

SENATE BILL REPORT

SB 5114

As of February 9, 2023

Title: An act relating to supporting adults with lived experience of sex trafficking.

Brief Description: Supporting adults with lived experience of sex trafficking.

Sponsors: Senators Wilson, C., Trudeau, Frame, Hasegawa, Kuderer, Lias, Lovelett, Nguyen, Nobles, Pedersen, Randall, Saldaña, Stanford, Valdez, Warnick and Wellman.

Brief History:

Committee Activity: Human Services: 1/17/23, 1/26/23 [DPS-WM].
Ways & Means: 2/13/23.

Brief Summary of First Substitute Bill

- Directs the Office of Crime Victims Advocacy to administer funding for healing, support, and transition services for adults with the lived experience of sex trafficking, subject to appropriations.

SENATE COMMITTEE ON HUMAN SERVICES

Majority Report: That Substitute Senate Bill No. 5114 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Wilson, C., Chair; Kauffman, Vice Chair; Boehnke, Ranking Member; Frame, Nguyen, Warnick and Wilson, J..

Staff: Alison Mendiola (786-7488)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Trevor Press (786-7446)

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

Background: Office of Crime Victims Advocacy. The Office of Crime Victim Advocacy (OCVA) is housed within the Department of Commerce. Crime victim programs work with governments, community-based organizations and individuals to reduce the impact of crime, substance abuse, and violence. The programs use advocacy, prevention, education, treatment, and law enforcement to stop violence, substance abuse, and their social impacts so that Washington’s communities are the best places to work and live.

The OCVA is designated as a single point of contact in state government regarding the trafficking of persons. The Washington State Clearinghouse on Human Trafficking is created as an information portal to share and coordinate statewide efforts to combat the trafficking of persons.

Commercially Sexually Exploited Children. The Commercially Sexually Exploited Children Statewide Coordinating Committee (Committee) addresses issues related to children who are commercially sexually exploited, examines the practices of local and regional entities involved in addressing sexually exploited children, and makes recommendations on statewide laws and practices. The Committee must meet at least annually.

The Committee is convened by the Office of the Attorney General. The Committee members include representatives from the Legislature, the Governor's Office, state agencies, courts, victim advocates, law enforcement, service providers, regional task forces on commercially sexually exploited children, attorneys, and a survivor of human trafficking.

The Committee expires on June 30, 2023, and must annually report its findings to the appropriate committees of the Legislature and to any other known statewide committees addressing trafficking or the commercial sex trade.

The Department of Children, Youth, and Families (DCYF) must provide services to support commercially sexually exploited children, including providing at least one liaison position in each of the six regions of the DCYF.

DCYF administers funding for two receiving center programs for commercially sexually exploited youth ages 12 to 17 on the west and east side of the Cascade Mountains. The receiving centers:

- provide ongoing case management for youth served by the programs;
- include a short-term evaluation function accessible 24 hours per day, seven days per week that has the capacity to meet immediate needs for youth or refer to services;
- assess youth for mental health and substance use disorder needs and provide referrals;
- use existing facilities and do not require the construction of new facilities; and
- provide individual and group counseling.

Summary of Bill (First Substitute): Subject to appropriation, OCVA is to administer funding for healing, support, and transition services for adults with the lived experience of

sex trafficking. At least one of the healing, support, and transition service providers is to be in eastern Washington and one in western Washington.

The healing, support, and transition service providers must:

- offer healing, support, and transition services designed to enhance safety, and reduce and prevent further trauma;
- provide ongoing services for adults with lived experience of sex trafficking;
- provide culturally, developmentally, and linguistically informed and responsive services with priority given to underserved populations in the region, which are most impacted by sex trafficking;
 1. depending on the region, underserved populations may include people who are African American, Asian, Native Hawaiian, Pacific Islander, American Indian, Alaska Native, lesbian, gay, bisexual, transgender, queer, questioning, two-spirit, intersex, asexual, other identities that fall outside of cisgender and heterosexual paradigms +, or Latine;
- incorporate into the program leadership from communities with unique risk factors for sex trafficking, sex trafficking survivor leadership, survivor-informed services, and survivor mentorship;
- meet core needs, provide long-term services, and offer skill training to increase the range of options available to participants, including transition services;
- not require proof of identification in order to access services, or require that an individual self-identify as a sex trafficking victim in order to initially access services;
- regularly participate in coordination meetings for healing, support, and transition service providers;
- provide training and information to law enforcement officers, prosecutors, service providers and other first responders, and communities with culturally specific risk factors for sex trafficking on how to engage and refer individuals to these services; and
- report data on outcomes of the healing, support, and transition services to OCVA, collected on a quarterly basis from clients who may be compensated for survey participation.

The OCVA shall:

- prioritize funding for healing, support, and transition service providers located in underserved areas of the state that have a need for healing, support, and transition services;
- provide additional funding to one statewide organization led by adults with lived experience of sex trafficking for the purpose of providing coordinating support and convening statewide coordination meetings, no less than quarterly, for healing, support, and transition service providers and related service providers following a request for proposals (RFP);
- issue a RFP for healing, support, and transition service providers by September 1, 2023;
- include the following stakeholders in the development of the RFP and prioritization

- of funding: diverse community representatives who have lived experience of transitioning out of sex trafficking; and the Secretary of DCYF, or their designee; and
- collect the following data:
 1. nonidentifiable demographic data of clients served, including whether clients are current or former foster youth;
 2. data on trafficking and trauma verification, including the number of clients that have been verified as adults with lived experience of sex trafficking based on information self-disclosed by the client or a referring entity, the type of trafficking, and prior trauma history;
 3. data on the services provided to clients; and
 4. data on outcomes of the healing, support, and transition services, collected on a quarterly basis from clients.

By December 1, 2024, OCVA is to submit an initial report to the Legislature that includes the following information by service providers:

- the number of clients served;
- nonidentifiable demographic data of the clients served, including whether clients are current or former foster youth; and
- data on the services provided to clients.

Beginning December 1, 2025, OCVA is to submit an annual report to the Legislature that includes the following information by service provider:

- nonidentifiable demographic data of clients served, including whether clients are current or former foster youth;
- data on trafficking and trauma verification, including the number of clients verified as adults with lived experience of sex trafficking based on information self-disclosed by the client or a referring entity, the type of trafficking, and prior trauma history;
- data on the services provided to clients;
- data on outcomes of the healing, support, and transition services, collected on a quarterly basis from clients; and
- any recommendations for modification or expansion of the healing, support, and transition services.

Beginning December 1, 2025, OCVA is to submit an annual report to DCYF that includes data on current and former foster youth provided healing, support, and transition services. DCYF shall use this data for coordination with its liaisons for commercially sexually exploited children.

Definitions. Adult with lived experience of sex trafficking means any person age 18 or older who was a person who has been forced or coerced to perform a commercial sex act including, but not limited to, being a victim of offenses defined in RCW 9A.40.100, 9A.88.070, 9.68A.101, and the Trafficking Victims Protection Act of 2000, 22 U.S.C. Sec. 7101 et seq.; or a person who was induced to perform a commercial sex act when they were

less than 18 years of age, including but not limited to, the offenses defined in chapter 9.68A RCW.

Healing, support, and transition service provider means an entity or person that provides healing and transition services that meet the self-determined needs of adults with lived experience of sex trafficking ages 18 and older.

Healing, support, and transition services means safe and trauma-informed services tailored to the self-determined needs of each individual. Healing, support, and transition services include advocacy, safety planning, housing and related support including support related to relocation, substance use disorder treatment; medical and behavioral health services and other trauma-informed services; legal advocacy, which may include immigration system support, vacatur support, or other civil legal assistance, translation and interpretation, education, job training, employment support, outreach; and emergency financial assistance.

EFFECT OF CHANGES MADE BY HUMAN SERVICES COMMITTEE (First Substitute):

Healing, support and transition service providers may not require that an individual self-identify as a sex trafficking victim in order to initially access services. A technical change is made.

Appropriation: The bill contains a section or sections to limit implementation to the availability of amounts appropriated for that specific purpose.

Fiscal Note: Available.

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 on Original Bill (Human Services): *The committee recommended a different version of the bill than what was heard.* PRO: In 2020, the national human trafficking hotline rated Washington as 11th highest number of reported cases of human trafficking in the nation yet there are very few resources and supports available to support individuals who are victims. People of color and members of the LGBTQ+ community are accessing these services disproportionately and need help. Around 300 of missing indigenous people were forced or coerced into trafficking in 2022. A system is needed to help victims of trafficking once they are found. Transitional services are the difference between life and death for many trafficking survivors. This problem requires more than a band aid, a collaborative and nonjudgmental program to support survivors is needed to meet them where they are at.

OTHER: We need to expand the scope of the services to include prostitutes. Many people

don't even realize they are trafficked.

Persons Testifying (Human Services): PRO: Senator Claire Wilson, Prime Sponsor; Sam Cho, Port of Seattle, Commission President; Mar Brettmann, Businesses Ending Slavery and Trafficking; Kyra Abrahamson, Washington Trafficking Prevention; Marissa Perez, Yarrow Project; Rebekah Fonden, Organization for Prostitution Survivors; Mary Williams, Real Escape from the Sex Trade; Robin Miller.

OTHER: Rick Torrance, Department of Commerce; Emi Koyama, Coalition for Rights & Safety for People in the Sex Trade.

Persons Signed In To Testify But Not Testifying (Human Services): No one.