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# SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

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**Bill No:** AB 1888                      **Hearing Date:** June 18, 2024  
**Author:** Arambula  
**Version:** May 20, 2024  
**Urgency:** No                                      **Fiscal:** Yes  
**Consultant:** MK

**Subject:** *Department of Justice: Labor Trafficking Unit*

## HISTORY

**Source:** Department of Justice Labor Trafficking Unit

**Prior Legislation:** AB 1820 (Arambula) Vetoed 2022  
AB 2553 (Grayson) held in Senate Appropriations 2022

**Support:** CFT- a Union of Educators & Classified Professionals, AFT, AFL-CIO

**Opposition:** None known

**Assembly Floor Vote:** 70 - 0

## PURPOSE

***This bill 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.***

*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 of Department of Industrial Relations (DIR) to enforce activities regarding labor, tax, and licensing law violators operating in the underground economy. (Unemp. Ins. Code §329.)

*This bill* establishes the LTU within the DOJ to be the centralized enforcement, referral, and investigative unit to combat labor trafficking and requires coordination with the Labor Enforcement Task Force (LETF), the Tax Recovery in the Underground Economy Criminal Enforcement Program investigative teams, the Joint Enforcement Strike Force on the Underground Economy, and the Civil Rights Department (CRD).

*This bill* provides that the LTU shall receive, investigate, and process complaints alleging labor trafficking and take steps to prevent labor trafficking.

*This bill* allows the LTU to coordinate with state and local law enforcement agencies, tribal law enforcement agencies, and district attorney's offices when investigating criminal actions relating to labor trafficking.

*This bill* states that LTU must follow protocols to ensure that survivors are not further victimized by the process of reporting, investigating, or prosecuting labor traffickers and are informed of the services available to them.

*This bill* allows the LTU to coordinate with state, tribal, and local entities to connect survivors to available services.

*This bill* requires Members of the LTU, members of the Tax Recovery in the Underground Economy Criminal Enforcement Program investigative teams, members of the Joint Enforcement Strike Force on the Underground Economy, and CRD to collaborate with LTU to develop policies, procedures, and protocols to track, record, and report potential labor trafficking activity.

*This bill* requires all the entities described above to train their investigators who are most likely encounter labor trafficking to recognize warning signs of potential labor trafficking and to report to the unit when, upon investigating businesses under their purview, there is evidence of labor trafficking.

*This bill* requires the LTU to develop a tracking and reporting system to collect reports from all the aforementioned entities on labor trafficking.

*This bill* requires the LTU to aggregate and analyze the reports to identify potential complaints to be further investigated or referred for investigation to the appropriate agency..

*This bill* defines the following terms, for the purposes of this section:

- a) "Forced labor or services" means labor or services that are performed or provided by a person and are obtained or maintained through force, fraud, duress, coercion, or equivalent conduct that would reasonably overbear the will of the person;
- b) "Labor trafficking" means depriving or violating the personal liberty of another person with the intent to obtain forced labor or services; and,

- c) “Unit” mean the Labor Trafficking Unit established DOJ

*This bill* requires the LTU to submit a report to the Legislature on or before January 1, 2026, and every year thereafter to include the following information pertaining to the prior calendar year:

- a) The number and type of complaints or referral received, including the source of referrals;
- b) The number and type of complaints or referrals investigated, including, but not limited to population data about those accused of labor trafficking;
- c) The number of complaints referred for civil action.
- d) The number of complaints referred for criminal prosecution;
- e) The number of referrals and coordination’s with state, local, and tribal law enforcement agencies and district attorney’s offices;
- f) The outcome of each complaint, regardless of the agency where the complaint was resolved;
- g) Population data about confirmed labor trafficking victims correlated with the industry where the trafficking occurred; and,
- h) Information about labor trafficking victims who were referred for services correlated with the name of the agencies where the labor trafficking victim was referred for services.

*This bill* requires the LTU to include in each annual report 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, including preventing further victimization of survivors.

*This bill* sunsets the reporting requirements on January 1, 2036.

## COMMENTS

### 1. Need for This Bill

According to the author:

Trafficked employees face threats from their employers relating to documentation status, harm to their families, and loss of wages that prevent them from trying to escape and seek help. Traffickers often target vulnerable populations such as foster children, homeless and runaway youth, foreign nationals, and individuals living in poverty. Unfortunately, the current fragmented enforcement structure means that no single entity holds the mandate to specifically investigate, refer, and enforce labor trafficking laws. By establishing a dedicated labor trafficking unit within the Department of Justice (DOJ), the state can take the necessary steps to stop the abuses of workers.

## 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 Unit**

This bill would establish the LTU, within the Department of Justice, to receive and investigate complaints alleging labor trafficking and subsequently refer them for criminal prosecution or civil action by the appropriate entity.

#### **5. Other legislation**

AB 1832 (Blanca Rubio) is scheduled to be heard at the same hearing as 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 (LETF), the Department of Justice (DOJ), and the Division of Labor Standards Enforcement (DLSE).

Because this bill requires DOJ to collaborate with CRD, and AB 1832 requires that the LTF coordinates with the DOJ and AB 1888 it would appear that these bills can work together.

#### **6. Governor's Veto Message.**

AB 1820 (Arambula), of 2021-2022 Legislative Session, was substantially similar to this bill and was vetoed. The Governor's veto message stated:

While I am strongly supportive of efforts to combat labor trafficking, the California Civil Rights Department (CCRD) (formerly DFEH) is the appropriate state entity to take the lead in this effort per the amendments offered by my office. DLSE does not have authority to criminally or civilly prosecute these types of cases nor have the tools and resources necessary to assist labor trafficking survivors. CCRD is already active in this space and could seamlessly expand its efforts to more aggressively combat labor trafficking provided it is given new resources in the budget.

This bill appears to address some of the Governor's concerns by placing LTU in the DOJ and allowing it to refer labor trafficking cases to the Civil Rights Department.

#### **7. Argument in Support**

CFT supports this bill stating:

While labor trafficking is already without question illegal under California state law, enforcement remains a challenge. Numerous agencies maintain jurisdiction over labor trafficking and related crimes, which when added to staffing struggles among state agencies, create a situation in which too many labor trafficking crimes go undetected or inadequately punished.

AB 1888 (Arambula) would create a special unit, among the affected agencies, that would specialize in enforcing these laws. The bill would also outline how the agencies work together and requires the unit to report relevant information to the legislature. We believe these reforms will move California much closer to where it needs to be in terms of fighting the extreme harms created by labor trafficking.