

SENATE BILL REPORT

SB 5880

As of February 12, 2016

Title: An act relating to human trafficking.

Brief Description: Enacting the human trafficking training act.

Sponsors: Senators Padden, Kohl-Welles, Keiser, Conway, Chase and Hasegawa.

Brief History:

Committee Activity: Law & Justice: 2/16/15.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Melissa Burke-Cain (786-7755)

Background: Victims of human trafficking, and particularly sex trafficking, live under a constant threat of violence. These victims may not know who to ask for help, or how to ask for help, because they are in unfamiliar surroundings or may not trust public safety officers. Many victims cannot escape because they fear for their lives, or the lives of friends and family. Trafficking victims may frequent public places and interact with persons who could help if they recognized the signs common to trafficking victims.

Trafficking victims often frequent hospitality or service settings such as hotels, bars, spas, nightclubs, strip clubs, tattoo parlors, truck stops, restaurants, convenience stores, and shopping malls. Medical and social service providers may not recognize clients who are trafficking victims when they encounter them in hospitals, clinics, schools, or other community service settings. Many trafficking victims would be helped by training workers in these settings to recognize trafficking victims.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed First Substitute): Persons who work in any establishment that requires a valid liquor license or any establishment that requires an adult entertainment endorsement or license must complete a minimum of one hour of training in identifying and assisting human trafficking victims. The training programs must be made available at no cost to the worker. Current workers must complete the training within 60 days of the effective date of this section and newly-hired workers must complete training within 30 days of hiring.

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.

Although not required, establishments where activities take place that do not require a liquor or adult entertainment license, are encouraged to provide this worker training. Examples of such establishment and industries include: spas, hotels, tattoo parlors, retail stores in malls, internet advertisement or dating services, truck stops, restaurants, and convenience stores. In addition, those who serve as first responders or service in medical or social services are also encouraged to receive the training.

The liquor and cannabis board must post employee training information. No liquor license, adult entertainment license, or endorsement certification may be issued or renewed unless the licensee certifies in writing that all employees completed the mandatory training. .

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on January 1, 2016.

Staff Summary of Public Testimony on Original Bill: Testimony From 2015 Regular Session. PRO: It is very important that awareness is raised without confusion about sex trafficking and that is why the quality and content of employee training is so important. There are other industries that should be included like the Transportation Security Administration and airline workers. The reporting obligation should include employers and independent contractors. The employer should bear a financial penalty. If the penalty is too harsh, it may make employees not want to know about someone so they do not have to report. Washington is a national leader in the fight against sex trafficking. This bill is an innovative approach that supports training and reporting and creates a comprehensive reporting system. No one should be a sex slave, and labor trafficking, such as farm workers, should be included. Internet solicitation and the business of sex trafficking is morally wrong.

CON: Section 1 is objectionable because it is not accurate and panders to emotion. The statistics do not distinguish between one-time exchanges of sex for something tangible or using sex repetitively in exchange for living needs like food or shelter. This bill turns civilians into police. The volume of reports from people afraid not to report for fear of punishment will bog down the criminal justice system. The authorities will have to track down many false leads. It is reminiscent of the Red Scare. Many of the establishments named already have penalties for letting minors in when they are not allowed. For some of us the sex trade is a job that we like. The expansion of reporting to internet or online advertising will just push people onto the streets and endanger them. We oppose human trafficking in any form but this law is overbroad.

OTHER: There are some changes that would make this a more workable law, similar to mandatory report laws for elder and child abuse as applied to health care staff. It would be preferred to hold the direct patient care staff responsible and not everyone who works in a hospital. There should be immunity for reporting and testifying, and ensure that reporting does not violate health care information privacy requirements.

Persons Testifying on Original Bill: Persons Testifying From 2015 Regular Session. PRO: Jeri Moomaw, Rose Gunderson, WA Engage; Lindsay Holmes, Shared Hope International; Leann Farley, Savannah Getz, citizens.

CON: Mary, Savannah, Sex Worker Outreach Project; Mark Johnson, WA Retailers Assn.; Patrick Connor, National Federation of Independent Businesses.

OTHER: Lisa Thatcher, WA State Hospital Assn.

Persons Signed In To Testify But Not Testifying on Original Bill: No One.

Staff Summary of Public Testimony on First Substitute: Testimony From 2016 Regular Session. OTHER: We would support the bill as long as the implementation by the Liquor and Cannabis Board is reasonable. CON: We support the anti-trafficking work and are active on the task force but there is a problem with training availability. We have not been able to identify either a general training or a specialized training for our industry that is 1 hour, available on-line, and free. An on-line module needs to be developed, preferable specific to the industry. This bill misses the mark in some key areas such as availability of the training, the cost to businesses to provide it in terms of employee training time. The priority seems misplaced in that not all liquor licensees are on the front lines of this problem. Not all liquor licenses should be treated the same such as neighborhood groceries who may not really have contact with persons being trafficked. There is a significant cost because employers have to pay their employees while on training time. Could the training be combined with other mandatory training 2-4 hours from the Liquor and Cannabis Board? The length of time given to train all employees is too short for those employers with a high number of employees. Training workers in adult entertainment settings is very important but we currently cannot find a training module on line that is available now so one would have to be developed. This is so needed because so many are exploited through the dance clubs and strip clubs. If such a training were available it could save a lot of heartache for many exploited persons.

Persons Testifying on First Substitute: Testimony From 2016 Regular Session. OTHER: T.K. Bentler, WA Assn of Neighborhood Stores; CON: Kim Clauson, WA Restaurant Assn, WA Lodging Assn; Holly Chisa, NW Grocery Assn; Patrick Connor, National Federation of Independent Businesses; Jeri Moomaw, Washington Engage.

Persons Signed In To Testify But Not Testifying on First Substitute: No one.