

# HOUSE BILL REPORT

## SB 5127

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### As Passed House - Amended:

April 13, 2005

**Title:** An act relating to services for victims of trafficking of humans.

**Brief Description:** Improving services to victims of human trafficking.

**Sponsors:** By Senators Kohl-Welles, Benton, Hargrove, Roach, Prentice, Thibaudeau, Stevens, Fraser and Keiser.

### Brief History:

#### Committee Activity:

Criminal Justice & Corrections: 3/22/05, 3/31/05 [DPA].

#### Floor Activity:

Passed House - Amended: 4/13/05, 95-0.

### Brief Summary of Bill (As Amended by House)

- Requires the Director of the Department of Community, Trade, and Economic Development, within existing resources, to convene a work group to: (1) develop written protocols for the delivery of services to victims of human trafficking; and (2) develop policies for interagency coordinated operations.

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## HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** Do pass as amended. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Kirby and Strow.

**Staff:** Yvonne Walker (786-7841).

### Background:

Human trafficking generally involves the recruitment or transportation of a person, within or across national borders, for work or services, by means of violence or threat of violence, debt bondage, deception, or other coercion. A person may be trafficked for a number of reasons including forced prostitution, exploitative domestic service in private homes, and indentured servitude in sweatshops.

In 2003, the Legislature passed Substitute House Bill 1175 which created two crimes relating to the trafficking of persons. In addition, the definition of criminal profiteering in the Criminal Profiteering Act (Act) was expanded to include the crime of trafficking.

A person is guilty of trafficking in the second degree, whether he or she benefitted financially or received anything of value, when the perpetrator knowingly recruited, harbored, transported, provided, or obtained by any means, another person, knowing that force, fraud, or coercion would be used to cause the victim to engage in forced labor or involuntary servitude. Trafficking in the second degree is a seriousness level XII - class A felony offense. A person is guilty of trafficking in the first degree if, in the process of violating trafficking in the second degree, his or her criminal act results in a death, involves kidnapping or an attempt to commit kidnapping, or involves a finding of sexual motivation. Trafficking in the first degree is a seriousness level XIV - class A felony offense.

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### **Summary of Amended Bill:**

By July 1, 2005, the Department of Community, Trade, and Economic Development (DCTED) must, within existing resources, convene a work group to develop written protocols for the delivery of services to victims of human trafficking.

In addition to the Director of the DCTED, the members of the work group must consist of the Secretary of the Department of Health, the Secretary of the Department of Social and Health Services, the Attorney General, the Director of the Department of Labor and Industries, the Commissioner of the Employment Security Department, a representative of the Washington Association of Prosecuting Attorneys, the Chief of the Washington State Patrol, two members selected by the Washington Association of Sheriffs and Police Chiefs, and five members that are selected by the Director of the DCTED from a list submitted by public and private sector organizations that provide assistance to persons who are victims of trafficking. All members of the work group will serve without compensation.

The Director of the DCTED must invite appropriate federal agencies to consult with the work group for the purpose of developing protocols, that to the extent possible, are in concert with federal statutes, regulations, and policies. The protocols must at a minimum:

- apply to the DCTED, the Department of Health, the Department of Social and Health Services, the Office of the Attorney General, the Washington State Patrol, the Department of Labor and Industries, and the Employment Security Department;
- provide policies and procedures for interagency coordinated operations and cooperation with government agencies and nongovernmental organizations, agencies, and jurisdictions, including law enforcement agencies and prosecuting attorneys;
- include the establishment of a database electronically available to all affected agencies which contains the name, address, and telephone numbers of agencies that provide services to victims of human trafficking; and
- provide guidelines for providing for the social service needs of victims of trafficking, including housing, health care, and employment.

The written protocols must be finalized and submitted to the Legislature and the Governor by January 1, 2006. The Director of DCTED, or the Director's designee must reconvene the work group and review the protocols on a biennial basis to determine whether revisions are appropriate.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** (In support) There are thousands of women and children that are smuggled into this country each year and the number of trafficking crimes continue to rise where traffickers are making billions of dollars in profit. Victims are often scared of deportation, and many of them can often be found trapped or hidden in hotels, bars, and massage parlors. Other countries have been requested to pass laws prohibiting trafficking similar to what Washington has passed. Laws like this bill will help victims to come forward to get help.

The Legislature has dealt with the issue of trafficking for quite a few years. The issue was really brought to attention in 2003, when two mail-order brides were murdered in Washington as well as several other individuals that were held in bondage. In addition, Representative Veloria initiated two pieces of legislation on trafficking. One created a task force to study the issue of trafficking and the other created the crimes of trafficking. The task force would like to continue its efforts to ensure that victims of trafficking are provided with assistance. This bill is a recommendation from that task force.

Washington was the first state in the country to enact a bill on the crime of human trafficking. The state has done an excellent job in creating a state level trafficking crime, but this piece of legislation will actually force the state agencies to come together to talk about what needs to be done to communicate between one another.

(In support with comment) Trafficking is a fairly new issue on the horizon in Washington and there is a lot of education and coordination that must occur. This bill will take a first step in coordinating state agencies and their existing services which may be relevant to victims of trafficking. The specified state agencies in the bill will be asked to review their services and then the work group will start to develop protocols for service delivery to the victims. The due date of the protocol is six months after the enactment of the Act. That may not be enough time.

**Testimony Against:** None.

**Persons Testifying:** (In support) Senator Kohl-Wells, prime sponsor; Rani Hong, Shared Hope International; and Suzanne Brown-McBride, Washington Coalition of Sexual Assault Programs.

(In support with comment) Bev Emery, Office of Crime Victims Advocacy.

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