

SENATE BILL REPORT

SHB 2320

As Reported by Senate Committee On:
Law & Justice, February 27, 2020

Title: An act relating to requiring training on human trafficking.

Brief Description: Requiring training on human trafficking.

Sponsors: House Committee on Consumer Protection & Business (originally sponsored by Representatives Leavitt, Van Werven, Orwall, Eslick, Barkis, Shewmake, Lovick, Harris, Sells, Kilduff, Tarleton, Fey, Irwin, Wylie, Doglio, Pellicciotti, Kloba and Riccelli).

Brief History: Passed House: 2/12/20, 95-1.

Committee Activity: Law & Justice: 2/20/20, 2/27/20 [DPA].

Brief Summary of Amended Bill

- Requires transient accommodations to train all employees on human trafficking by January 1, 2021, and train new employees within 90 days of hire.
- Requires culturally responsive training specific to public lodging that uses behaviors and traits of trafficking to identify human trafficking victims.
- Requires posting of human trafficking awareness signage, and implementing voluntary reporting procedures, by January 1, 2021.
- Prohibits the Department of Health (DOH) from issuing or renewing a transient accommodation facility's license without written certification that the requirements for human trafficking training, signage, and reporting procedures are met and authorizes DOH inspection upon request.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy, Kuderer, Salomon and Wilson, L..

Staff: Melissa Burke-Cain (786-7755)

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.

Background: Human Trafficking. Human trafficking is a form of modern-day slavery in which traffickers use force, fraud, or coercion to control victims to engage in commercial sex acts against their will. Human trafficking is illegal under both state and federal law. Washington's Office of Crime Victims Advocacy administers The Washington State Clearinghouse on Human Trafficking, providing information on statewide efforts to combat trafficking, news, and updates regarding trafficking and resources for victims and survivors. Human trafficking victims are controlled physically, emotionally, and financially. Escape is difficult because victims are afraid to approach authorities because they fear threats of harm against their families or deportation if they are not U.S. citizens. They may have no idea how to get help. Washington State is considered a high-risk state for human trafficking because it has an international border, multiple ports, areas of geographic isolation, and demand for sex industry workers. Human traffickers often take advantage of the privacy and anonymity offered through the hospitality industry. Hotels and motels are common locations for human trafficking.

Transient Accommodations. DOH licenses transient accommodations. Transient accommodations include any facility such as a hotel, motel, condominium, or resort, offering three or more separately accessed and numbered lodging units to travelers and transient guests. A transient accommodation operator must obtain a license and renew it each year. The state Board of Health makes health and safety rules governing minimum transient accommodation standards for adequate light, heat, ventilation, cleanliness, and sanitation. The facility must be adequately maintained to comply with the rules. DOH has the authority to enter and inspect any transient accommodation at any reasonable time, and investigate complaints about the facility. If a transient accommodation violates the rules or fails to comply with the licensing requirements, DOH may suspend or revoke the facility's license, impose a civil fine, or refer the matter to the county prosecutor for criminal charges. A violation of the transient accommodation rules by an operator is a misdemeanor. Each day of operations in violation of the rules is a separate offense.

Summary of Amended Bill: Transient accommodations must provide annual training to their employees, implement procedures for voluntary reporting of suspected trafficking, and post signage regarding human trafficking. A transient accommodation must certify that it has complied with the human trafficking training, signage, and reporting procedure requirements as a condition of DOH licensing. DOH may request inspection of the required documents.

The training must include:

- the definition of human trafficking and commercial exploitation of children, and the difference between sex trafficking and labor trafficking;
- content that is culturally responsive and includes information about identifying suspected trafficking based on behaviors and traits of trafficking and not race, creed, color, national origin, sexual orientation, sex, or class;
- guidance specific to the public lodging sector concerning how to identify individuals who may be victims of human trafficking;
- guidance concerning the role of the employees in appropriately responding to suspected human trafficking; and
- the contact information of appropriate agencies, including the National Human Trafficking Hotline telephone number, and the telephone numbers of appropriate local law enforcement agencies.

The signage must be conspicuously posted, printed in an easily legible font in English and any other language spoken by at least 10 percent of the employees.

Transient accommodation operators must implement procedures for the voluntary reporting of suspected human trafficking to the National Human Trafficking Hotline or to a local law enforcement agency, and a policy to act as a guide for all employees on human trafficking prevention.

EFFECT OF LAW & JUSTICE COMMITTEE AMENDMENT(S):

- Removes references to implicit bias and requires training to use of behaviors and traits of trafficking to identify suspected trafficking victims and not race, creed, color, national origin, sexual orientation, or class.
- Removes requirement to obtain permission of suspected trafficking victims before contacting law enforcement.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Substitute House Bill: *The committee recommended a different version of the bill than what was heard.* PRO: Human trafficking is a serious crime all across the world. Hotel and motel workers have a chance to help be part of the solution for survivors of human trafficking. A TVW program involving lobbyists and civics issues with Ballard High School seniors chose this bill as one to follow because human trafficking is such an important community concern. Mandatory training is a sound policy because workers in hotels, motels, and similar accommodations are in a unique position to recognize and offer help to trafficked persons. Persons who engage in trafficking others take advantage of the anonymity of these accommodations to conduct their crimes. Our organization offers online training to hotel employees across the country, but whether it is our training or similar training provided by other organizations, we support mandatory training for hotel and motel workers. Workers who take our training have reported many instances of trafficking that they would not have recognized without training. Cultural bias and law enforcement involvement is an issue that concerns us. In our training, we recommend involving law enforcement when the suspected trafficking victim is a child or minor. But with adults in the sex industry, we recommending asking them if they need help first before involving law enforcement. Many who oppose this bill believe that prostitution is always a victimless crime and the sex industry should be left alone, but that attitude is changing.

OTHER: We support the underlying bill and look forward to partnering to implement it, but we have concerns about some of the language in the bill. We have prepared alternative language for an amendment and ask you to consider it. The language that contacting law

enforcement may be harmful is based on an faulty assumption and that is language that we find troubling.

Persons Testifying: PRO: Representative Mari Leavitt, Prime Sponsor; Maren Finzer, Chief Impact Officer, Businesses Ending Slavery and Trafficking; Kevin Connelly, Businesses Ending Slavery and Trafficking; Shelly Helder, Capital Classroom—Ballard High School.

OTHER: James McMahan, Washington Association of Sheriffs and Police Chiefs; Samantha Louderback, Washington Hospitality Association.

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