

SB 6356

As of February 3, 2020

Title: An act relating to requiring training on human trafficking.

Brief Description: Requiring training on human trafficking.

Sponsors: Senators Padden, Kuderer, Holy, Dhingra, Wilson, L., Hasegawa, O'Ban and Wagoner.

Brief History:

Committee Activity: Law & Justice: 2/03/20.

Brief Summary of Bill

- Requires a transient accommodation facility to hold annual employee training on human trafficking beginning by January 1, 2021, for its employees and training for new employees within 90 days of beginning employment.
- Requires training to address the definitions of human trafficking and commercial sexual exploitation of children; the differences between human trafficking and labor trafficking; guidance specific to public lodging regarding identifying human trafficking victims; and responding to suspected human trafficking.
- Requires, by January 1, 2021, transient accommodation operators to post human trafficking awareness signage and implement procedures for voluntary reporting to the national human trafficking hotline or local law enforcement.
- Prohibits the Department of Health from issuing or renewing a transient accommodation facility license without written certification the requirement for human trafficking training, signage, and reporting procedures are met.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Melissa Burke-Cain (786-7755)

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: Human Trafficking. Human trafficking is a form of modern-day slavery in which traffickers use force, fraud, or coercion to control victims to engage in commercial sex acts against their will. Human trafficking is illegal under both state and federal law. Washington's Office of Crime Victims Advocacy administers The Washington State Clearinghouse on Human Trafficking, providing information on statewide efforts to combat trafficking, news, and updates regarding trafficking and resources for victims and survivors. Human trafficking victims are controlled physically, emotionally, and financially. Escape is difficult because victims are afraid to approach authorities because they fear threats of harm against their families or deportation if they are not U.S. citizens. They may have no idea how to get help. Washington State is considered a high-risk state for human trafficking because it has an international border, multiple ports, areas of geographic isolation, and demand for sex industry workers. Human traffickers often take advantage of the privacy and anonymity offered through the hospitality industry. Hotels and motels are common locations for human trafficking.

Transient Accommodations. The Department of Health licenses transient accommodations. Transient accommodations include any facility such as a hotel, motel, condominium, or resort, offering three or more separately accessed and numbered lodging units to travelers and transient guests. A transient accommodation operator must obtain a license and renew it each year. The state Board of Health makes health and safety rules governing minimum transient accommodation standards for adequate light, heat, ventilation, cleanliness, and sanitation. The facility must be adequately maintained to comply with the rules. The Department of Health has the authority to enter and inspect any transient accommodation at any reasonable time, and investigate complaints about the facility. If a transient accommodation violates the rules or fails to comply with the licensing requirements, the Department of Health may suspend or revoke the facility's license, impose a civil fine, or refer the matter to the county prosecutor for criminal charges. A violation of the transient accommodation rules by an operator is a misdemeanor. Each day of operations in violation of the rules is a separate offense.

Summary of Bill: Beginning January 1, 2021, all transient accommodation facilities must provide human trafficking training to its employees annually and to its new employees within 90 days of starting employment. The training must address the definitions of human trafficking, commercial sexual exploitation of children, and the differences between human trafficking and labor trafficking. The training must also provide guidance specific to the transient lodging business about how to recognize persons who may be victims, the employee's role in responding to suspected human trafficking, and contact information for agencies such as local law enforcement, and the national human trafficking hotline. Every operator of a transient accommodation must post human trafficking awareness signage, in English and translated into any language spoken by at least ten percent of the employees. Every operator must also implement procedures and employee policies for reporting suspected human trafficking to the national hotline or local law enforcement. The Department of Health must not issue or renew a transient accommodation's license unless the operator provides a written certification that it complies with the requirements for training, signage, and employee reporting procedures.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: Similar legislation was offered in past years and there is currently a companion bill in the other chamber. We are in a state with high risk for sex trafficking. The hospitality industry is not the only business that is affected by sex trafficking but we know these businesses are targets. Many national hotel brands have nationwide training. This bill allows nationwide hotels to use the training they already have, but also provides options for small businesses. Human trafficking training is important and many in the hospitality industry offer training voluntarily. Some organizations provide free training with focus on front line employee training. This bill is an important step to make sure all employees have training in how to recognize potential trafficking in their facilities. When I do a training in a hospital, nurses to front desk employees tell me they would have missed the signs of human trafficking in a case without the training. I think we have a duty to help those who are reaching out for help. As a survivor, who was trafficked at age 14, I always wondered why I was not stopped at the front desk. Traffickers are actively and consistently using hotels. Of the hundreds of children and youth who are trafficked over the year in Seattle, a significant percentage involve a hotel. Hotel staff may not recognize the signs that a person is being trafficked. All hotel staff across the state should have training that will allow them to disrupt traffickers and identify trafficking victims. We find that training works. It increases knowledge about trafficking and increases empathy regarding those who are in prostitution as persons who may have been coerced. There is a potential for bias against certain groups, and law enforcement response may cause harm, but we try to provide training that does not create bias against particular classes. We hoped that hotels would volunteer to train their employees, but many hotel employees may not receive training without making it mandatory. Washington uses an holistic approach to prevent human trafficking by stopping the traffickers and the buyers. This bill fortifies Washington's proactive efforts and gains an additional tool. It gives good people in the hospitality industry tools to do the right thing. Hotel workers are on the front line to be able to prevent trafficking. The battle against human trafficking is not just about law enforcement; we should focus on the locations where trafficking prospers, for example, in transient accommodations. There is a culture of disbelief and misinformation about human trafficking that needs to be broken in order to make progress.

CON: We urge caution around this bill. The description of the training is vague and only addresses calling the police. This approach may lead to profiling of trans people, especially trans persons of color. There was a case in which two trans women of color checked into a hotel and were profiled as sex workers. The police were called and they were retained in police custody for eight days. The kind of control that traffickers exert is similar to domestic violence in which calling the police can make the situation much worse for the victim. There needs to be interventions that do not call on police. We ask this question, do lawmakers understand the difference between consensual sex work and sex trafficking? The bill conflates sex work with sex trafficking. One result is that safe places for sex workers are taken away. Consenting sex workers may be profiled as a result of the training. Many consensual sex workers are formerly trafficked persons and have a lot of information that

they could share that would be helpful in this training effort. This bill could cause more harm than good if it does not take the perspective of sex workers who voluntarily perform this work into account. The bill does not say who will conduct the training and what the training curriculum entails.

OTHER: Calling law enforcement is not always the best alternative. We prefer an approach that respects the autonomy of persons who engage in the sex trade. The training should include how implicit and explicit bias affects prevention of sex trafficking and we would like this approach to be included in a consensus bill.

Persons Testifying: PRO: Senator Mike Padden, Prime Sponsor; Yubi Mamiya, citizen; Samantha Louderback, Washington Hospitality Association; Anna Boone, Seattle Hotel Association; Mar Brettmann, Businesses Ending Slavery and Trafficking; Maren Finzer, Chief Impact Officer, Businesses Ending Slavery and Trafficking; Tim Heffer, Executive Director, The Justice and Mercy Foundation; Erik Gray, Programs Director, Innovations Human Trafficking Collaborative.

CON: Lisa Taylor-Lopez, Sex Workers Outreach Project; Tobi Hill-Meyer, Co-Executive Director, Gender Justice League.

OTHER: Emi Koyama, Coalition for Rights and Safety for People in the Sex Trade.

Persons Signed In To Testify But Not Testifying: No one.