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**Fact Sheet on State Anti-Trafficking Laws  
from  
US PACT [Policy Advocacy to Combat Trafficking]  
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**State Legislative Initiatives**

The Center for Women Policy Studies works with state legislators to develop legislative initiatives:

- to make trafficking a **state felony offense** with appropriately harsh punishments for traffickers and protections for the women and girls who have been trafficked into our communities; we urge states to pass criminalization statutes and also to provide for **victim protection and assistance** programs; (Page 3)
- to create **statewide interagency task forces on human trafficking**, with a mandate to determine the nature and extent of trafficking in each state and make recommendations for legislative, policy, and programmatic initiatives; (page 16)
- to regulate “**bride trafficking**” by commercial “international marriage brokers” (also called “mail order bride” or “international matchmaking” organizations) that operate in the state; (page 21) and,
- to regulate travel services providers that facilitate **sex tourism**. (Page 23)

The following summary of all state laws addressing trafficking in persons is current as of February 25, 2011. The next update of the fact sheet will be posted in January of 2012 and will include all state laws passed during the 2011 legislative sessions. States are listed below in alphabetical order rather than in order of passage of the legislation.

We honor the sponsors of these bills for their leadership and commitment and have listed them at the end of the **Fact Sheet**.

State	Criminalization Statute	Statewide Task Forces	Regulating International Marriage Brokers	Regulating Travel Service Providers
Alabama	2010*			
Alaska	2006			2006
Arizona	2005			
Arkansas	2005			
California	2005	2005		
Colorado	2006	2005		
Connecticut	2006	2004		
Delaware	2007			
Florida	2004	2009		
Georgia	2006			
Hawaii		2006	2003	2004
Idaho	2006	2005		
Illinois	2005			
Indiana	2006			
Iowa	2006	2006		
Kansas	2005			
Kentucky	2007			
Louisiana	2005			
Maine	2008	2006		
Maryland	2007		2010	
Massachusetts				
Michigan	2006			
Minnesota	2005	2005		
Mississippi	2006			
Missouri	2004		2005	2006
Montana	2007			
Nebraska	2006			
Nevada	2007			
New Hampshire	2009	2007		
New Jersey	2005		2009	
New Mexico	2008	2008		
New York	2007	2007		2007
North Carolina	2006			
North Dakota	2009			
Ohio	2010	2009		
Oklahoma	2008			
Oregon	2007			
Pennsylvania	2006	2010		
Rhode Island	2007	2009		
South Carolina	2006			
South Dakota				
Tennessee	2008	2010		
Texas	2003	2009	2003	
Utah	2008			
Vermont		2010		
Virginia		2007		
Washington	2003	2002	2002	2006
West Virginia				
Wisconsin	2008			
Wyoming				

\*Year law was passed

## Summary of State Anti-Trafficking Laws

### Criminalization and/or Victim Protection and Services Statutes

In 2010, legislatures in **Alabama** and **Ohio** joined **Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Washington** and **Wisconsin** in enacting laws making trafficking a state felony offense, bringing the total to 43 states. Additionally, Washington, DC enacted a law to make trafficking in persons a criminal offense.

**Alabama: HB 432** establishes a Class A felony offense for human trafficking in the first degree for “knowingly” subjecting a person to “labor servitude or sexual servitude through the use of coercion or deception” or trafficking a minor for sexual servitude. A Class B felony offense for human trafficking in the second degree is established for those who knowingly benefit from human trafficking. Neither offense has a statute of limitations. HB 432 also creates a Class C misdemeanor for obstruction or attempted obstruction of enforcement of this law. Corporations may also be prosecuted under this law, but only if an agent engages in human trafficking on behalf and at the behest of the corporate entity. The statute includes a provision for asset forfeiture and provides the victim with a private right of action, mandatory restitution and creates an affirmative defense so they cannot be prosecuted for crimes they committed as a result of being trafficked. **Effective Date:** July 1, 2010.

**Alaska: SB 12** creates the class A felony of human trafficking in the first degree and the class B felony of human trafficking in the second degree. SB 12 also requires the legislative council, the court system and the Commissioner of Administration to adopt provisions prohibiting procurement from a person that has headquarters in or conducts business in a country listed in Tier 3 of the most recent US State Department Trafficking in Persons Report. **Effective Date:** July 1, 2006.

**Arizona: SB 1372** establishes the first degree felony of sex trafficking of a minor under the age of 15 and the second degree felony of attempted sex trafficking of a minor. The bill further establishes two class 2 felonies: sex trafficking; and, trafficking of persons for forced labor or services, and one class 4 felony: unlawfully obtaining labor or services. Additionally, the court is required to order victim restitution. **Effective Date:** August 12, 2005.

**SB 1281** amends the existing statute to expand the definition of sex trafficking to include “sexually explicit performance” engaged in as a result of deception, force or coercion, and adds the additional offense of the “knowledge that the other person will engage in any prostitution or sexually-explicit performance” SB 1281 also expands the definition of coercion, and the definition of forced labor to include services obtained as a result of deliberate actions taken to remove or withhold a person’s documents, threats to abuse the law, extortion, threat of financial harm and/or control of access to controlled substances. **Effective Date:** September 30, 2009.

**SB 1059** amends the existing definition of “traffic” for both the sex trafficking and trafficking of persons for force labor or services offenses by deleting the “for transport” requirement and including “transport” as an element of trafficking. **Effective Date:** July 29, 2010.

**Arkansas: HB 2979** establishes the class A felony of trafficking in persons for the purposes of involuntary servitude, peonage, debt bondage, slavery, marriage, adoption or sexual conduct. The bill also creates the class A felony of benefiting financially from trafficking. **Effective Date:** August 11, 2005.

**California: AB 22** establishes human trafficking for forced labor or services as a felony crime punishable by a sentence of 3, 4 or 5 years in state prison and a sentence of 4, 6 or 8 years for trafficking of a minor. The bill provides for mandatory restitution and allows trafficking victims to bring a civil action against his or her trafficker. Strict guidelines and timetables are created for the issuance of Law Enforcement Agency Endorsements for trafficking victims. The bill also establishes an interagency statewide task force. **Effective Date:** September 21, 2005.

**SB 1569** amended California’s Welfare and Institutions Code allowing non-citizen victims of trafficking, domestic violence and other serious crimes to gain access to state funded social services, including cash assistance, employment, social services, and health care services under the *Cuban-Haitian Entrant Program* and the *Refugee Resettlement Program*. Trafficking victims are eligible for state funded social services for up to one year, at which point benefits may continue if a continued presence request or T Visa application has been filed. SB 1569 provides guidelines for determining whether or not a person is a “victim of a severe form of human trafficking.” **Effective Date:** September 29, 2006.

**ACR 28** recognizes the US Congressional Resolution (S. Con. Res. 40) to observe a “National Day of Human Trafficking Awareness” on January 11 of each year to promote awareness of human trafficking, and to support efforts to combat trafficking in persons. **Effective Date:** September 21, 2007.

**AB 1278** 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. **Effective Date:** August 4, 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. **Effective Date:** September 18, 2008.

**AB 17** 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. **Effective Date:** Oct 11, 2009.

**SB 657** 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. **Effective Date:** January 1, 2012.

**SB 677** allows for the seizure of any "real property" that is used to facilitate the offense of human trafficking. **Effective Date:** January 1, 2011

**Colorado:** **SB 207** establishes the class 2 felony of trafficking in adults (persons 16 years of age or older) and the class 3 felony of trafficking in children (person under the age of 16). A person commits the crimes of trafficking in adults or children if he or she sells, exchanges, barter or leases an adult or child and receives any money or other consideration or thing of value for the adult or child. **Effective Date:** July 1, 2006.

**HB 1123** increases the penalty for trafficking in children from a class 3 felony to a class 2 felony and amends the age definition of a "child" from under 16 years old to under 18 years old. HB 1123 also expands the definition of coercion of involuntary servitude to include threat of physical harm, threat of abuse of the legal system and deception leading the person to believe they would suffer physical harm. **Effective Date:** May 21, 2009.

**Connecticut:** **SB 153** establishes the class B felony of trafficking in persons and allows a trafficking victim to bring a civil case to recover penalties, actual damages, and statutory damages. SB 153 authorizes and funds a training program on trafficking in persons for state police, the office of the Chief State's Attorney, local police departments and community organizations. **Effective Date:** July 1, 2006.

**SB 1500** establishes that the Office of Victim Services within the Judicial Department shall contract with nongovernmental organizations to develop a coordinated response system to assist victims of trafficking. Contracts will be entered for the purpose of developing a uniform curriculum to address rights and services for victims, developing information and materials on resources and services for victims, seeking out quality training regarding culturally sensitive assistance for victims, and promoting and disseminating information on training and other educational opportunities for victim assistance to emergency medical services, faith based

communities, sexual assault service providers, domestic violence service providers and state and local government agencies. **Effective Date:** October 1, 2007.

**Delaware: HS 1** establishes trafficking of persons and involuntary servitude for forced labor, services and the use of body parts as a class F, E, C, B and A felony. Restitution to victims is mandatory. No later than one year after the effective date of **HS 1** the Attorney General with Department of Health and Social Services will issue a report outlining the effectiveness of existing victim/witness laws and regulations in response to the needs of trafficking victims. They shall also issue a report outlining existing social service programs' response to the needs of trafficking victims. It must also include a section describing the ability of State programs and licensing bodies to recognize Federal non-immigrant status for the purposes of benefits, programs and licenses. **Effective Date:** July 1, 2007.

**SB185** amends existing code pertaining to registration of sex offenders to include trafficking of persons under the age of 13 and "sexual servitude of a minor through threat of force" into the Risk Assessment Tier III category, and trafficking in persons aged 13-17 into the Tier II category. **Effective Date:** July 10, 2009.

**Florida: SB 1962** establishes the first degree felony of sex trafficking for parents, legal guardians, or other persons having custody of a minor who sell, transfer custody, or offer to sell or transfer custody of the minor for the purpose of sex trafficking or prostitution. The bill further establishes two second degree felonies: obtaining forced labor; and, sex trafficking and human trafficking for anyone who knowingly participates in trafficking for purposes of forced labor or prostitution. Any sex trafficking activity that results in death or is committed against a person who is under the age of 14 is considered a first degree felony. **Effective Date:** October 1, 2004.

**SB 250** expands the definition of forced labor or services to include the use of fraud or coercion, isolation, certain debt practices and the destruction, concealing, removing, confiscating or withholding of identification documents and the second degree felony of knowingly benefiting from human trafficking. SB 250 also establishes a civil cause of action that allows for recovery of threefold the amount of profit gained from the trafficking, redefines racketeering activity to include human trafficking for purposes of the Florida RICO Act, and authorizes the Office of Statewide Prosecution to prosecute human trafficking offenses. **Effective Date:** October 1, 2006.

**HB 7181** requires the Department of Children and Family Services to provide services to immigrant trafficked persons, victims of domestic violence, and victims of other serious crimes during the interim period when their visa application is under review. The trafficked person shall receive existing state and local benefits and services at the same level as those provided to refugees as well as access to state-funded services that are equivalent to the federal cash, medical and social service programs for refugees. **HB 7181** also requires creation of a state funded component of the cash, medical and social services programs for refugees to fund services for trafficked persons. To be eligible to receive such benefits and services, the trafficked person must provide a sworn statement as evidence as well as one additional item of evidence that supports her/his status as a trafficking victim including, but not limited to, police and court records, news articles, documentation from a professional agency, physical evidence, or a statement from an individual having knowledge of the circumstances providing a basis for the claim. **HB 7181** also

requires the Department of Children and Family Services to develop a public awareness program about human trafficking for employers and other organizations that may come in contact with immigrant survivors of human trafficking. **Effective Date:** July 1, 2007.

**SB 1442** amends the state statute that makes selling or transferring of a minor into sex trafficking a first degree felony, by removing “force, fraud, or coercion” as a means of compelling the minor to engage in commercial sexual activity. **Effective Date:** June 17, 2008.

**Georgia: SB 529** establishes the felonies of trafficking in persons for labor servitude and trafficking in persons for sexual servitude. A person convicted of trafficking in adults shall be sentenced to a minimum of one year and a maximum of 20 years. A person convicted of trafficking in minors (under 18 years of age) shall be sentenced to a minimum of 10 years and a maximum of 20 years. A corporation may be prosecuted under this section if an agent of the corporation acts within his employment capacity and on behalf of the corporation and such action was sanctioned by the corporation or was part of a pattern of illegal activity. **Effective Date:** July 1, 2007.

**Hawaii: HR 162** charges the Department of Human Services with “facilitating provision of social services to non-citizen victims of human trafficking.” HR 162 requires that the Department of Human Services identify existing barriers that deny or limit access to benefits for non-citizen victims of human trafficking; and conduct a needs assessment of the appropriate social services necessary for victims of human trafficking. **Effective Date:** April 12, 2007.

**Idaho: HB 536** establishes human trafficking as a felony punishable by imprisonment in the state prison for not more than 25 years. HB 536 requires the Attorney General – in consultation with the Department of Health and Welfare and the United States Attorney’s office, by July 1, 2007, to issue a report on how existing victim and witness laws respond to the needs of human trafficking victims, their relationship with federally funded victim service programs, and suggested areas of improvement and modification. The law also authorizes the court to order restitution to trafficking victims and to order payment for mental and physical rehabilitation of the victim. **Effective Date:** July 1, 2006.

**Illinois: HB 1469** establishes the felony offenses of involuntary servitude, involuntary servitude of a minor, and trafficking of persons for forced labor or services. Such factors as causing or threatening physical harm; destroying, concealing, removing, confiscating or possessing any actual or purported immigration document; and, using intimidation can be used to determine the severity of the charge. The trafficker’s behavior – including commission of sexual assault, extreme violence, or bodily injury – and the number of victims can be considered in sentencing. In addition to sentencing, the court must order restitution to the victim and the forfeiture of any assets obtained as a result of the involuntary servitude or trafficking offenses. **Effective Date:** January 1, 2006.

**HB 1299**, Illinois’ *Predator Accountability Act* provides “victims of the sex trade,” including victims of trafficking, with a private right of action. These victims may bring a civil action against those responsible for recruiting, harming, profiting from or maintaining them in the sex trade. Additionally, victims are entitled to declaratory relief and injunctive relief. HB 1299 establishes a ten year statute of limitations for those seeking compensatory, punitive and/or

pecuniary damages under this Act. The law does provide an exception for those victims under the age of 18 or whose disability precludes them from bringing a civil suit. In each of these cases, the statute of limitations does not begin to run until the person attains the age of 18 or the “removal of the disability.” **Effective Date:** July 3, 2006.

**SB 133** makes technical changes to the existing trafficking criminalization statute. **Effective date:** January 1, 2010.

**Indiana: HB 1155** establishes the class A felony of sexual trafficking of a minor, the class B felony of promoting human trafficking and the class C felony of human trafficking. This measure requires court ordered victim restitution, provides protection to trafficking victims, and allows that some cases of trafficking be considered domestic violence and racketeering activity. HB 1155 also requires the sentencing policy study committee to examine human trafficking issues and the law enforcement training board to establish minimum standards for a course of study on human and sexual trafficking to be completed by law enforcement trainees, cadets and during law enforcement officers’ inservice training programs. **Effective Date:** July 1, 2006.

**HB 1386** amends the definition of “sex offender” to include promotion of all forms of human trafficking of persons who are under the age of 18 and of sex trafficking of a minor. **Effective Date:** July 1, 2007.

**Iowa: SF 2219** establishes class B, C or D felonies of human trafficking of adults and victims under 18 years of age. This measure requires – in consultation with experts in the field – the development of human trafficking training standards, including curricula on cultural sensitivity and dealing effectively and appropriately with trafficking victims. SF 2219 provides an affirmative defense for trafficking victims facing criminal charges, affords trafficking victims the same rights as other victims, and allows access to the victim compensation fund. SF 2219 requires any law enforcement agency investigating human trafficking to notify the attorney general and upon request to provide copies of investigative reports. The attorney general then is required to certify to the US Department of Justice that an investigation or prosecution is underway, that the person is a likely victim of human trafficking, and is willing to or is cooperating with the investigation, thus allowing the trafficking victim to seek a special immigrant visa and to access available federal benefits. **Effective Date:** July 1, 2006.

**SB 27** expands the definition of "commercial sexual activity" to include sexually explicit performances. **Effective date:** July 1, 2009.

**Kansas: SB 72** establishes the level 2 felony offense of trafficking and the level 1 felony offense of aggravated trafficking. Trafficking is defined as aggravated if it includes kidnapping or attempted kidnapping; the sexual gratification of the defendant or another person; death of the victim; or, trafficking of a person under the age of 18. **Effective Date:** July 1, 2005.

**SB 353** renames the existing offenses of “trafficking” and “aggravated trafficking” to “human trafficking” and “aggravated human trafficking” respectively and expands the definition of to include two additional methods of human trafficking, “coercing employment” and peonage. The statute also adds the offenses of human trafficking and aggravated human trafficking to the list of crimes which are subject to asset forfeiture for traffickers. **Effective Date:** July 1, 2010.



**Kentucky: SB 43** establishes a Class C felony offense for human trafficking for the purpose of forced labor or services or commercial sexual activity and a Class B felony if the victim suffers “severe physical injury” during the course of being trafficked. The statute includes an enhanced penalty for trafficking of a minor (a person under the age of 18). SB 43 also establishes a Class D felony for promoting human trafficking unless the victim is a minor, in which case it is a Class C felony. A minor who was trafficked for the purpose for commercial sexual activity may bring civil suit against the trafficker in order to recover for damages. The statute establishes guidelines for “confidential communication” between the victim and his or her caseworker. **Effective Date:** June 26, 2007.

**Louisiana: HB 56** establishes the crime of human trafficking, which is punishable by a maximum fine of \$10,000 and a maximum sentence of 10 years in prison. If the trafficking is committed for the purposes of commercial sexual activity, the maximum fine is \$15,000 and the maximum prison sentence is 20 years. Trafficking of a minor carries a maximum fine of \$25,000 and a prison sentence of five to 25 years. **Effective Date:** August 15, 2005.

**HB 531** amends the existing statute by deleting “intentionally” and making it a crime to “knowingly” recruit, harbor, transport, provide, solicit or obtain another person through fraud, force, or coercion to provide services or labor. **Effective Date:** August 15, 2010.

**HB 825** amends the definition of “crimes of violence” to include “trafficking of children for sexual purposes” and “human trafficking” offenses. HB 825 amends the definition “aggravated offense” to include the crime of “trafficking of children for sexual purposes.” **Effective Date:** August 15, 2010.

**SB 56** provides for forfeiture of personal property used in the commission of certain criminal offenses, including human trafficking and trafficking of children for sexual purposes. **Effective Date:** August 15, 2010.

**Maine: LD 461** establishes a definition for human trafficking as a kidnapping or criminal restraint offense in which either identification documents are confiscated from the victim or the victim is made to believe that they or another person will suffer serious harm if the victim does not perform “certain labor or services, including prostitution.” The statute includes a provision for asset forfeiture and provides the victim with a private right of action. LD 461 establishes a 10-year statute of limitations within which a civil action can be brought and defines “work loss” specifically for trafficking cases to allow proper restitution. **Effective Date:** April 24, 2008.

**Maryland: SB 606** establishes human trafficking as a misdemeanor offense punishable by imprisonment for up to ten years, a fine of up to \$5,000, or both. The statute also creates the felony offense of human trafficking of a minor which is punishable by imprisonment for up to 25 years, a fine of up to \$15,000, or both. The human trafficking offense includes trafficking for purposes of prostitution, performing sexual acts and marriage. SB 606 expands the felony extortion offense to include extortion for labor or services. Felony extortion of labor or services valued at \$500 or more is punishable by imprisonment of up to 10 years, a fine of up \$5000, or both. Felony extortion of labor or services valued for less than \$500 is punishable by imprisonment of up to 18 months, a fine of up \$500, or both. **Effective Date:** October 1, 2007.

**SB 261** amends its existing human trafficking law to include a definition for “sexually explicit performance” and to prohibit the use of the threat of “physical restraint or serious harm” to compel another to take part in a sexually explicit performance. SB 261 also prohibits destroying, concealing, removing, confiscating or possessing any actual or purported immigration document and makes knowingly benefiting from a human trafficking scheme a criminal offense. **Effective Date:** October 1, 2010.

**SB 542** requires that the Department of Labor, Licensing and Regulation design a sign regarding the National Human Trafficking Resource Center Hotline and post it on the its website. SB 542 specifies the kind of the information to be included as well as the composition of the sign. Any lodging establishment that was the location of an arrest that lead to a conviction for the offense of prostitution, solicitation of a minor or human trafficking may be required to post National Human Trafficking Resource Center Hotline poster in each of its guest room for one year, businesses that do not comply may be subject to a civil penalty not exceeding \$1000.00. **Effective Date:** October 1, 2010.

**Michigan: HB 5747** establishes human trafficking for forced labor or services as a felony punishable by imprisonment for not more than 10 years. It also makes benefiting financially from human trafficking a felony punishable by imprisonment for not more than 10 years. Enhanced penalties are included for kidnapping or an attempt to kidnap, criminal sexual conduct or an attempt to commit criminal sexual conduct, injury or death of the victim. **Effective Date:** August 24, 2006.

**HB 5575** amends the existing human trafficking statute to create two new felony offenses: providing or obtaining labor or services of another by force, fraud or coercion and trafficking for the purposes of involuntary servitude or debt bondage. Both new offenses are punishable by up to 10 years incarceration and/or a fine not exceeding \$10,000. Enhanced penalties are included if the offense involved a minor, a commercial sex act or serious harm to another. HB 5575 also provides restitution for victims of trafficking. **Effective Date:** April 1, 2011.

**HB 5578** adds the crime of human trafficking to the list of offense subject to property forfeiture. **Effective Date:** April 1, 2011.

**Minnesota: HF 1** establishes the felonies of labor trafficking; sex trafficking, and unlawful conduct with respect to documents in furtherance of labor or sex trafficking. Labor trafficking is punishable by up to 15 years in prison or a \$30,000 fine, or both. Depending on the age of the victim, sex trafficking is punishable by a maximum prison sentence of either 15 or 20 years. The document offense carries a maximum punishment of five years in prison, a \$10,000 fine, or both. **Effective Date:** August 1, 2005.

**HB 1505** expands the definitions of labor and sex trafficking to include profiting from the act or having knowledge that profit was a result of trafficking. The bill also makes it a crime, punishable by a maximum of 20 years in prison and a \$50,000 fine to engage in sex trafficking of a person under 18 years of age and establishes a maximum penalty of 25 years in prison and a maximum fine of \$60,000 in cases where there were multiple victims, the victim was held for over 180 days, the victim suffered bodily harm or if this was a repeat trafficking offense. **Effective Date:** August 1, 2009.

**Mississippi: HB 381** establishes human trafficking for forced labor or services as a felony punishable by imprisonment for not more than 20 years; HB 381 includes those who benefit either financially or by receiving anything of value by engaging in human trafficking. Trafficking of a minor (a person under 18 years old) for commercial sexual activity is punishable by imprisonment for not more than 30 years. Knowingly destroying, concealing, removing, or confiscating (or attempts of any of these acts) an actual or purported government identification document in furtherance of human trafficking is punishable by imprisonment for not more than five years. **Effective Date:** July 1, 2006.

**Missouri: HB 1487** makes changes to the laws regarding crimes against persons, establishing: a class A felony of sexual trafficking of a child; class B felonies of abusing an individual through forced labor and of trafficking for either forced labor or sexual exploitation; and, a class D felony of contributing to human trafficking through the misuse of documentation. As part of the sentencing for a human trafficking offense, the court must order the perpetrator to pay restitution to the victim. Victims of any one of these five crimes also shall be afforded the rights and protections provided in the federal *Trafficking Victims Protection Act of 2000*. **Effective Date:** August 28, 2004.

**Montana: SB 385** establishes the felonies trafficking of persons for involuntary servitude and subjecting another to involuntary servitude. The penalty for trafficking of persons includes up to 15 years incarceration in the state prison, a fine of up to \$100,000 or both. Trafficking of persons that includes “aggravated kidnapping, sexual intercourse without consent, or deliberate homicide” is punishable by a sentence of up to 100 years in the state prison and a fine not to exceed \$100,000. Subjecting another to involuntary servitude carries a penalty of up to 10 years incarceration in the state prison, a fine of up to \$50,000 or both. If the violation includes “aggravated kidnapping, sexual intercourse without consent, or deliberate homicide” the penalty includes a sentence of up to 100 years incarceration in the state prison and a fine of not more than \$50,000. **Effective Date:** April 4, 2007.

**Nebraska: LB 1086** establishes a Class IV felony offense for trafficking of a person eighteen years of age or older for the purpose of forced labor or services. Included is anyone who benefits financially or receives anything of value by participating in human trafficking. Enhanced penalties are included for inflicting or threatening to inflict serious personal injury, physically restraining or threatening to physically restrain a person or trafficking of a minor, a person eighteen years of age or younger, for the purpose of engaging in commercial sexual activity. Knowingly destroying, concealing, removing, confiscating or possessing any actual or purported immigration document is a Class IV felony offense. LB 1086 requires that within a year of the effective date of this act the Attorney General and the Department of Health and Human Services, in consultation with each other, issue separate reports that assess how each department responds to the needs of trafficking victims and make suggestions for improvements and modifications. **Effective Date:** July 14, 2006.

**Nevada: AB 383** establishes trafficking in persons for illegal purposes as a category B felony punishable by up to 20 years imprisonment and a fine of up to \$50,000 and trafficking in persons as a category B felony punishable by up to 10 years imprisonment and a fine of up to \$50,000. The statute includes a provision for asset forfeiture and allows a victim of human trafficking to

bring a civil action against his or her traffickers, if the traffickers were motivated by the trafficking victim's "actual or perceived race, color, religion, national origin, physical or mental disability, or sexual orientation." **Effective Date:** October 1, 2007.

**New Hampshire: HB 474** establishes a Class A felony for trafficking in persons for involuntary servitude. The penalty for an offense involving a victim under the age of 18 performing "a commercial sex act or sexually explicit performance" is a minimum term of not more than 10 years and a maximum term of not more than 30 years' incarceration. HB 474 subjects any property used in the violation to forfeiture, requires that funds made from sale of forfeited property be used for restitution to the victims and the victims' assistance fund, and requires those convicted of trafficking crimes to pay victim restitution. The statute also provides for an affirmative defense. **Effective Date:** January 1, 2010.

**New Jersey: AB 2730** establishes the first degree felony offense of human trafficking for the purposes of engaging in sexual activity or providing labor or services. The maximum punishment for a trafficking offense is 20 years without parole or up to life in prison with the possibility of parole after 20 years. The court also must sentence the perpetrator to make restitution to the victim and may order forfeiture of any assets related to the trafficking violation. The Office of Victim-Witness Advocacy or the county prosecutor's office must ensure that the trafficked individual obtains assistance in receiving any available benefits or services to trafficking victims. **Effective Date:** April 26, 2005.

**New Mexico: SB 71** establishes human trafficking as a third degree felony, except when the victim is under the age of 16, in which case it is a second degree felony (under the age of 16) or a first degree felony (under the of age 13). Knowingly benefiting from human trafficking is also included in the criminal definition. SB 71 provides mandatory restitution for the trafficked person and stipulates that a victim cannot be "charged with accessory to the crime of human trafficking". Furthermore, the law makes victims eligible to receive state benefits and services, regardless of immigration status, until the victim qualifies for federal assistance. **Effective Date:** July 1, 2008.

**New York: SB 5902** establishes a Class A felony for sex trafficking and a Class D felony for labor trafficking. In a prosecution of a sex trafficking or labor trafficking case, the victim "shall not be deemed an accomplice." The statute allows the Office of Temporary and Disability Assistance to "coordinate and assist law enforcement agencies and district attorney's offices to access appropriate services for human trafficking victims," and to enter into contracts with non-governmental organizations for the purpose of providing "pre-certified" trafficking victims with benefits and services. SB 5902 mandates that upon a request by either the victim or his or her representative, law enforcement officials must provide the trafficking victims with the United States Citizenship and Immigration Service (USCIS) Form I-914 Supplement B Declaration of Law Enforcement Officer for Victim of Trafficking in Persons. The statute also creates a statewide interagency task force and includes travel service providers who sell travel services for the purpose of prostitution under the Class D felony offense of promotion of prostitution. **Effective Date:** November 1, 2007.

**HB 7670** allows motions to vacate judgment against victims of sex trafficking for certain prostitution offenses. **Effective Date:** August 13, 2010.

**North Carolina: HB 1896** establishes human trafficking of an adult for involuntary servitude or sexual servitude as a Class F felony and human trafficking of a minor (a person under 18) for involuntary servitude or sexual servitude as a Class C felony. The definition of human trafficking includes recruiting, enticing, harboring, transporting, providing or obtaining a person with the intent to hold that person in involuntary servitude or sexual servitude. HB1896 creates a Class F felony for knowingly and willfully holding an adult in involuntary servitude or sexual servitude and a Class C felony for knowingly and willfully holding a minor in involuntary servitude or sexual servitude. **Effective Date:** December 1, 2006.

**SB 1079** makes victims of human trafficking who are not legal residents of North Carolina eligible for public benefits as long as they are allowed to remain in the United States under federal law. SB 1079 includes victims of trafficking in the Address Confidentiality Program in the Office of the Attorney General to prevent the victim's assailants from finding the victim through public records. The Attorney General shall designate agencies of North Carolina and nonprofit organizations that provide counseling and shelter services to assist individuals applying to be program participants. The Attorney General shall determine a victim's eligibility for state benefits and services within 96 hours of receiving the application. SB1079 also charges the North Carolina Justice Academy to establish protocols suitable for the training of State and local law enforcement officers. **Effective Date:** December 1, 2007.

**North Dakota: SB 2209** establishes a Class A felony offense for human trafficking of an adult, and a Class AA felony offense for trafficking of a child. The definition of human trafficking includes both labor trafficking and sex trafficking. SB 2209 requires the person convicted of a human trafficking crime to pay restitution to the victim, and adds human trafficking violations into definitions of "crime against a child" and "sexual offender." It also includes human trafficking as one of the offenses under racketeering. **Effective Date:** August 1, 2009.

**Ohio: SB 235** establishes the second degree felony of trafficking in persons for the purpose of involuntary servitude or to compel a person to engage in prostitution or a sexually oriented performance. SB 235 further establishes a third degree felony of unlawful conduct with respect to documents and provides that the court may order a person convicted of the offense of "furtherance of human trafficking" to make restitution to the victim or any survivor of the victim. Moreover, the new law includes trafficking in the state's conspiracy and wiretapping laws. The statute amends existing abduction and kidnapping offenses to include involuntary servitude and increases the penalty for "compelling prostitution" and establishes a first degree felony for compelling a person under the age of sixteen. **Effective Date:** March 23, 2011.

**Oklahoma: HB 1021** establishes the felonies of human trafficking for forced labor and human trafficking for forced sexual exploitation, which are punishable by imprisonment for not less than five years, a fine up to \$10,000, or both. Trafficking of a minor (person under 14 years of age) is punishable by imprisonment for not less than ten years, a fine up to \$20,000, or both. The statute provides mandatory restitution, an affirmative defense, and allows trafficked persons to file civil action suits against the perpetrator(s) for actual and punitive damages. HB 1021 also provides guidelines for victims' rights and services, including proper shelter, access to legal assistance, translation services and information about their rights, protection from the trafficker and the right to not to be jailed or fined due to having been trafficked. **Effective Date:** May 9, 2008.

**SB 2258** amends the existing trafficking law to create a felony offense for unlawful conduct with respect to immigration or identification documents that is punishable by incarceration for not less than one year or by a fine of not less than \$1000 or both. SB 2258 authorizes the Attorney General to establish an emergency hotline number for victims of trafficking and to collaborate with the county departments of health to require the posting of this information in locations determined by the State Department of Health. The statute also amends the existing definition of blackmail to include threatening to reveal a person's illegal immigration status. **Effective Date:** November 1, 2010.

**Oregon: SB 578** creates the Class B felony of trafficking in persons and involuntary servitude in the first degree, and the Class C felony of involuntary servitude in the second degree. Restitution is available to victims as means of a full, partial or nominal payment of economic damages. Restitution is independent of and may be awarded in addition to a compensatory fine. Irrespective of any criminal prosecution or result thereof, a victim may bring a civil action for damages against a trafficker and can recover special and general damages, including damages for emotional distress and punitive damages. The court shall award reasonable attorney fees to the prevailing plaintiff. **Effective Date:** June, 26, 2007.

**SB 839** amends the Address Confidentiality Program to include victims of human trafficking. The program provides a substitute address to be used by the victim for correspondence and public matters and protects their actual information from public record. **Effective Date:** January 1, 2010.

**HB 3623** allows tax exempt nonprofit organizations to provide the Oregon Liquor Control Commission with information materials about human trafficking. Materials are to be included with each license renewal notice sent to businesses that sell alcohol. **Effective Date:** February 23, 2010.

**Pennsylvania: HB 1112** establishes a second degree felony for trafficking of persons and a first degree felony for trafficking of persons under the age of 18 or if a person suffers bodily injury during the course of being trafficked. Such factors as whether the trafficking offense involved kidnapping, rape or involuntary deviate sexual intercourse are considered in determining the severity of the charge. Additionally, HB 1112 includes a provision for asset forfeiture and provides mandatory restitution to victims of trafficking. **Effective Date:** January 9, 2007.

**Rhode Island: SB 692** establishes trafficking of persons for forced labor or commercial sexual activity as a felony with a maximum prison sentence of 20 years and/or a maximum fine of \$20,000. The statute also establishes involuntary servitude as a felony with a maximum prison sentence of 20 years and/or a fine of not more than \$20,000. In cases involving a minor between 17 and 18 years of age, the penalty is increased to 30 years imprisonment and/or \$30,000 in fines and for cases involving minors under the age of 17 the penalties are increased to 40 years of imprisonment and \$40,000 in fines. **SB 692** mandates court order victim restitution and the forfeiture of any assets obtained as a result of the involuntary servitude or trafficking offense. **Effective Date:** June 27, 2007.

**HB 5661** amends the involuntary servitude offense to include forced labor and establishes sex trafficking of a minor as a felony offense with a penalty of not more than 40 years imprisonment or a fine of up to \$40,000.00 or both. A minor is defined as a person under the age of 18 years. Obstruction or an attempt to obstruct the enforcement of this law carries a penalty of not more than 20 years imprisonment, or a fine of up to \$20,000.00 or both. HB5661 requires that each state law enforcement agency submit to the Governor, the Attorney General, and the Speaker of the House of Representatives and the President of the Senate a report on the agency's effort to enforce this law. HB5661 also creates an interagency human trafficking of persons task force to "examine and report upon the extent of human trafficking for commercial sexual activity" within the state. **Effective Date:** November 4, 2009.

**South Carolina: HB 3060** establishes human trafficking for forced labor or services as a felony punishable by imprisonment for not more than 15 years. The definition of human trafficking includes recruiting, enticing, harboring, transporting, providing or obtaining another person knowing that person will be subjected to forced labor or services. HB 3060 includes a provision stating that the law does not apply to labor or services performed or provided by a person in the custody of the Department of Corrections or a local jail, detention center, or correctional facility. **Effective Date:** May 2, 2006.

**HB 4202** amends the trafficking in persons offense by making it a Class A felony and providing a mandatory minimum penalty of five years' incarceration and increasing the maximum penalty to 30 years. HB 4202 amends existing code pertaining to registration of sex offenders to include trafficking of persons and adds it to the violent crime definition. **Effective Date:** June 11, 2010.

**Tennessee: HB 71** establishes a Class C felony offense for involuntary servitude and trafficking for forced labor or services, and a Class B felony for trafficking for sexual servitude and for involuntary servitude if a victim was held in servitude for longer than one year, suffered "serious bodily injury or death" or if there were more than 10 victims. The statute also mandates restitution for victims and allows for a corporation to be prosecuted under this section if an agent of the corporation acts within his employment capacity and on behalf of the corporation and such action was sanctioned by the corporation or was part of a pattern of illegal activity. **Effective Date:** July 1, 2007.

**Texas: HB 2096** establishes the first degree felony of trafficking or transporting of persons who are younger than 14 at the time of the offense or if the commission of the offense results in the death of the person who is trafficked. Otherwise, the offense is a second degree felony. According to the Texas Criminal Justice Policy Council, the punishment range for a first degree felony offense is five to 99 years imprisonment; the range for a second degree felony offense is two to 20 years imprisonment. **Effective Date:** September 1, 2003.

**SB 1288** requires that a defendant in a common nuisance suit that is "required to execute the bond" and is a "hotel, motel, or similar establishments that rent overnight lodging to the public," must post in each lodging unit, information pertaining to human trafficking that contains an "operating toll-free telephone number information of a nationally recognized information and referral hotline for victims of human trafficking." The statute requires that the information be prominently displayed near the room rate information. **Effective Date:** June 15, 2007.

**SB 1287** requires that a holder of a permit or license under Chapter 25, 26, 28, 32, 69 or 71 of the *Alcoholic Beverage Code*, post a sign with a warning about the illegality of “obtaining forced labor or services,” and the phone number for the national human trafficking hotline. The statute contains specific requirements for posting the sign, such as size, placement, and which languages must be used. **Effective Date:** September 1, 2007.

**HB 1121** ensures that the judge presiding over a human trafficking trial must make an affirmative finding of fact that the victim was subject to a severe form of trafficking and suffered substantial physical and mental abuse; the judge must enter the finding in the court papers. The affirmative finding of fact must include specific information identifying the victim as available during the trial, may not include information identifying the victim’s location, and must ensure that the finding of fact is confidential, unless released by written consent by the adult victim or by a parent/guardian if the victim is less than 18 years of age. **HB 1121** also amends the definitions of “forced labor or services” and “traffic” under Section 20A.01 of the Penal Code, as well as the description of trafficking offenses. Under **HB 1121**, if the defendant in a trafficking case is a hotel or motel, it must post a notice with an operating toll free number for a nationally recognized hotline for trafficking victims in each of the lodging units on the premises that are subject of the suit; the notice must be posted in a conspicuous place, near the room rate information.

**HB 1121** requires the attorney general, in consultation with the Health and Human Services Commission, to prepare and issue a report, no later than September 1, 2008, outlining the success of existing laws and rules addressing the needs of trafficked persons and recommending areas of improvement and modification. The report also must outline the success of existing social service programs to address the needs of trafficked persons, the interplay of existing programs with federally funded victim service programs, and must recommend areas of improvement and modification. **Effective Date:** June 15, 2007.

**HB 533** creates a civil liability clause in the Texas code to allow victims to bring a civil action against the perpetrator regardless of whether that person “has been acquitted, or has not been prosecuted or convicted...or has been convicted of a different offense.” The victim has the right to sue for actual damages, court and attorney costs. **Effective Date:** June 18, 2009.

**Utah: HB 339** establishes a second degree felony offense for human trafficking for forced labor or forced sexual exploitation, and a third degree felony of human smuggling. The bill further establishes first degree felony offenses for aggravated human trafficking for forced labor or forced sexual exploitation, if in the course of committing either of these offenses the result is death, serious bodily injury, or involves forcible sexual assault or rape of the victim or the victim is a minor (under the age of 18). Also considered is the duration that a victim is held and the number of victims involved in a “single episode of human trafficking.” A first degree felony offense of aggravated human smuggling is also established if the victim is a minor under the age of 18 years and is not accompanied by a family member older than 18 years of age. **Effective Date:** March 18, 2008.

**HB 230** amends the existing law to make it a separate offense for each person who is trafficked or smuggled. **Effective Date:** May 11, 2010.



**Washington: HB 1175** establishes the class A felony offenses of first and second degree sex trafficking and labor trafficking in the state of Washington. Under standard sentencing guidelines, a first degree offense carries a maximum punishment of 14 years in prison; in the second degree, the maximum sentence is nine years. Such factors as the age of the victim and whether the victim was kidnapped or killed are considered in determining the severity of the charge. Victims of trafficking also may sue for damages and for the cost of bringing the suit; a civil fine of up to \$250,000 may also be levied by the court. **Effective Date:** July 27, 2003.

**SB 6339** amends an existing statute to include trafficked persons among those who are eligible for the address confidentiality program, thus allowing the victim or his or her guardian to request the Secretary of State not to disclose the victim's address for reason that disclosure may increase the risk of being located by the perpetrator. The application, including a sworn statement that the victim fears for his or her personal safety and that of their family, will be certified for four years, unless withdrawn or invalidated prior to that date. **Effective Date:** April 2, 2008.

**SB 5850** requires any employer of foreign workers to provide a disclosure statement to the worker detailing any fees and charges owed to the employer for recruitment, and information of state benefits and rights to which the worker is entitled. The disclosure must state that the worker has a right to control his or her travel and labor documents, and provide a list of services the worker may utilize if they believe they are a victim of trafficking. The bill also requires the Office of Crime Victims Advocacy (OCVA) to provide information on recognizing victims of trafficking to commissions and boards licensing medical care providers. **Effective Date:** July 26, 2009.

**SB 6330** permits the Department of Transportation to post informational materials about human trafficking in rest areas. SB 6330 allows the Department to work with trafficking victim advocates to develop posters that may be in a variety of languages and include the toll-free hotline number to the National Human Trafficking Resource Center and the state's office of crime victims advocacy. **Effective Date:** June 10, 2010.

**SB 6332** amends Washington's existing law governing international labor recruiters and domestic employers of foreign workers to modify the definition of "foreign worker" and "worker" to include those "who hold a nonimmigrant visa for temporary visitors." Under SB 6332 employers of foreign workers and international labor recruitment agencies are not required to provide a disclosure statement to foreign workers who have received an informational pamphlet developed under the federal *William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008*. SB 6332 provides a foreign worker with the right of private action against any domestic employer or international labor recruitment agency that failed to provide a disclosure statement with the requisite information. Furthermore, the Department Labor and Industries shall create informational posters and brochures aimed at assisting victims of trafficking. **Effective Date:** June 10, 2010.

**SB 6476** entails new provisions related to sex crimes involving minors including a provision that presumes any person under the age of 18 arrested for prostitution or prostitution loitering meets the criteria for a certification as a victim of a severe form of trafficking in persons. **Effective Date:** July 1, 2011.

**Washington, DC: LB 70** creates a criminal offense for: force labor; trafficking in labor or commercial sex acts; and sex trafficking in children. Each offense carries a penalty of incarceration for not more than 20 years, a fine of not more than \$200,000 or both. Additional offenses created by LB 70 include benefitting financially from human trafficking and unlawful conduct with respect to documents in furtherance of human trafficking. LB 70 includes a provision for asset forfeiture, provides the victim with a private right of action, and expands eligibility under the *Victims of Violent Crime Compensation Act of 1996* to include victims of trafficking. The statute mandates that the District collect data on the human trafficking, including number of investigations, arrests, prosecutions, and convictions, as well as trafficking patterns and demographic characteristics of both the victims and the offenders. These data are to be compiled into a report and published not less than once every 36 months. **Effective Date:** October 23, 2010.

**Wisconsin: SB 292** establishes a Class D felony offense for human trafficking for forced labor or forced sexual exploitation, and a Class C felony offense for trafficking of a child for purposes of commercial sex acts or sexually explicit performances. In the case of trafficking for forced sexual exploitation, a court may order the defendant to pay a fine of no more than \$10,000 or restitution equaling costs of necessary transportation, housing and child care, any expenses incurred by the victim in relocating for personal safety, or the income or value of the wages gained by the perpetrator from the victim. The bill provides an affirmative defense, and allows “any person who incurs an injury or death” to file civil action suits against the perpetrator(s) for actual and punitive damages. Emergency services and assistance are to be provided to the victim for a total of 60 days if the victim is not cooperating with law enforcement or from the time of identification until 60 days after the trial if the victim is cooperating. **Effective Date:** March 19, 2008.

### **Statewide Interagency Task Forces on Human Trafficking**

State task forces have been established by statute in **California, Colorado, Connecticut, Florida, Hawaii, Maine, New Hampshire, New Mexico, New York, Rhode Island, Texas Vermont, Virginia** and **Washington**. **Idaho** passed a resolution to authorize the creation of a legislative committee to study human trafficking in that state. **Iowa** has authorized a study for the 2006 legislative interim on human trafficking. **Minnesota's** Commissioner of Public Safety is required by statute to conduct an annual trafficking study and submit a report of the findings to the legislature. **Ohio** recommended that the Attorney General create a Trafficking in Persons Study Commission. Pennsylvania created an advisory committee on human trafficking and **Tennessee** has directed the Select Committee on Children and Youth to conduct a study on the human sex trafficking. In addition, advocacy efforts are underway in several states – led by state women's organizations, violence against women programs and providers, and anti-trafficking groups – to study the nature and extent of trafficking in the state and make policy recommendations.

**California: SB 180** establishes the *California Alliance to Combat Trafficking and Slavery* (California ACTS) *Task Force*, an interagency task force charged with evaluating various programs available to victims of trafficking and various criminal statutes addressing human trafficking. Responsibilities include collecting and analyzing data on trafficking into the state, evaluating the effectiveness of prevention and prosecution efforts, and examining collaborative models between government and nongovernmental organizations for protecting trafficking victims. The task force members include the Attorney General, members of the legislature, government and law enforcement agencies, as well as representatives from non-governmental organizations and service providers. The task force is required to submit a report of its findings to the Legislature, Governor, and Attorney General by July 1, 2007. **Effective Date:** September 21, 2005.

Prior to passage of **SB 180**, **California** took a different approach which can be effective in other states as well. In 2004, at the request of Assemblywoman Sally Lieber, Assembly Speaker Fabian Nunez created the **Select Committee on Human Trafficking in California**, which held informational hearings in the state that were co-sponsored by the California Commission on the Status of Women, the California Women's Law Center, and the California Women's Legislative Caucus.

**Colorado: HB 1143** creates an interagency task force on trafficking in persons to: collect and organize data on the nature and extent of trafficking in the state; investigate collaborative models for protecting victims; measure and evaluate the progress of the state in preventing trafficking, protecting victims, and prosecuting traffickers; identify available federal, state, and local programs that provide services to victims; evaluate approaches to increase public awareness of trafficking; analyze existing criminal statutes for their adequacy in addressing trafficking and make recommendations; and, consult with governmental and non-governmental organizations in developing recommendations. The task force is required to report its findings and recommendations to the Judiciary Committees of the House and Senate by January 15, 2007. **Effective Date:** April 5, 2005.

**Connecticut: HB 5358** establishes an interagency task force on trafficking in persons to: collect data on the nature of trafficking in the state and evaluate the state's progress on trafficking;

identify available federal, state, and local programs that provide services to trafficking victims; evaluate approaches to increase public awareness of trafficking; analyze and make recommendations regarding existing state criminal statutes' ability to address trafficking; and, make recommendations on preventing trafficking, assisting victims, and prosecuting traffickers. The task force is required to report its findings and recommendations to the General Assembly by January 1, 2006. **Effective Date:** October 1, 2004.

**SB 398** creates an interagency *Trafficking in Persons Council* within the Permanent Commission on the Status of Women. The Council will hold meetings at least three times per year to track updates and progress, to identify the criteria for providing services to adult trafficking victims and their children, to consult with governmental and nongovernmental organizations in developing recommendations to strengthen state and local anti-trafficking efforts, and to protect and assist victims of trafficking and prosecute traffickers. The Council must submit its report, including recommendations for legislation, to the General Assembly no later than January 1, 2008. **Effective Date:** June 11, 2007.

**Florida: SB 168** creates the Florida Statewide Task Force on Human Trafficking. The bill defines the task force membership, members' duties, and requires it to develop implementation strategy for a Statewide Strategic Plan on human trafficking in conjunction with the Florida State University Center for the Advancement of Human Rights by October 1, 2010. **Effective Date:** June 1, 2009.

**Hawaii: HB 2051** establishes a task force to review laws and information from other states regarding support for victims of human trafficking and to recommend changes to Hawaii law and programs that assist in prevention and provide support to victims. The task force is charged with developing protocols and training related to providing services for trafficking victims and interagency procedures to collect and organize data. The task force also will assess the need for victim protection and assistance services, consult with governmental and nongovernmental organizations, seek federal grants for such task-force related activities as personnel, training, services and programs. HB 2051 requires the task force to report to the state legislature at least 20 days prior to the 2007 and 2008 regular sessions. **Effective Date:** July 1, 2006.

**SR 144** charges the Department of Human Services with conducting a "statewide needs assessment of non-citizen victims of human trafficking." SR 144 requires that the Department of Human Services collaborate with Hawaii's statewide interagency task force on human trafficking to study the best way to prevent and combat human trafficking; identify existing barriers that deny or minimize access to benefits for non-citizen victims of human trafficking; and identify appropriate social services for victims of human trafficking. **Effective Date:** April 12, 2007.

**HB 2772** extends the end date of the anti-trafficking task force through June 30, 2010 and expands its membership to include representatives of the state public defender, the Immigration Information Office, the Crime Victim Compensation Commission, the Office of the Gender Equity Counselor at the University of Hawaii, the Hawaii State Coalition Against Domestic Violence, and representatives of contractors working under the Office of Refugee Resettlement of the U.S. Department of Health and Human Services and under the U.S. Conference of Catholic Bishops. **Effective Date:** June 29, 2008.

**Idaho: HCR 18** authorizes the Legislative Council to appoint a legislative committee to complete a study on human trafficking. The co-chairs of the committee will appoint non-legislative members of the committee. The committee shall: collect data and present findings on the nature and extent of human trafficking in Idaho; identify available federal, state and local programs that provide services to victims; analyze and make recommendations regarding the ability of existing criminal statutes to address trafficking; and, make recommendations regarding the prevention of trafficking, the prosecution of offenses, and victim assistance. The committee is required to report its findings and recommendations to the Legislature, the Governor, and the Idaho Supreme Court by January 1, 2006. **Adopted:** April 1, 2005.

**Iowa: SF 2219** requests legislative council authorization for a legislative interim study on human trafficking. The study recommendations and findings shall include, but are not limited to, identifying the needs of human trafficking victims and law enforcement and any other agencies that serve victims of human trafficking. A study report must be submitted for consideration during the 2007 legislative session. **Effective Date:** July 1, 2006.

**Maine: LD 1296** establishes a task force to review laws and legislation from other states and make recommendations for statutory language to criminalize human trafficking. The task force is charged with identifying federal, state and local programs that provide victim services and recommending methods to coordinate these services. The task force also is responsible for researching and evaluating approaches to increase public awareness of human trafficking. The task force must submit a report with its findings and recommendations no later than November 30, 2006. **Effective Date:** April 28, 2006.

**Minnesota: HF 1** appropriates money for an annual statewide human trafficking assessment, which will be led by the Commissioner of the Department of Public Safety with the assistance of government agencies and nongovernmental organizations. The study will include: the numbers of arrests, prosecutions, and successful convictions of traffickers; statistics on the number of trafficking victims, including demographics, method of recruitment, and method of discovery; trafficking routes and patterns; method of transportation; and, social factors that contribute to and foster trafficking, especially trafficking of women and children. The Commissioner must submit the first report to the Legislature by September 1, 2006. **Effective Date:** July 1, 2005.

**New Hampshire: SB 194** establishes the *Statewide Interagency Commission on Human Trafficking*. The Commission is charged with analyzing the adequacy of existing criminal legislation to address human trafficking and making recommendations for revising these criminal statutes or creating new ones; working with law enforcement personnel to develop methodologies for collecting data on human trafficking; identifying available federal, state, and local programs that provide services to trafficking victims; and, evaluating approaches to increase public awareness of trafficking. The Commission must report its findings and recommendations to the President of the Senate, the Speaker of the House, the Senate Clerk, the House Clerk, the Governor, and the state Library on or before November 1, 2008. **Effective Date:** June 11, 2007.

**New Mexico: SB 71** establishes an interagency task force to: examine the extent of human trafficking in the state; monitor and evaluate the implementation of 2008 trafficking criminalization law; make recommendations on how to strengthen anti-trafficking efforts to prevent trafficking, prosecute violators and protect victims; develop and conduct training for law

enforcement personnel and victim service providers on how to identify victims; and implement an awareness campaign. The task force is required to submit an annual report of its findings and recommendations to the Governor and the legislature. **Effective Date:** July 1, 2008.

**New York: SB 5902** establishes an interagency task force on human trafficking to: examine the extent of human trafficking in the state; identify federal, state and local programs that provide services to trafficking victims; establish “protocols and collaboration” among federal, state and local law enforcement, state agencies and NGOs; evaluate approaches to increase public awareness of trafficking, and evaluate the effectiveness of “training programs on human trafficking that have been designed for law enforcement personnel, criminal defense attorneys, social service providers, and NGOs.” The task force is required to report its findings and recommendations to the Governor and the legislature by November 1, 2008. **Effective Date:** November, 1, 2007.

**Ohio: HB 280** recommends that the Attorney General creates a Trafficking in Persons Study Commission to examine the scope of the problem within the state, review current criminal laws and how they are be applied to human trafficking offenses and make recommendations on how to address the problem. In July 2009, the Attorney General convened the first meeting of the Trafficking in Persons Study Commission whose members included representatives from the General Assembly, law enforcement community, State agencies and community-based organizations. **Effective Date:** April 7, 2009.

**Pennsylvania: SR 253** creates an advisory committee to examine the issue of human trafficking. Within two years of the adoption of SR 253, the advisory committee must submit a report to the Senate that includes a proposed State plan for the prevention of human trafficking, as well as recommendations to strengthen efforts to protect and assist victims of trafficking and prosecute offenders. SR 253 provides that members must include representatives from governmental agencies and nongovernmental organizations, especially those specializing in human trafficking and working with communities vulnerable to trafficking. **Effective Date:** April 20, 2010.

**Rhode Island: HB 5661** creates an interagency human trafficking of persons task force to “examine and report upon the extent of human trafficking for commercial sexual activity” within the state. The task force is required to report its findings and recommendations to the Governor, the Attorney General, the Speaker of the House of Representatives and the President of the Senator on or before December 31, 2010. **Effective Date:** November 4, 2009.

**HB 8291** creates a house commission to examine the issue of human trafficking and to develop strategies to ensure that human trafficking victims, as well as “any person who is a victim of commercial sexual activity” are identified and afforded government services and assistance. The commission must report its findings to the General Assembly before March 2, 2011.

**Tennessee: SB 1751** directs the Select Committee on Children and Youth to conduct a study on the human sex trafficking. The Select Committee is tasked to: collect and organize data on the nature and extent of human sex trafficking in the state; investigate collaborative models for protecting victims; measure and evaluate the progress of the state in preventing human sex trafficking; identify available federal, state, and local programs that provide services to victims; evaluate approaches to increase public awareness; analyze existing criminal statutes for their

adequacy in addressing human sex trafficking and make recommendations; and, consult with governmental and non-governmental organizations in developing recommendations. The Select Committee must report its findings and recommendations to the Judiciary Committees of the House of Representatives and the Senate no later than March 1, 2011. **Effective Date:** June 9, 2010.

**Vermont: SB 272** creates an interagency human trafficking task force for the purpose of “raising public awareness...identifying resources for the victims...recommending to the public ways to identify and report acts of human trafficking.” SB 272 outlines the task force membership, members’ duties, and the state agencies and community organizations with whom the task force must consult, including representatives of the human rights commission, health care professionals and migrant workers and labor advocacy groups. The task force reports its findings and recommendations to the members of the senate and house judiciary, the senate committee on health and welfare, the house committee on human services and to the legislative council on or before November 15, 2010. On or before January 15, 2011, the task force must report its findings and recommendations to the General Assembly and the Governor. SB 272 also establishes a law enforcement advisory board. **Effective Date:** April 27, 2010.

**Virginia: HB 2923** establishes the *Commission on the Prevention of Human Trafficking*. The Commission is charged with: developing and coordinating the implementation of a *State Plan for the Prevention of Human Trafficking*; collaborating with state, local and federal agencies to improve the collection and sharing of data on human trafficking within the state; recommending policies to facilitate effective collaboration between state agencies, the community, business and industry, and public and private entities to prevent human trafficking; identifying available federal, state, and local programs that provide services to trafficking victims; and making recommendations on methods to provide a coordinated system of support and assistance to victims of trafficking. The Commission must submit an annual report to the Governor and the General Assembly no later than the first day of each regular session of the General Assembly. **Effective Date:** July 1, 2007.

**Texas: HB 4009** establishes the Human Trafficking Prevention Task Force. The statute specifies organizations that must be represented on the task force and mandates the task force to submit a report on December 1<sup>st</sup> of each even-numbered year regarding its activities and findings. HB 4009 provides trafficking victims with an affirmative defense to prosecution for a violation of the prostitution law. The statute establishes victim assistance program for domestic trafficking victims that includes a database of assistance programs, training curriculum for law enforcement, and a grant program for public organizations to provide services for domestic victims. HB 4009 creates the trafficking of persons investigation and prosecution account to distribute grants to counties for investigation and prosecution efforts and to non-governmental organizations for victim services and outreach efforts. **Effective Date:** September 9, 2009.

**Washington: HB 2381** created the *Washington State Task Force Against the Trafficking of Persons* in 2002 to: measure and evaluate the progress of the state in trafficking prevention activities; identify available federal, state, and local programs that provide services to victims of trafficking; and, make recommendations on methods to provide a coordinated system of support and assistance to victims of trafficking. **Effective Date:** June 13, 2002. The Task Force expired

on March 1, 2003 but was extended until June 30, 2004 (**HB 1090**). **Effective Date:** May 14, 2003.

**HR 4707** recognizes and honors the Office of Crime Victims Advocacy and the *Washington State Task Force Against the Trafficking of Persons* for its accomplishments in leading the country in taking action against human trafficking. **Adopted:** March 4, 2004.



**International Marriage Brokers/International Matchmaking Organizations (IMOs)  
Regulation of “Bride Trafficking” by Commercial Enterprises**

Legislatures in **Hawaii, Maryland, Missouri, New Jersey, Texas, and Washington** have passed laws to regulate “international matchmaking organizations” (IMOs) that operate in the state.

**Hawaii: HB 135** allows persons living abroad who use for-profit matchmaking services to gain access to criminal conviction and marital history information from prospective spouses residing in the United States (“clients”). Each IMO must notify all foreign women (“recruits”) in their native language that criminal history records and marital history information about any Hawaii resident is available upon request. The IMO also must disseminate this information upon request in the recruit’s native language and refrain from providing any further services that facilitate interaction between the recruit and the client until the information has been submitted to the IMO. The punishment for a violation of the law is a fine of up to \$500 and up to 30 days imprisonment. **Effective Date:** January 1, 2004.

**HB 2050** expands upon Hawaii's current law by including abuse orders of protection issued against a Hawaii resident as information that must be disclosed by a Hawaii resident as part of the resident's marital history information in dealings with international matchmaking organizations. **Effective Date:** January 1, 2007.

**Maryland: HB 65** requires that International Marriage Brokers (IMBs) that operate in the USA and provide services to Maryland residents must provide each foreign “recruit” with the criminal history record information and marital history information of the IMB’s “client”, as well as basic rights information in the recruit’s native language. The recruit must receive all of the requisite information about the client and provide written consent before the IMB may supply the client with the recruits “personal contact” information. HB 65 specifies the type of information that must be included as part of the client’s marital history, criminal history and the basic rights information, as well as the manner in which the information should be displayed. A violation of this law is a misdemeanor punishable by imprisonment not to exceed more than one year, a fine not to exceed \$12,000 or both. **Effective Date:** October 1, 2010.

**Missouri: HB 353** requires IMOs to notify each potential recruit that the criminal history information and marital history information of clients are available, upon request, in the recruit’s own language. Basic rights information -- including information about human rights, immigration, emergency assistance and resources, and the legal rights of and resources for victims of domestic violence -- also must be made available to recruits. The IMO must distribute this information no later than 30 days after receiving it, and IMOs that fail to provide the information or willfully provide incomplete or false information are guilty of a class D felony. **Effective Date:** August 28, 2005.

**New Jersey: AB 1942** requires that present and prospective owners and employees of international labor matching labor organizations or international matchmaking organizations be certified by the Division of Consumer Affairs as qualified to own or work for such an enterprise. The Division must run criminal history record background checks on present and prospective owners and employees; those with convictions for criminal offenses are disqualified. The disqualifying criminal offenses include inter alia: homicide, kidnapping, assault, human trafficking, sexual assault, prostitution and drug possession. AB 1942 requires that clients of international labor matching labor organizations or international matchmaking organizations undergo a criminal

history record background check at their own expense. “Upon receipt of a request for information from a recruit”, the organization is prohibited from providing any services until the client has submitted a complete transcript of any criminal history record. International matchmaking organizations must provide recruits with basic information about domestic violence, along with phone numbers for the statewide and national domestic violence hotlines. **Effective date:** December 1, 2010.

**Texas: HB 177** requires IMOs to provide each foreign recruit with the criminal history record information and marital history information of the IMO’s clients and with basic rights information in the recruit’s native language. The IMO must disseminate this information no later than the 30<sup>th</sup> day after the date it receives the information from the client and must pay the costs incurred to translate this information into the recruit’s native language. The IMO may not provide any further services to the client or recruit until it has obtained the requested information from the client and provided it to the recruit. An IMO that violates the law is subject to a civil penalty not to exceed \$20,000 for each violation. **Effective Date:** September 1, 2003.

**Washington: SB 6412** requires IMOs to provide information to foreign women, upon request, on state background checks and personal histories of Washington residents seeking to meet foreign women (potential recruits). The IMO must notify all potential recruits that background check and personal history information is available upon request. Once the resident is notified of the recruit’s request for background information, the IMO must refrain from providing any further services that facilitate future interaction between the recruit and the resident until the IMO has obtained the requested information from the resident. **Effective Date:** September 1, 2002. The language of the bill was slightly amended in 2003 (**HB 1826**). **Effective Date:** July 27, 2003.

### **Regulating Travel Services Providers that Facilitate Sex Tourism**

Legislatures in **Alaska, Hawaii, Missouri, New York** and **Washington** have enacted laws making it a state felony offense to knowingly sell or offer to sell travel services that include or facilitate travel for the purpose of engaging in prostitution.

**Alaska: SB 12** expands the crime of promoting prostitution in the second degree to include any person who offers, sells, advertises, promotes, or facilitates travel that includes commercial sexual conduct, defined as sexual conduct in exchange for anything of value, as enticement for travel. **Effective Date:** July 1, 2006.

**Hawaii: HB 2020** makes it a class C felony to knowingly sell or offer to sell travel services that include or facilitate travel for the purpose of engaging in prostitution. It authorizes the suspension or revocation of travel agency registration for engaging in these acts. The bill emphasizes that prostitution and sex tourism contribute to the trafficking of persons, and seeks to discourage sex tourism as a way to reduce the demand for sex trafficking. **Effective Date:** May 19, 2004.

**Missouri: HB 1698** makes it a class C felony to knowingly sell or offer to sell travel services that include or facilitate travel for the purpose of engaging in prostitution. It authorizes the revocation of the articles of incorporation, as well as the freezing of bank and deposit accounts. **Effective Date:** June 6, 2006.

**New York: SB 5902** expands the crime of promoting prostitution in the third degree to include travel service providers who knowingly sell travel services that facilitate prostitution. Promoting prostitution is a Class D felony. **Effective Date:** November 1, 2007.

**Washington: SB 6731** makes it a class C felony to knowingly sell or offer to sell travel services that include or facilitate travel for the purpose of engaging in prostitution. Sellers of travel are prohibited from promoting or advertising travel services for the purpose of engaging in a commercial sex act. **Effective Date:** June 7, 2006.

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**HB 432 Sponsors:** Representatives Williams (J), Coleman, Todd, Hilliard, McClurkin, Ison, Gipson, England, Ball, Allen, Hubbard, Love, Galliher, Hill, Ward, Canfield, Hall, Moore (P), Drake, Clouse, McClendon, Mask, Faust and Williams (P).

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Related bill **HB 2539 Sponsors:** Representatives Paton, Alvarez, J. Burns, Farnsworth, Lopez, McClure, Pearce, Rosati, Biggs, Gallardo, Hershberger, Meza, Pierce, Sinema, Tully; Senator Bee.

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Related Bill **HB 5881 Sponsors:** Representatives Giannini, Kilmartin, Mattiello, Rice, D. Caprio.

**HB 5661 Sponsors:** Representatives Giannini, DaSilva, Corvese, Petrarca, Gablinske.

Companion bill **SB 605 Sponsors:** Senators Perry, Crowley, Gallo, Sosnowski, Lanzi.

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Companion bill **HB 3373 Sponsors:** Representative Thompson, Hughes, Hamilton, Y. Davis, Callegari

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Related bill **SB 2032 Sponsor:** Senator Margolis.

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**SB 6476 Sponsors:** Senators Stevens, Hargrove, Fraser, Swecker, Delvin, Brandland, Holmquist, Becker, Parlette, Carrell, Hewitt, Schoesler, King, Roach, Kohl-Welles.

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## **Statewide Interagency Task Forces on Human Trafficking**

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Related bill **HB 811 Sponsors:** Representatives Thompson, Brandenburg, Bullard, Burgin, Pafford, Porth, Rader, Y. Roberson, Sachs, Sands, Scionti, Steinberg.

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Companion bill **SB 2142 Sponsors:** Senators Chun, Oakland, Fukunaga.

**SR 144 Sponsor:** Senator Chun Oakland

Companion bill **SCR 220 Sponsor:** Senator Chun Oakland

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Companion bill **HB 1760 Sponsors:** Tingelstad, Knoblach, Clark, Thao, Smith, Murphy, Loeffler, Abeler, Gunther, Mariani, Ellison, Holberg, R. Johnson, Walker, Hornstein, Larson, Dorman, Soderstrom, Meslow, Brod, McNamara, Moe, Liebling, Kahn, Greiling.

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Related Bill **HB 8679 Sponsors:** Assembly Members Dinowitz, Paulin, Silver, Lentol, Weinstein, Greene, Galef, Fields, Aubertine, Scarborough, Lafayette, Jacobs, Pheffer, Eddington, Gunther, Clark, Espailat, Carrozza, Koon, John, Sweeney, Lancman, Jaffee, Young, Gabryszak, Englebright, Rosenthal, Powell, Tedisco.

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### **Washington**

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Companion bill **SB 6407 Sponsors:** Senators Costa, Kohl-Welles, Kline, Kastama, Thibaudeau.

**HB 1090 Sponsors:** Representatives Veloria, Roach, O'Brien, Bush, Lantz, Clements, Linville, Kenney, Boldt, Sullivan, Upthegrove, Chase, Darneille, Hudgins, Edwards.

**HR 4707 Sponsor:** Representative Veloria.

## **International Marriage Brokers/International Matchmaking Organizations (IMOs)**

### **Hawaii**

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Companion bill **SB 875 Sponsors:** Senators Chun Oakland, Baker, Fukunaga.

**HB 2050 Sponsors:** Representatives Lee, Arakaki, Berg, Cabanilla, Caldwell, Chang, Ching, Evans, Finnegan, Hale, Kawakami, Luke, Marumoto, Meyer, Morita, Shimabukuro, Thielen, Tsuji, Stevens.

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### **Missouri**

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**SB 437** (amendment to **HB 353**) **Sponsor:** Senator Bray.

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Related bill **SB 1813 Sponsors:** Senators Sarlo, Baroni.

### **Texas**

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### **Washington**

**SB 6412 Sponsors:** Senators Kohl-Welles, Costa, Prentice, Winsley, Long, Keiser, Benton.

Related bill **HB 2667 Sponsors:** Representatives Veloria, Darneille, Haigh, Delvin, Tokuda, Chase, Santos.

**HB 1826 Sponsors:** Representatives Veloria, McMahan, O'Brien, Kenney, Boldt, Mielke, Santos, Hudgins, Upthegrove, Simpson, Conway.

Companion bill **SB 5532 Sponsors:** Senators Kohl-Welles, Benton, Fraser, Prentice, Carlson, Keiser, Winsley, Schmidt.



## **Regulating Travel Services Providers that Facilitate Sex Tourism**

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### **Hawaii**

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Companion bill **SB 2227 Sponsors:** Senators Chun Oakland, Baker, Fukunaga, Kim.

### **Missouri**

**HB 1698 Sponsors:** Representatives Lipke, Dusenberg, Yates, Cooper, Tilley.

**SB 1168** (amendment to **HB 1698**) **Sponsor:** Senator Bray.

**HB 1236** (amendment to **HB 1698**) **Sponsors:** Representatives Tilley, Ruestman, Moore, Sutherland, Muschany, Dethrow, Smith, Bruns, Wood, Robinson, Sater, Rupp, Day, Fisher, Smith, Wright, Emery, Ervin, Cunningham, Munzlinger, Dempsey, Kraus, Dixon, Mcghee, Silvey, Sander.

**HB 995** (amendment to **HB 1698**) **Sponsors:** Representatives Dusenberg, Munzlinger, Day, Kraus, Sater, Davis, Wilson, Bivins, Emery, Sander, Sutherland, Fisher, Ruestman, Brown, Ervin, Mcghee.

**HB 1362** (amendment to **HB 1698**) **Sponsor:** Representative Cooper.

**HB 1290** (amendment to **HB 1698**) **Sponsors:** Representatives Schaaf, Lembke, Kingery, Sutherland, Tilley.

### **New York**

**SB 5902 Sponsors:** Senators Padavan, Volker, Morahan, Golden, Leibell, Alesi, Bonacic, Bruno, Defrancisco, Farley, Flanagan, Fuschillo, Griffo, Hannon, O. Johnson, Lanza, Larkin, Lavallo, Libous, Little, Maltese, Marcellino, Maziarz, Nozzolio, Rath, Robach, Saland, Seward, Skelos, Trunzo, Winner, Wright, Young.

Related Bill **HB 8679 Sponsors:** Assembly Members Dinowitz, Paulin, Silver, Lentol, Weinstein, Greene, Galef, Fields, Aubertine, Scarborough, Lafayette, Jacobs, Pheffer, Eddington, Gunther, Clark, Espailat, Carrozza, Koon, John, Sweeney, Lancman, Jaffee, Young, Gabryszak, Englebright, Rosenthal, Powell, Tedisco.

### **Washington**

**SB 6731 Sponsors:** Senators Fraser, Kohl-Welles, Deccio, Fairley, Mulliken, Prentice, Roach, Honeyford, McAuliffe, Keiser, Regala, Delvin, Franklin, Shin, Sheldon, Berkey, Rasmussen, Haugen, Thibaudeau, Kline, Parlette.