
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Steven Bradford, Chair
2021 - 2022 Regular

Bill No: AB 2553 **Hearing Date:** June 28, 2022
Author: Grayson
Version: May 19, 2022
Urgency: No **Fiscal:** Yes
Consultant: MK

Subject: *Human trafficking Act: California Multidisciplinary Alliance to Stop Trafficking
(California MAST)*

HISTORY

Source: Coalition to Abolish Slavery and Trafficking (Cast)

Prior Legislation: None

Support: Alliance of Catholic Health Care; California Association of Christian Colleges and Universities; California District Attorneys Association; Little Hoover Commission

Opposition: None known

Assembly Floor Vote: 76 - 0

PURPOSE

The purpose of this bill is to establish the California Multidisciplinary Alliance to Stop Trafficking Act (California MAST) to review collaborative models between governmental and nongovernmental organizations for protecting victims and survivors of trafficking, among other related duties.

Existing law states that a 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 by imprisonment 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 states that a person who deprives or violates the personal liberty of another with the intent to commit specified crimes including pimping, pandering, or child pornography, is guilty of human trafficking and shall be punished by imprisonment in the state prison for 8, 14, or 20 years and a fine of not more than \$500,000. (Penal Code § 236.1 (b).)

Existing law specifies that a person who causes, induces, or persuades, or attempts to cause, induce, or persuade, a person who is a minor at the time of commission of the offense to engage in a commercial sex act, with the intent to commit specified crimes including pimping, pandering, or child pornography, is guilty of human trafficking. A violation is punishable by imprisonment in the state prison as follows:

- Five, 8, or 12 years and a fine of not more than \$500,000; or
- Fifteen years to life and a fine of not more than \$500,000 when the offense involves force, fear, fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person. (Penal Code § 236.1 (c).)

Existing law provides that cases involving minor victims of human trafficking shall be provided with assistance from the local county Victim Witness Assistance Center, if the minor so desires. However, this does not require local agency's to operate a Victim Witness Assistance Center (Penal Code § 236.13)

Existing law establishes in the State Treasury the Human Trafficking Victims Assistance Fund. Moneys in the fund shall only be expended to support programs for victims of human trafficking. (Government Code § 8590.7 (a))

Existing law requires the OES to publish procedures for organizations applying for grants from the Human Trafficking Victims Assistance Fund, and to award grants based on all of the following:

- The capability of the qualified nonprofit organization to provide comprehensive services;
- The stated goals and objectives of the qualified nonprofit organization;
- The number of people served and needs of the community;
- Evidence of community support; and,
- Any other criteria deemed appropriate. (Government Code § 8590.7 (b).)

Existing law provides that the Department of Fair Employment and Housing can receive, investigate, and prosecute claims that are brought under the state's Trafficking Victims Protection Act on behalf of victims of human trafficking. (Government Code § 12930 (f)(3).)

Existing federal law defines the term "severe forms of trafficking in persons" as: sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. (22 U.S. Code § 7102(11).)

This bill establishes the California MAST to do all of the following:

- 1) Review collaborative models between governmental and nongovernmental organizations for protecting victims and survivors of trafficking;
- 2) Map the progress of the state in preventing trafficking, providing comprehensive assistance to victims and survivors of trafficking, and prosecuting persons engaged in trafficking; and,
- 3) Provide recommendations to strengthen state and local efforts to address the issues of human trafficking, including the role of forced criminality in human trafficking.
 - a) Provides that the task force will appoint its chair, and the Office of Emergency Services shall provide staff and support for the task force, to the extent that resources are available.

- b) Provides that the task force shall be comprised of the following representatives or their designees:
- i. The Attorney General (AG);
 - ii. The Secretary of Labor and Workforce Development;
 - iii. The Director of Social Services;
 - iv. The Director of Health Care Services;
 - v. The Director of Emergency Services;
 - vi. The State Public Health Officer;
 - vii. The Director of Housing and Community Development;
 - viii. The Director of Transportation;
 - ix. The Director of the Department of Fair Employment and Housing;
 - x. A representative from the California Child Welfare Council;
 - xi. One representative from the California District Attorneys Association;
 - xii. One representative from the California Public Defenders Association;
 - xiii. The Speaker of the Assembly shall appoint one representative from a human rights organization;
 - xiv. The Senate Committee on Rules shall appoint one representative from an immigrant rights organization;
 - xv. The Governor shall appoint:
 1. One survivor of labor trafficking;
 2. One survivor of sex trafficking;
 3. One representative from a Northern California that provides services to victims of human trafficking;
 4. One representative from a Southern California that provides services to victims of human trafficking;
 5. One representative from a Central California organization that provides services to victims of human trafficking; and,
- c) The AG shall appoint three representatives from tribal organizations from Northern, Central, and Southern California.

This bill requires, whenever possible, members of the task force to have experience providing services to trafficked persons or have knowledge of human trafficking issues.

This bill provides that the members of the task force shall serve at the pleasure of the respective appointing authority. Reimbursement of necessary expenses may be provided at the discretion of the respective appointing authority or agency participating in the task force.

This bill requires the task force to meet at least four times. Subcommittees may be formed and meet as necessary. All meetings shall be open to the public. The first meeting of the task force shall be held no later than July 1, 2023.

Provides that on or before January 1, 2024, the task force shall report its findings and recommendations to the Office of Emergency Services (OES), the Governor, the Attorney General, and the Legislature. At the request of any member, the report may include minority findings and recommendations.

This bill provides that for the purposes of the California MAST, “trafficking” has the same meaning as “severe forms of trafficking in persons” as defined in federal code.

This bill sunsets the California MAST on July 1, 2025.

This bill makes the following uncodified findings and declarations:

- Human Trafficking is the criminal expression of political and economic disenfranchisement and a heinous act that affects individuals of all identities and backgrounds throughout various industries in California. While California has made significant strides in serving victims and survivors of trafficking, additional resources and legislation are needed to position California as a global leader in the anti-trafficking movement.
- Human trafficking is a complex crime that requires action on economic and racial justice, workers' rights, and access to safe housing and health care. In order to comprehensively and holistically address human trafficking, local governments must engage in multidisciplinary collaboration through a human rights and public health lens.

COMMENTS

1. Need for This Bill

According to the author:

The COVID-19 pandemic has exacerbated the risks of human trafficking and the cost of fighting it. The pandemic not only increased the exposure-related health risks of trafficking victims, but allowed for traffickers to take advantage of the increased economic vulnerability of our communities. In a survey of the state's human trafficking service providers, several organizations received increased calls to their hotlines, demand for their services, and had greater expenditures for necessities like food, housing and medical assistance.

Additionally, the pandemic has only increased the need for a coordinated statewide response and for a thorough examination of all forms of trafficking. In California and throughout the nation, much of the focus on combatting human trafficking has primarily focused on sex trafficking rather than labor trafficking, and no coordinated strategy exists to target this prevalent issue statewide. The state has little to no comprehensive data on prevalence or incidence, which results in a disjointed and unclear understanding of the scope of sex and labor trafficking in California.

AB 2553 will create the California MAST which aims to take a human rights and public health approach to combatting trafficking in our state. California MAST will utilize a multidisciplinary, collaborative approach that not only includes serving survivors and prosecuting traffickers, but preventing human trafficking altogether. The California MAST will be comprised of select state agencies, survivors, and representatives from human rights and immigrant rights organizations whose main priorities are to evaluate the state's progress in preventing human trafficking and providing support to victims and survivors. In doing so, the California MAST will be able to provide critical recommendations to strengthen state and local efforts to address the issues of human trafficking. This will ultimately allow California to address the root causes that make individuals, families, and communities at risk of

trafficking and prevent the initial and continued victimization of survivors by strengthening the health and safety of our state.

2. Human Trafficking

In California, human trafficking occurs when a person deprives or violates the personal liberty of another with the intent to obtain forced labor or service. (Pen. Code, § 236.1, subd. (a).) These services can include commercial sex acts, forced labor, and domestic servitude. Identifying the scope of human trafficking is particularly difficult because the crime is under-reported and hidden. (California Department of Justice. (2012). *The State of Human Trafficking in California*. <https://oag.ca.gov/sites/all/files/agweb/pdfs/ht/human-trafficking-2012.pdf>)

In June of 2020, the Little Hoover Commission released a report on the state's lack of coordinated response to human trafficking. In part, the report concludes:

The state lacks a lacks a coordinated strategy to target the crime of labor trafficking. The Commission believes it is past time for California to create a mechanism for coordinating the anti- trafficking efforts of all government agencies – state, local, and federal – and non-governmental organizations that do critical on-the-ground work to identify victims and help survivors. There must be a hub to coordinate efforts, collect data, increase public awareness, and share strategies to fight and prevent all forms of this crime.

To accomplish these goals, the Commission recommends that the state create the California Anti- Human Trafficking Council within the Governor's Office. The Council should be broad-based, and should include representatives of law enforcement, health and human service agencies, victims advocates and others. It should include state and local representatives and reflect the diverse regions and populations of California. Last, it should be provided with adequate staffing and meet with sufficient frequency to fulfill its mission. This mission should include, among other tasks, developing public awareness, collecting data, improving training guidelines, and developing standardized screening tools for industries in which trafficking is prevalent.

(<https://lhc.ca.gov/sites/lhc.ca.gov/files/Reports/251/Report251.pdf>)

This bill would establish California MAST. The purpose of the task force would be to review collaborative models between governmental and nongovernmental organizations for protecting victims and survivors of trafficking, among other related duties. The task force would be comprised of specified state officials or their designees and specified individuals who have expertise in human trafficking or providing services to victims of human trafficking, as specified. The task force would be required to hold its first meeting no later than July 1, 2023, and would require the task force to meet at least 4 times. Additionally, the task force would be required to report its findings and recommendations to OES, the Governor, the AG, and the Legislature by January 1, 2025. This bill would sunset on July 1, 2025.

3. Other Legislation

AB 1820 (Arambula), which is also scheduled to be heard at the same hearing as this bill, also implements one of the Little Hoover Commission reports, it establishes the Labor Trafficking Unit (LTU) within the Division of Labor Standards Enforcement to receive and investigate complaints alleging labor trafficking and refer them for criminal prosecution by the Department of Justice or for civil action by the Department of Fair Employment and Housing.

4. Argument in Support

The Little Hoover Commission supports this bill stating:

In its 2020 report, *Human Trafficking: Coordinating a California Response*, the Commission found that while a variety of state agencies play a role in combatting human trafficking, no coordinated strategy exists to target this crime statewide. Better combatting this heinous abuse, the Commission learned, requires a mechanism to coordinate the efforts of all relevant government agencies – at the state and local level, and with federal partners – and the critical organizations that work on-the-ground to identify victims and help survivors. To help California carry out this critical work, the Commission recommended the creation of a statewide Anti-Human Trafficking Council to build and enhance collaboration among communities throughout the state, study and improve services for victims and survivors of all forms of human trafficking and assist in the successful prosecution of human traffickers.

AB 2553 would carry out this recommendation by creating a statewide organization designed to strengthen California's response to human trafficking. For this reason, the Little Hoover Commission supports this bill and encourages an AYE vote. If I, the Commission, or our staff can provide any further assistance as this proposal moves through the legislative process, please do not hesitate to ask.

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