

# SENATE BILL REPORT

## ESSB 5884

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As Amended by House, April 9, 2015

**Title:** An act relating to the trafficking of persons.

**Brief Description:** Concerning the trafficking of persons.

**Sponsors:** Senate Committee on Law & Justice (originally sponsored by Senators Kohl-Welles, Darneille, Padden, Keiser, Conway, Chase and Hasegawa).

**Brief History:**

**Committee Activity:** Law & Justice: 2/16/15, 2/19/15 [DPS].

Passed Senate: 3/11/15, 49-0.

Passed House: 4/09/15, 96-0.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 5884 be substituted therefor, and the substitute bill do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille, Kohl-Welles, Pearson and Roach.

**Staff:** Melissa Burke-Cain (786-7755)

**Background:** Washington uses a multi-faceted approach to reduce human trafficking and commercial sexual exploitation. The criminal justice system pursues the criminals who profit from trafficking and holds them accountable. The social service, health care, and education systems support and care for trafficking victims and their families. Many nonprofit and community organizations across the state help trafficking victims with safe housing, transportation, and other necessities. State government has the challenging task of coordinating all of these efforts as efficiently and effectively as possible.

Social media and other emerging technologies serve an important purpose for the criminals in the business of sexual exploitation. Technology helps lure victims into the sex trade, and helps market the services to commercial sex consumers. The same technologies can help communities fight back through public education and by making resources available online to trafficking victims.

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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.*

Currently Washington has a commercially sexually exploited children coordinating committee. The committee sunsets on June 30, 2015. Until June 30, 2004, Washington had a task force against human trafficking. The state's anti-trafficking efforts will improve by re-establishing the human trafficking task force and re-authorizing the coordinating committee for children exploited in the sex trade.

**Summary of Engrossed Substitute Bill:** Information Clearinghouse. The Department of Commerce Office of Crime Victims Advocacy (OCVA) must create and maintain an information portal serving as the state government contact regarding human trafficking. The portal is known as the Washington State Clearinghouse on Human Trafficking. The clearinghouse must share and coordinate statewide efforts to combat the trafficking of persons. The clearinghouse must:

- coordinate information on all statewide human trafficking task forces;
- publish statewide task force reports;
- maintain a comprehensive resource directory for trafficking victims; and
- offer current, up-to-date state and federal news, legislative efforts, and information on human trafficking.

State Anti-Trafficking Task Force and Children's Coordinating Committee. The OCVA must provide administrative support for the Washington State Task Force on the Trafficking of Persons (task force). This task force consists of one member from each of the two main caucuses of the House of Representatives and from each of the two main caucuses of the Senate, representatives from public agencies, organizations who serve trafficking victims and survivors, or work on trafficking issues, and at least one human trafficking survivor. The OCVA is authorized to add additional participants to the task force to ensure broad, diverse representation. The task force must:

- evaluate progress in Washington's anti-trafficking activities and services;
- consider anti-trafficking services and resources provided by other states;
- review effectiveness of Washington's anti-trafficking laws; and
- recommend needed changes to the Governor and the Legislature.

The commercially sexually exploited children statewide coordinating committee is authorized through June 30, 2017. The authorization continues the coordinating committee's current membership and duties.

Voluntary Anti-Trafficking Restroom Notice. The OCVA must review and approve a model human trafficking notice for use in an anti-trafficking information campaign. The OCVA must coordinate with public entities, private businesses, and community-based nonprofit organizations to develop notice placement policies. The notice is printed and distributed by anti-trafficking nonprofit organizations. Once the model notice is available, establishments that maintain a public restroom may voluntarily post the anti-trafficking notice. The OCVA must report the progress of the voluntary public restroom notices to legislative committees by December 31, 2016.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** Yes.

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

**Staff Summary of Public Testimony on Original Bill:** PRO: The OCVA will create a single point of contact for the state on human trafficking issues and provide a clearinghouse for information. The Commercially Sexually Exploited Children Statewide Coordinating Committee (CSECSCC) is not finished with all of its work and data analysis and should continue through June 30, 2017. The CSECSCC recommended that the state create a clearinghouse and a single point of contact with the state and a source of resources and information. The Center for Children & Youth Justice works to reform the child welfare and juvenile justice systems. Within the Center, Project Respect coordinates the implementation of the Washington State Model Protocol for Commercially Sexually Exploited Children. Along with 200 partners across the state, the project is building a victim-centered response to commercial exploitation of children. Providing the CSECSCC an additional two years will better enable the important coordinating work to continue. By designating a central agency at OCVA to collect human trafficking related information, ongoing anti-trafficking efforts will be strengthened. It will help identify victims who are in critical need of support and services. It is important to recognize that human trafficking comes in many forms and often includes labor trafficking. This bill continues to support the work of many groups and grass root community participants. The committee does not just report, it analyzes the information and makes it broadly available to the public.

**Persons Testifying:** PRO: Senator Kohl-Welles, prime sponsor; Rebecca Podszus, Office of the Attorney General; Lindsay Holmes, Shared Hope International; Savannah, Sex Workers Outreach Project; Rose Gundersen, WA Engage; Nicholas Oakley, Center for Children and Youth Justice.

**House Amendment(s):**

1. The Attorney General and the Department of Commerce must jointly convene the Commercially Sexually Exploited Children Statewide Coordinating Committee (Committee).
2. Three additional members join the Committee: a representative from organizations providing youth with inpatient chemical dependency treatment, with mental health treatment, and a survivor of human trafficking.
3. As to chapter 289, Laws of 2010 (Engrossed Substitute Senate Bill 6476) the Committee must review and make recommendations regarding the following:
  - a. law enforcement application of the 2010 law on sex crimes involving children;
  - b. reducing barriers to full implementation of the 2010 law throughout the state;
  - c. effects of the state's policy of eliminating prosecution of juveniles for prostitution and prostitution-related crimes; and
  - d. services provided to juveniles in lieu of prosecution for prostitution and prostitution-related crimes.
4. The Committee must report its findings to the appropriate committees of the Legislature by February 1, 2016.