

# HOUSE BILL REPORT

## SHB 2644

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**As Passed House:**  
February 12, 2014

**Title:** An act relating to coercion of involuntary servitude.

**Brief Description:** Concerning coercion of involuntary servitude.

**Sponsors:** House Committee on Public Safety (originally sponsored by Representatives Ryu, Nealey, Moscoso, Sells, Appleton, Kagi, Haler, Gregerson, Orwall, Wylie, Roberts, Reykdal, Senn, Robinson, Farrell, Tarleton, Tharinger, Freeman, Walkinshaw, Jinkins, Morrell, Clibborn, Haigh, Pettigrew, Rodne, Moeller, Pollet, Bergquist, S. Hunt, Sawyer, Green, Stanford, Ormsby and Santos).

**Brief History:**

**Committee Activity:**

Public Safety: 1/29/14, 2/4/14 [DPS].

**Floor Activity:**

Passed House: 2/12/14, 93-4.

Passed House: 2/12/14, 87-10.

<p><b>Brief Summary of Substitute Bill</b></p> <ul style="list-style-type: none"><li>• Creates the offense "Coercion of Involuntary Servitude."</li></ul>
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### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Goodman, Chair; Roberts, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Holy, Hope, Moscoso, Pettigrew, Ross and Takko.

**Staff:** Sarah Koster (786-7303).

**Background:**

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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.*

"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 or by the use of threat of coercion through law or legal process.

A person is guilty of Coercion if, by use of a threat, he or she compels or induces a person to engage in conduct which the latter has a legal right to abstain from, or to abstain from conduct which he or she has a legal right to engage in.

Coercion is a gross misdemeanor.

A person is guilty of Trafficking if he or she:

1. 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
2. benefits financially or receives anything of value from participation in a venture that has engaged in the above acts.

The offense is Trafficking in the first degree if the acts involve kidnapping, sexual motivation or 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 if he or she coerces another person to perform labor or services by:

1. withholding or threatening to withhold or destroy documents relating to a person's immigration status; or
2. threatening to notify law enforcement officials that a person is present in the United States in violation of federal immigration laws.

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.

Reporting to law enforcement that a person is present in the United States in violation of federal immigration laws is not a threat for the purposes of this offense.

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 of threat of coercion through law or legal process, or through Coercion of Involuntary Servitude.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Washington is innovative, comprehensively examining the roots of human trafficking and creating solutions. This is another chance to close in on bad actors. The U.S. Department of Justice estimates that 7,500 people are trafficked into the United States every year. The true number may be higher. Traffickers use different methods to confine their victims: lock and key or more subtle techniques, including debt bonding, isolation, confiscation of passports and identification, threat of violence, threat of shame, or holding money for safekeeping.

This bill would allow companies to be prosecuted with criminal penalties if this happens in our state. Employers hold passports to avoid having their victims known by consulates or government agencies and to prevent them from leaving. It should be criminal for employers to hold passports for any reason; it is telling the employees that they do not legally exist. Employers should not be able to control their employees' freedom of movement. Without documentation, they cannot enroll in school, apply for benefits, or find housing. Intimidation, deceit, and fear is how people are held in bondage. Coercion is a key insidious tool that traffickers use. Chains of love keep victims imprisoned because of the threat to families and the risk of shame.

(Opposed) None.

**Persons Testifying:** Representative Ryu, prime sponsor; Velma Veloria, University of Washington Women's Center and Faith Action Network; Alma Kern, Filipino Community of Seattle; Emma Catague, Asian and Pacific Islander Chaya; and Timothy Heffer and Darly Abbott, Justice and Mercy Foundation.

**Persons Signed In To Testify But Not Testifying:** None.