

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2381

Chapter 10, Laws of 2002

57th Legislature
2002 Regular Session

TRAFFICKING OF PERSONS

EFFECTIVE DATE: 6/13/02

Passed by the House February 13, 2002
Yeas 98 Nays 0

FRANK CHOPP
**Speaker of the House of
Representatives**

Passed by the Senate March 4, 2002
Yeas 43 Nays 0

BRAD OWEN
President of the Senate

Approved March 12, 2002

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2381** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER
Chief Clerk

FILED

March 12, 2002 - 2:03 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2381

Passed Legislature - 2002 Regular Session

State of Washington 57th Legislature 2002 Regular Session

By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Veloria, Van Luven, Kenney, Dunshee, Romero, O'Brien, Darneille, Schual-Berke, Chase, Tokuda, Upthegrove, Edwards, Santos, Kagi and Haigh)

Read first time 02/05/2002. Referred to Committee on .

1 AN ACT Relating to the trafficking of persons; amending RCW
2 7.68.020; and creating new sections.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

5 (a) The trafficking in persons is a modern form of slavery, and it
6 is the largest manifestation of slavery today;

7 (b) At least seven hundred thousand persons annually, primarily
8 women and children, are trafficked within or across international
9 borders;

10 (c) Approximately fifty thousand women and children are trafficked
11 into the United States each year;

12 (d) Trafficking in persons is not limited to the sex industry, and
13 includes forced labor with significant violations of labor, public
14 health, and human rights standards worldwide;

15 (e) Traffickers primarily target women and girls, who are
16 disproportionately affected by poverty, the lack of access to
17 education, chronic unemployment, discrimination, and the lack of
18 economic opportunities in countries of origin; and

1 (f) There are not adequate services and facilities to meet the
2 needs of trafficking victims regarding health care, housing, education,
3 and legal assistance, which safely reintegrate trafficking victims into
4 their home countries.

5 (2) The legislature declares that the purpose of this act is to
6 provide a coordinated, humane response for victims of human trafficking
7 through a review of existing programs and clarification of existing
8 options for such victims.

9 NEW SECTION. **Sec. 2.** (1) There is created the Washington state
10 task force against the trafficking of persons.

11 (2) The task force shall consist of the following members:

12 (a) The director of the office of community development, or the
13 director's designee;

14 (b) The secretary of the department of health, or the secretary's
15 designee;

16 (c) The secretary of the department of social and health services,
17 or the secretary's designee;

18 (d) The director of the department of labor and industries, or the
19 director's designee;

20 (e) The commissioner of the employment security department, or the
21 commissioner's designee;

22 (f) Nine members, selected by the director of the office of
23 community development, that represent public and private sector
24 organizations that provide assistance to persons who are victims of
25 trafficking.

26 (3) The task force shall be chaired by the director of the office
27 of community development, or the director's designee.

28 (4) The task force shall carry out the following activities:

29 (a) Measure and evaluate the progress of the state in trafficking
30 prevention activities;

31 (b) Identify available federal, state, and local programs that
32 provide services to victims of trafficking that include, but are not
33 limited to health care, human services, housing, education, legal
34 assistance, job training or preparation, interpreting services, English
35 as a second language classes, and victim's compensation; and

36 (c) Make recommendations on methods to provide a coordinated system
37 of support and assistance to persons who are victims of trafficking.

1 (5) The task force shall report its findings and recommendations to
2 the governor and legislature by November 30, 2002.

3 (6) The office of community development shall provide necessary
4 administrative and clerical support to the task force.

5 (7) The members of the task force shall serve without compensation,
6 but shall be reimbursed for travel expenses as provided in RCW
7 43.03.050 and 43.03.060.

8 (8) The task force expires March 1, 2003.

9 **Sec. 3.** RCW 7.68.020 and 2001 c 136 s 1 are each amended to read
10 as follows:

11 The following words and phrases as used in this chapter have the
12 meanings set forth in this section unless the context otherwise
13 requires.

14 (1) "Department" means the department of labor and industries.

15 (2) "Criminal act" means an act committed or attempted in this
16 state which is: (a) Punishable as a federal offense that is comparable
17 to a felony or gross misdemeanor in this state; (b) punishable as a
18 felony or gross misdemeanor under the laws of this state(~~(, or)~~); (c)
19 an act committed outside the state of Washington against a resident of
20 the state of Washington which would be compensable had it occurred
21 inside this state(~~(+)~~) and the crime occurred in a state which does not
22 have a crime victims compensation program, for which the victim is
23 eligible as set forth in the Washington compensation law(~~(,)~~); or (d)
24 an act of terrorism as defined in 18 U.S.C. Sec. 2331, as it exists on
25 May 2, 1997, committed outside of the United States against a resident
26 of the state of Washington, except as follows:

27 (~~((a))~~) (i) The operation of a motor vehicle, motorcycle, train,
28 boat, or aircraft in violation of law does not constitute a "criminal
29 act" unless:

30 (~~((i))~~) (A) The injury or death was intentionally inflicted;

31 (~~((ii))~~) (B) The operation thereof was part of the commission of
32 another non-vehicular criminal act as defined in this section;

33 (~~((iii))~~) (C) The death or injury was the result of the operation
34 of a motor vehicle after July 24, 1983, and a preponderance of the
35 evidence establishes that the death was the result of vehicular
36 homicide under RCW 46.61.520, or a conviction of vehicular assault
37 under RCW 46.61.522, has been obtained: PROVIDED, That in cases where
38 a probable criminal defendant has died in perpetration of vehicular

1 assault or, in cases where the perpetrator of the vehicular assault is
2 unascertainable because he or she left the scene of the accident in
3 violation of RCW 46.52.020 or, because of physical or mental infirmity
4 or disability the perpetrator is incapable of standing trial for
5 vehicular assault, the department may, by a preponderance of the
6 evidence, establish that a vehicular assault had been committed and
7 authorize benefits; or

8 ~~((iv))~~ (D) The injury or death was caused by a driver in
9 violation of RCW 46.61.502;

10 ~~((b))~~ (ii) Neither an acquittal in a criminal prosecution nor the
11 absence of any such prosecution is admissible in any claim or
12 proceeding under this chapter as evidence of the noncriminal character
13 of the acts giving rise to such claim or proceeding, except as provided
14 for in ~~((subsection (2)(a)(iii) of this section))~~ (d)(i)(C) of this
15 subsection;

16 ~~((e))~~ (iii) Evidence of a criminal conviction arising from acts
17 which are the basis for a claim or proceeding under this chapter is
18 admissible in such claim or proceeding for the limited purpose of
19 proving the criminal character of the acts; and

20 ~~((d))~~ (iv) Acts which, but for the insanity or mental
21 irresponsibility of the perpetrator, would constitute criminal conduct
22 are deemed to be criminal conduct within the meaning of this chapter.

23 (3) "Victim" means a person who suffers bodily injury or death as
24 a proximate result of a criminal act of another person, the victim's
25 own good faith and reasonable effort to prevent a criminal act, or his
26 or her good faith effort to apprehend a person reasonably suspected of
27 engaging in a criminal act. For the purposes of receiving benefits
28 pursuant to this chapter, "victim" is interchangeable with "employee"
29 or "~~(workman)~~ worker" as defined in chapter 51.08 RCW as now or
30 hereafter amended.

31 (4) "Child," "accredited school," "dependent," "beneficiary,"
32 "average monthly wage," "director," "injury," "invalid," "permanent
33 partial disability," and "permanent total disability" have the meanings
34 assigned to them in chapter 51.08 RCW as now or hereafter amended.

35 (5) "Gainfully employed" means engaging on a regular and continuous
36 basis in a lawful activity from which a person derives a livelihood.

37 (6) "Private insurance" means any source of recompense provided by
38 contract available as a result of the claimed injury or death at the

1 time of such injury or death, or which becomes available any time
2 thereafter.

3 (7) "Public insurance" means any source of recompense provided by
4 statute, state or federal, available as a result of the claimed injury
5 or death at the time of such injury or death, or which becomes
6 available any time thereafter.

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