

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2021-2022 Regular Session

AB 1661 (Davies)
Version: March 3, 2022
Hearing Date: May 31, 2022
Fiscal: Yes
Urgency: No
CK

SUBJECT

Human trafficking: notice

DIGEST

This bill includes hair, nail, electrolysis, and skin care businesses, and other related businesses or establishments subject to regulation pursuant to the Barbering and Cosmetology Act among the establishments required to post a notice regarding slavery and human trafficking.

EXECUTIVE SUMMARY

Section 52.6 of the Civil Code (Section 52.6) requires certain establishments to post notices regarding resources for witnesses to and victims of human trafficking and slavery. That section also requires certain establishments to train their employees in identifying and reporting incidents of human trafficking.

In response to an uptick in human trafficking during the COVID-19 pandemic, this bill seeks to expand the reach of Section 52.6 by including businesses that provide hair, nail, electrolysis, and skin care on the list of establishments that must post a specified notice regarding forced commercial sex, housework, farm work, construction, factory, retail, or restaurant work, or any other activity.

The bill is sponsored by the author. The bill is supported by the City of West Hollywood and the Little Hoover Commission. There is no known opposition.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Provides that any person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services is guilty of the crime of human trafficking. (Pen. Code § 236.1.)
- 2) Requires specified businesses and establishments to post notices in a conspicuous place near the public entrance of the establishment or in another conspicuous location in clear view of the public and employees where similar notices are customarily posted. (Civ. Code § 52.6.)
- 3) Requires the notices to include specific language regarding a textline and various hotlines to contact if one is aware of or is a victim of human trafficking. The Department of Justice is required to create a model notice that may be used by these businesses. (Civ. Code § 52.6.)
- 4) Provides that a business or other establishment that operates intercity passenger rail or light rail stations, or bus stations shall provide at least 20 minutes of training to employees who may interact with, or come into contact with, a victim of human trafficking or who are likely to receive, in the course of their employment, a report from another employee about suspected human trafficking, in recognizing the signs of human trafficking and how to report those signs to the appropriate law enforcement agency. A list of topics that must be covered in such training is further provided. (Civ. Code § 52.6.)
- 5) Subjects businesses that fail to comply with the notice and training requirements of Section 52.6 of the Civil Code to civil penalties. (Civ. Code § 52.6.)
- 6) Provides that nothing in Civil Code Section 52.6 prevents local governing bodies from adopting and enforcing a local ordinance, rule, or regulation to prevent slavery or human trafficking. (Civ. Code § 52.6.)
- 7) Requires hotels and motels to provide at least 20 minutes of classroom or other effective interactive training and education regarding human trafficking awareness to each employee who is likely to interact or come into contact with victims of human trafficking, as specified. A list of topics that must be covered in such training is further provided. (Gov. Code § 12950.3.)
- 8) Establishes the Barbering and Cosmetology Act, providing relevant regulation of hair, skin, nail care, and electrolysis services. (Bus. & Prof. Code § 7301 et seq.)

This bill requires hair, nail, electrolysis, and skin care, and other related businesses or establishments subject to regulation pursuant to the Barbering and Cosmetology Act to post the above notice regarding slavery and human trafficking.

COMMENTS

1. The troubling prevalence of human trafficking

Human trafficking is the world's fastest growing criminal enterprise, bringing in annual profits in the tens of billions of dollars. Human trafficking is generally defined as the use of force, coercion, or fraud to obtain coerced labor or personal services. Existing law provides that any person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services is guilty of the crime of human trafficking.

The International Labour Organization estimates that approximately 40 million people were victims of some form of human slavery worldwide in 2016.¹ This includes 24.9 million in forced labor, meaning they were being "forced to work under threat or coercion as domestic workers, on construction sites, in clandestine factories, on farms and fishing boats, in other sectors, and in the sex industry." Over 70 percent of these victims were women and girls and 1 in four victims were children. In their 2019 Data Report, the U.S. National Human Trafficking Hotline identified over 22,000 victims and survivors and over 4,300 traffickers.²

The U.S. State Department has estimated that the incidence of human trafficking and slavery has only gotten worse during the COVID-19 pandemic:

The economic and social distress generated by the pandemic and related mitigation efforts exacerbated risks for vulnerable and marginalized populations. These included women and children, people affected by travel restrictions and stay-at-home orders, communities in areas of food insecurity, and survivors of trafficking, as well as persons directly and indirectly affected by the disruption of economic activities and reduced livelihood options. Due to school closures, some children lacked access to education, shelter, and/or food. Survivors of trafficking faced an increased risk of potential re-victimization due to financial and emotional hardships during the crisis.³

Traffickers look for people who are susceptible for a variety of reasons, including psychological or emotional vulnerability, economic hardship, lack of a social safety net, natural disasters, or political instability. Human trafficking is often described as a

¹ *Global Estimates of Modern Slavery* (2017) International Labour Organization, http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575479.pdf. All internet citations are current as of May 16, 2022.

² *2019 Data Report*, U.S. National Human Trafficking Hotline, <https://humantraffickinghotline.org/sites/default/files/Polaris-2019-US-National-Human-Trafficking-Hotline-Data-Report.pdf>.

³ *Trafficking in Persons Report* (June 2021) United States Department of State, <https://www.state.gov/wp-content/uploads/2021/09/TIPR-GPA-upload-07222021.pdf>.

hidden crime as victims rarely come forward to seek help because of language barriers, fear of the traffickers, and/or fear of law enforcement.

2. California's human trafficking awareness and training law

To increase awareness of human trafficking and provide support to victims, Section 52.6 requires certain businesses and establishments, including truck stops, health facilities, massage parlors, and transit centers, to post notices encouraging victims of human trafficking and those who suspect human trafficking to contact a textline or one of several hotlines to access help and services. The law requires the notice to state specified content and requires the Department of Justice to post a model notice.

In addition, several laws, SB 970 (Atkins, Ch. 842, Stats. 2018) and AB 2034 (Kalra, Ch. 812, Stats. 2018), established training requirements for specified employees. AB 2034 amended Section 52.6, requiring businesses that operate intercity passenger rail or light rail stations or bus stations to train certain employees in recognizing the signs of human trafficking and how to report those signs.

SB 970 added Section 12950.3 to the Government Code, which required such employee trainings at hotels and motels. SB 970 also explicitly stated that it was the intent of the Legislature in enacting the bill "to establish a minimum threshold for human trafficking awareness training and education."

SB 630 (Stern, Ch. 57, Stats. 2019) made clear that Section 52.6, and the requirements set out therein, do not prevent local governing bodies from adopting and enforcing a local ordinance, rule, or regulation to prevent slavery or human trafficking. It further provides that Section 52.6 does not supersede or preempt a local ordinance, rule, or regulation that duplicates or supplements the requirements Section 52.6 imposes upon businesses and other establishments. The addition of this clause paves the way for local jurisdictions to take more aggressive approaches to combatting the scourge of human trafficking in California.

3. Another expansion of Section 52.6

This bill takes another step forward by requiring businesses that provide hair, nail, electrolysis, and skin care services, and other related businesses or establishments subject to regulation under the Barbering and Cosmetology Act to post the required notice above in a conspicuous place near the public entrance of the establishment or in another conspicuous location in clear view of the public and employees where similar notices are customarily posted.

According to the author:

Human trafficking is a global sinister enterprise that has ruined the lives of countless individuals. Too often victims are forgotten or never found. Part of the problem these victims go unfound is because the public has no idea how to spot individuals in their time of need. AB 1661 is a step in the right direction by updating our current notification laws to expand what types of businesses must display warning sign posters on their premises. With increased awareness on the types of behaviors and signs to look for in any environment, we can help increase the number of victims we save or prevent from being victims altogether.

The Little Hoover Commission writes in support of the bill, based on its own report and recommendations:

In its 2020 report, *Labor Trafficking: Strategies to Uncover this Hidden Crime*, the Commission found that eradicating trafficking begins with effective detection - finding this crime wherever and whenever it occurs. Yet detecting labor trafficking is particularly daunting, as few understand the nature of the crime and to the unsuspecting observer, the work itself may appear legitimate. Broadly increasing public awareness of labor trafficking may help improve both victim identification and crime prevention, the Commission learned. To better detect this heinous abuse, the Commission urged California to promote efforts to alert the public to the existence of human trafficking in various sectors and industries.

AB 1661 would carry out this recommendation by increasing awareness of human trafficking in cosmetology businesses.

Writing in support, the City of West Hollywood highlights its own “track record of working with community groups and law enforcement to stop the trafficking of individuals.” It states: “The requirement for barbering and cosmetology businesses to post signage containing information about specified nonprofit organizations that a person can call for services or support in the elimination of slavery and human trafficking is a reasonable requirement that can assist in reducing [these types] of crimes.”

SUPPORT

City of West Hollywood
Little Hoover Commission
Loyola Law School, the Sunita Jain Anti-Trafficking Initiative

OPPOSITION

None known

RELATED LEGISLATION

Pending Legislation:

AB 1788 (Cunningham, 2022) creates civil penalties for hotels, as defined, for instances of human trafficking that specified employees either knew about or recklessly disregarded as activity constituting sex trafficking on hotel grounds. This bill is currently in this Committee.

AB 2553 (Grayson, 2022) establishes the California Multidisciplinary Alliance to Stop Trafficking Act (California MAST) to review collaborative models between governmental and nongovernmental organizations for protecting victims and survivors of trafficking, among other related duties. The task force must report its findings and recommendations to the Office of Emergency Services, the Governor, the Attorney General, and the Legislature by January 1, 2024. This bill is currently in the Senate pending referral.

Prior Legislation:

SB 630 (Stern, Ch. 57, Stats. 2019) *See Comment 2.*

SB 970 (Atkins, Ch. 842, Stats. 2018) *See Comment 2.*

AB 2034 (Kalra, Ch. 812, Stats. 2018) *See Comment 2.*

SB 225 (Stern, Ch. 565, Stats. 2017) updated language that is required to be included in notices certain businesses must post. It included a special textline that can be texted for services and support.

SB 597 (Leyva, Ch. 570, Stats. 2017) allowed victims of human trafficking to participate in the Secretary of State's Safe at Home program.

AB 260 (Santiago, Ch. 547, Stats. 2017) included hotels, motels, and other lodging establishments among the businesses that must post signage regarding reporting human trafficking.

AB 1227 (Bonta, Ch. 558, Stats. 2017) required human trafficking prevention education in schools.

SB 1193 (Steinberg, Ch. 515, Stats. 2012) added Section 52.6 to the Civil Code.

PRIOR VOTES:

Assembly Floor (Ayes 65, Noes 0)

Assembly Appropriations Committee (Ayes 12, Noes 0)

Assembly Judiciary Committee (Ayes 10, Noes 0)
