

California with its large immigrant communities, the world's 9th largest economy and extensive international borders make it one of the top four destination states for human trafficking. According to the Attorney General's office between mid-2010 to mid-2012 California identified 1,277 victims and arrested 1,798 individuals.<sup>1</sup> These numbers are low due to under-identifying and under-reporting. A recent report by the U.S. Department of Justice showed evidence that 1 in 3 undocumented immigrants in San Diego were victims of labor trafficking.<sup>2</sup> Since 2005, California has passed legislation that works to provide victims with access to social services, education, makes human trafficking a felony, and encourages training for governmental employees in order to more effectively identify cases of human trafficking. The following provides a comprehensive guide to California legislation that works to address the multi-faceted challenges of human trafficking.<sup>3,4</sup>

## 2005

### **Assembly Bill 22 – September 21, 2005**

The California Trafficking Victims Protection Act established human trafficking as a felony; provides for mandatory restitution to the victim; directed the Attorney General to give human trafficking high priority along with other crimes; allows a trafficking victim to bring a civil action against his/her trafficker; provides for human trafficking victim-caseworker privilege; and established a statewide task force, the California Alliance to Combat Trafficking and Slavery to analyze California's response to human trafficking and produce a final report.

### **Senate Bill 180 – September 21, 2005**

Called the Human Trafficking Collaboration and Training Act. This bill required the Commission on Peace Officer Standards and Training (POST) to establish a training course and guidelines for law enforcement in responding to human trafficking. POST produced a 2-hour training DVD and curriculum and recently updated it for distribution to all California law enforcement agencies.

## 2006

### **Senate Bill 1569 – September 29, 2006**

Under the federal TVPA, individuals who are federally certified as victims of severe forms of trafficking are eligible to receive federal benefits, but the certification process can take as long as two years. On September 29, 2006, California became the first state in the nation to enact a law providing a "bridge" of temporary services to offer immediate assistance to victims as they await federal certification.

## 2008

### **Assembly Bill 1278 – August 4, 2008**

This bill amends California's Civil Code to make void any provision of a contract that seeks to withhold any wages as compensation for transporting or assisting in emigration of a person into the United States. The bill also amends California's Penal Code to require a hearing in human trafficking cases spanning multiple jurisdictions to determine where the case should be tried.

### **Assembly Bill 2810 – September 18, 2008**

AB 2810 requires law enforcement agencies to assess whether a victim of domestic violence or rape, or a person "suspected of violating" California's solicitation and prostitution laws, is also a victim of human trafficking. The statute

provides specific indicators, including lack of control over one's identification, lack of freedom of movement and signs of trauma or poor care, by which to make this determination. The bill also requires law enforcement agencies to inform the victim that his or her name can be withheld from public record should they request it and requires identifying information be kept confidential except for agencies involved in investigating and prosecuting the case.

## **Assembly Bill 499 – September 27, 2008**

Authorizes the Alameda County District Attorney to create a pilot project to develop a model addressing the needs and effective treatment of commercially sexually exploited minors who have been arrested or detained by local law enforcement.

## **2009**

### **Assembly Bill 17 – October 11, 2009**

This bill classifies any cases “involving human trafficking of minors for purposes of prostitute or lewd conduct” or “abduction or procurement as by fraudulent inducement for prostitution” as criminal profiteering activity and requires that any proceeds made from forfeiture of property and monies from fines paid in these cases be deposited into the Victim-Witness Assistance fund. These funds are allocated for counseling programs that serve children who have been sexually abused or exploited. AB 17 requires that 50 percent of the funds be granted to community-based organizations serving trafficking victims who are minors. The bill also increases maximum additional fines for procurement of a child under the age of 16 to \$20,000.

## **2010**

### **Assembly Bill 1844 – September 9, 2010**

Provides that any person who commits human trafficking involving a commercial sex act where the victim of human trafficking was under 18 years of age shall be punished by a fine of not more than \$100,000 to be deposited in the Victim-Witness Assistance Fund to be available for appropriation to fund services for victims of human trafficking.

### **Senate Bill 657 – September 30, 2010**

The California Supply Chain Transparency Act, creates the California Transparency in Supply Chains Act of 2010 that mandates all retailers and manufacturers “doing business in the state” and who generate in excess of one million dollars in “gross receipts” to publicly “disclose its efforts to eradicate slavery and human trafficking from their direct supply chains for tangible goods offered for sale.” SB 657 provides a list of actions retailers and manufacturers must take to adhere to the law and requires that these efforts be posted on businesses’ website homepage. Businesses in violation of this statute shall have an “action brought by the Attorney General for injunctive relief.” Beginning November 30, 2012, the Franchise Tax Board must submit to the Attorney General an annual list of the businesses required to disclose efforts to combat trafficking in their supply chains.

### **Senate Bill 677 – September 30, 2010**

Authorizes real property used to facilitate acts of human trafficking to be declared and treated as a nuisance, allowing the property to be seized.

## 2011

### **Assembly Bill 12 – July 11, 2011**

The 'Abolition of Child Commerce, Exploitation and Sexual Slavery Act' requires individuals convicted of procuring sexual services from a minor prostitute to pay an additional fine (up to \$25,000) to fund programs for sexually exploited children.

### **Senate Bill 557 – September 6, 2011**

Authorizes the cities of San Diego and Anaheim, and the counties of Alameda and Sonoma, until January 1, 2014, to establish family justice centers to assist victims of domestic violence, sexual assault, elder abuse, human trafficking, and other victims of abuse and crime.

### **Assembly Bill 90 – October 4, 2011**

Expands the definition of criminal profiteering to include abduction or procurement by fraudulent inducement for prostitution.

### **Assembly Bill 764 – October 4, 2011**

Allows an individual taxpayer to contribute a portion of their tax return to the Child Victims of Human Trafficking Fund.

### **Senate Bill 861 – October 9, 2011**

Prohibits a scrutinized company from entering into a contract with a state agency for goods or service.

## 2012

### **Senate Bill 1091 – July 17, 2012**

Adds human trafficking to the list of crimes for which a prosecuting witness may have up to two support persons while testifying.

### **Assembly Bill 2040 – August 27, 2012**

Allows a person, who was adjudicated as ward of the court following a conviction for an act of prostitution, to have his or her record sealed or expunged without having to show rehabilitation or the absence of a subsequent conviction for a crime involving moral turpitude.

### **Assembly Bill 2212 – September 7, 2012**

Expands red light abatement law to include instances of human trafficking.

### **Assembly Bill 1899 – September 24, 2012**

Gives students, who are noncitizen victims of trafficking, the same exemption from nonresident tuition and eligibility to apply for and participate in state and institutional financial aid programs at the California State University (CSU) and the California Community Colleges (CCC) as that extended to students granted refugee status, and requests the University of California (UC) to adopt similar policies.

**Assembly Bill 2466 – September 24, 2012**

Allows a court to order the preservation of the assets and property of criminal defendants charged with human trafficking.

**Senate Bill 1133 – September 24, 2012**

Expands the scope of property subject to forfeiture in human trafficking cases and provides a formula to redirect those resources to community groups that aid victims of human trafficking.

**Senate Bill 1193 – September 24, 2012**

Requires businesses, transit hubs, and other locations that are most likely sites of sex and labor trafficking to post notices publicizing human trafficking resources.

**Assembly Bill 1956 – September 29, 2012**

Expands the California Voluntary Tattoo Removal Program to serve individuals, between 14 and 24, who were tattooed for identification in human trafficking or prostitution.

## ENDNOTES

1. Harris, Kamala D. (2012). The State of Human Trafficking in California. Attorney General's Office, California Department of Justice. Retrieved from: <http://www.oag.ca.gov/sites/all/files/pdfs/ht/human-trafficking-2012.pdf>
2. Zhang, Sheldon X. (November 2012). Looking for a Hidden Population: Trafficking of Migrant Laborers in San Diego County. U.S. Department of Justice. Retrieved from: <https://www.ncjrs.gov/pdffiles1/nij/grants/240223.pdf>
3. Standing Against Global Exploitation. (2012). State of California Legislation. Standing Against Global Exploitation. Retrieved from: [www.sagesf.org](http://www.sagesf.org)
4. California Department of Justice. (2012). Human Trafficking Legislation: California Legislation. Office of the Attorney General. Retrieved from: <http://oag.ca.gov/human-trafficking/legislation>