
**Criminal Justice & Corrections
Committee**

SB 5127

Brief Description: Improving services to victims of human trafficking.

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

Brief Summary of Bill

- 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.
- Creates an annual award to recognize noteworthy individuals and groups who provide services to victims of trafficking.

Hearing Date: 3/22/05

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 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.

Summary of Bill:

Work Group. By July 1, 2005, the Department of Community, Trade, and Economic Development (CTED) 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 CTED, 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 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 CTED from a list submitted by public and private sector organizations that provide assistance to persons who are victims of trafficking. All members of the workgroup will serve without compensation.

The Director of the CTED 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 CTED, 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 CTED, or the director's designee must reconvene the workgroup and review the protocols on a biennial basis to determine whether revisions are appropriate.

Award. An award is created to recognize noteworthy individuals and groups, who provided efforts to fight human trafficking or who provided services to victims of trafficking. The Governor, in conjunction with the Director of CTED, must identify two award recipients. Beginning in September 2005, the award will be given annually consistent with the availability of qualified nominees.

The Director of the CTED must appoint a broad-based advisory committee that includes community advocacy and other organizations and agencies serving trafficking victims, immigrants, and others affected by trafficking.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.