
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

Bill No: AB 1832 **Hearing Date:** June 18, 2024
Author: Blanca Rubio
Version: May 20, 2024
Urgency: No **Fiscal:** Yes
Consultant: MK

Subject: *Civil Rights Department: Labor Trafficking Task Force*

HISTORY

Source: The Coalition to Abolish Slavery and Trafficking (CAST)

Prior Legislation: None

Support: California State Association of Electrical Workers; California State Pipe Trades; County of Santa Clara; Western State Council Sheet Metal, Air, Rail and Transportation

Opposition: None known

Assembly Floor Vote: 71 - 0

PURPOSE

This bill establishes the Labor Trafficking Task Force (LTF) within the Civil Rights Department (CRD) and requires the LTF to coordinate with the Labor Enforcement Task Force (LET), the Department of Justice (DOJ), and the Division of Labor Standards Enforcement (DLSE).

Existing law provides that any person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services is guilty of human trafficking and shall be punished in the state prison for 5, 8, or 12 years and a fine of not more than \$500,000. (Penal Code § 236.1 (a).)

Existing law provides that a victim of human trafficking may bring a civil action for damages, compensatory damages, punitive damages, injunctive relief, and combination thereof, or any other appropriate relief. (Civil Code § 52.5.)

Existing law provides that when the Attorney General deems it advisable or necessary in the public interest, or when directed to do so by the Governor, the Attorney General shall assist any district attorney in the discharge of the district attorney's duties, and may, if deemed necessary, take full charge of any investigation or prosecution of violations of law of which the superior court has jurisdiction. In this respect, the Attorney General has all the powers of a district attorney. (Government Code § 12550.)

Existing law authorizes the CRD to receive, investigate, conciliate, mediate, and prosecute complaints alleging, and to bring civil actions for, a violation of the crime of human trafficking, as specified. (Government Code § 12930 (f)(3).)

Existing law establishes the LETF under the direction DIR to enforce activities regarding labor, tax, and licensing law violators operating in the underground economy. (Unemp. Ins. Code, §329.)

This bill establishes the LTTF within the CRD and requires the LTTF to coordinate with the LETF, the DOJ, and the DLSE within the Department of Industrial Relations (DIR) to take steps to prevent labor trafficking, receive and investigate complaints alleging labor trafficking.

This bill requires LTTF to be comprised of experienced investigators, mediators, attorneys, outreach workers, support staff, and other staff deemed appropriate by the department.

This bill requires LTTF to do all of the following:

- a) Take steps to prevent labor trafficking;
- b) Coordinate with LETF, DOJ, and the DLSE to combat labor trafficking;
- c) Provide information on the legal rights of available to survivors;
- d) Provide a list of pro bono victim's rights attorneys to survivors;
- e) Receive and refer complaints alleging labor trafficking to the department or other agencies, as appropriate, for potential investigation, civil action, or criminal prosecution; and,
- f) Follow protocols to ensure survivors are not victimized by the process of prosecuting traffickers and are informed of the services available to them.

This bill authorizes LTTF to do any of the following:

- a) Coordinate with other relevant agencies to combat labor trafficking, including, but not limited to, the California Victim Compensation Board, the Agricultural Labor Relations Board, the Department of Cannabis Control, and the State Department of Public Health;
- b) Coordinate with any of the following investigate criminal actions related to labor trafficking and when investigating coordinate with any of the following:
 - i. Local law enforcement agencies;
 - ii. Federal law enforcement agencies; or,
 - iii. District Attorney's offices.
- c) Coordinate with state or local agencies to connect survivors with available services.

This bill requires the Division of Occupational Safety and Health within the DIR to notify the task force when, upon investigating businesses under their purview, if there is evidence of labor trafficking.

This bill requires CRD to include all of the following in their annual report, until January 1, 2036:

- a) The activities of the LTTF, including, but not limited to, coordination with other agencies;
- b) The number of complaints referred to the department;
- c) The number of complaints referred to the DOJ and other agencies.
- d) The status or outcome of the complaints to CRD, DOJ, and other agencies; and,
- e) A discussion of the major challenges to addressing labor trafficking complaints, the ongoing efforts to address those challenges, and options to improve the state's claim process.

This bill states that LTTF is not subject to the requirements of the Bagley-Keene Open Meeting Act, as specified.

This bill states that these provisions shall only become operative upon appropriation by the Legislature in the annual Budget Act or another measure, as specified.

COMMENTS

1. Need for This Bill

According to the author:

The International Labor Organization estimates that approximately 28 million individuals are trafficked globally, with 17.3 million people experiencing forced labor in private sector industries and 6.3 million experiencing forced commercial sexual exploitation. As a heavily populated border state, California has one of the highest rates of human trafficking in the nation. Despite this, there is no specific California State entity responsible for labor trafficking according to state statute. Although certain State entities often respond to labor trafficking claims, often time's jurisdictional issues or lack of communication occurs between the various entities. Unfortunately due to this, nothing is done to assist those being trafficked. According to the 2021 Federal Human Trafficking Report, forced labor accounted for 0% of convicted defendants related to human trafficking in California. A study by the Little Hoover Commission found that it is difficult to track the rate of labor trafficking in California because the government lacks the infrastructure to identify and record these instances. This bill will remedy the lack of communication and enhance enforcement from the State. While doing this, AB 1832 will ensure survivors are not victimized and are made aware of their rights and the tools available to them.

2. Labor Trafficking

According to the Attorney General’s Website: “Labor trafficking involves the recruitment, harboring, or transportation of a person for labor services, through the use of force, fraud, or coercion. It is modern day slavery. Labor trafficking arises in many situations, including domestic servitude, restaurant work, janitorial work, factory work, migrant agricultural work, and construction. It is often marked by unsanitary and overcrowded living and working conditions, nominal or no pay for work that is done, debt bondage, and document servitude. It occurs in homes and workplaces, and is often perpetrated by traffickers who are the same cultural origin and ethnicity as the victims, which allows the traffickers to use class hierarchy and cultural power to ensure the compliance of their victims. Labor traffickers often tell their victims that they will not be believed if they go to the authorities, that they will be deported from the United States, and that they have nowhere to run. Traffickers teach their victims to trust no one but the traffickers, so victims are often suspicious of genuine offers to help; they often expect that they will have to give something in return.” (*What is Human Trafficking?*, DOJ, available at: <https://oag.ca.gov/human-trafficking/what-is>. [As of March 19, 2024].)

3. Little Hoover Commission Reports

The Little Hoover Commission released a new report in February 2024, regarding the status of human trafficking in California, along with updated suggestions to their previous reports from 2020. In the fall of 2020 the commission had issued three reports regarding labor trafficking in California. They included: *Human Trafficking: Coordinating a California Response*, (June 2020); *Labor Trafficking: Strategies to Uncover this Hidden Crime*, (September 2020); *Labor Trafficking: Strategies to Help Victims and Bring Traffickers to Justice*, (October 2020). All of these reports had a wide range of recommendations for California to combat labor trafficking. It is of note, that both sex trafficking and labor trafficking are wide spread in California, but the state’s response to labor trafficking has sorely lacked both direction and resources.

The 2024 report states, “Labor trafficking is a form of human trafficking that often is hidden, sometimes in plain sight. It can occur within homes or businesses that might otherwise be legitimate, making it challenging to detect. More often, the onus to report is placed on survivors, who, for a variety of reasons—such as fear of deportation or shame—may be resistant to come forward.” (*Implementation Review: California’s Response to Labor Trafficking*, Little Hoover Commission (Feb. 2024), at pp. 7-15. Available at <[Report278.pdf \(ca.gov\)](#)>) [as of Mar. 20, 2024]. “Finding instances of potential labor trafficking, then effectively investigating and building cases to successfully prosecute these crimes is challenging. Detecting labor trafficking can be complicated by the fact that government officials often operate in silos. Law enforcement, for instance, is typically responsible for addressing the criminal aspects of trafficking crimes, but these officials are often unfamiliar with the employment context of labor trafficking and may dismiss potential cases as employment problems. Meanwhile, several state agencies have authority to investigate criminal activities and violations inherent in labor abuses, including trafficking crimes. Yet none has a mandate to specifically investigate labor trafficking complaints.” (*Id.* at p. 15)

“To help bring traffickers to justice, the Commission recommended that the state empower the Department of Industrial Relations (DIR) to lead efforts to pursue labor trafficking alongside its other work to combat the underground economy.” (*Id.* at p. 15)

4. Labor Trafficking Task Force in the Civil Rights Department

The Little Hoover Commission recommends that the best place to establish the LTTF would be within the DIR, however, this bill would establish the LTTF within the CRD and requires the LTTF to coordinate with the LETF, DOJ, and the DLSE. Is the Civil Rights Department the appropriate place for the LTTF?

5. Other Legislation

AB 1888 (Arambula) establishes the Labor Trafficking Unit (LTU) within the Department of Justice (DOJ) and requires the LTU to coordinate with various departments and agencies to investigate and combat labor trafficking.

Because this bill requires that the LTTF coordinates with the DOJ and AB 1888 requires DOJ to collaborate with CRD, it would appear that these bills can work together.

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