

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2023-2024 Regular Session

AB 1966 (Davies)
Version: January 30, 2024
Hearing Date: June 4, 2024
Fiscal: No
Urgency: No
CK

SUBJECT

Human trafficking: notice: primary ticket sellers

DIGEST

This bill requires ticket sellers to electronically include information on resources for human trafficking victims as well as a warning about criminal liability for engaging in such trafficking with all mobile or electronic ticket purchase confirmations.

EXECUTIVE SUMMARY

Human trafficking is a widespread scourge that is particularly difficult to address in large part because of the isolation of victims and the control imposed by their traffickers. A host of current laws attempt to make available services and resources for these victims in locations they are most likely to access. 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 rail and bus stations to train their employees in identifying and reporting incidents of human trafficking. The Fair Employment and Housing Act (FEHA) also requires hotel and motel employers to provide at least 20 minutes of training and education regarding human trafficking awareness to their employees, as provided. Both federal and state law authorize actions by victims of human trafficking, and sex trafficking in particular.

This bill seeks to address the rising incidence of commercial sex trafficking with a modest requirement for primary ticket sellers to include hotline information for human trafficking victims and a warning that knowingly engaging in commercial trafficking is a felony with a mobile or electronic ticket purchase confirmation.

The bill is author-sponsored. It is supported by the California District Attorneys Association and the Little Hoover Commission. No timely opposition was received by the Committee. Should this bill pass this Committee it will then go to the Senate Business, Professions and Economic Development Committee.

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) 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.)
- 5) 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.)
- 6) Defines “primary contractor” as the person or organization who is responsible for the event for which tickets are being sold. (Bus. & Prof. Code § 22503.5.)

This bill:

- 1) Requires primary ticket sellers, upon the purchase of a mobile or electronic ticket for an event at an entertainment facility, to include the following notice with the ticket purchase confirmation electronically to the buyer:

“If you or someone you know is being forced to engage in commercial sex or labor trafficking, call the National Human Trafficking Hotline at 1-888-373-7888 or the California Coalition to Abolish Slavery and Trafficking (CAST) at 1-888-KEY-2-FRE(EDOM) or 1-888-539-2373 to access help and services.
It is a felony in California to knowingly engage in commercial trafficking and perpetrators of this offense shall be prosecuted under the law.”
- 2) Defines the following terms:
 - a) “Entertainment facility” means a publicly or privately owned place of entertainment with a capacity of over 15,000 people, including, but not limited to, an arena, auditorium, concert hall, live performance venue,

museum, racetrack, stadium, theater, or other place where entertainment events are presented for a price of admission. The facility does not have to be used exclusively for entertainment events. The term does not apply to an amusement park or fairground.

- b) "Primary ticket seller" means a primary contractor as defined in Section 22503.5 of the Business and Professions Code, ticket seller, or agent of the primary contractor or ticket seller that engages in the primary sale of tickets for an event.

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

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 22, 2024.

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>.

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, membership in a marginalized group, natural disasters, or political instability. Human trafficking is often described as a hidden crime as victims rarely come forward to seek help because of language barriers, the severe trauma resulting from these crimes, 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 *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>.

AB 1661 (Davies, Ch. 106, Stats. 2022) required 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.

3. Another expansion of notice requirements

This bill again relies on notices to combat the rapid spread of human trafficking. It requires primary ticket sellers to include a specified notice containing several hotline numbers for human trafficking organizations and a warning about potential criminal liability for human trafficking with a mobile or electronic ticket purchase confirmation.

No specific statistics could be found that such warnings or notices are effective in combatting human trafficking, however, arguably there is no harm in providing links to resources to those that are, or that may know, human trafficking victims.

According to the author:

Human Trafficking is one of the most heinous crimes a person can commit. California has taken bold leadership in recent years to curb this dangerous and illicit business. Victims are often robbed of both personal and economic freedom. AB 1966 is a common-sense measure to ensure that when someone purchases an electronic ticket to an event they receive a notice detailing the resources available to victims, including past, present and future. Knowledge is power and the more outreach that can be done, the more we can hopefully prevent new victims.

The author also points to the connection between major sporting events and human trafficking arrests:

Furthermore, in 2023, in relation to the Super Bowl hosted in Arizona, it was reported that Phoenix law enforcement agencies arrested more than 350 people in connection with human trafficking and sex crimes. 120 of these arrests were for alleged sex buyers. With California set to host major sporting events including the 2027 Super Bowl and the 2028 Summer Olympics, it is never too soon to prepare ourselves with laws in place to protect potential victims.

The Little Hoover Commission explains its support of the bill:

In its 2020 report, Labor Trafficking: Strategies to Uncover this Hidden Crime, the Commission found that 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. Increasing public awareness of trafficking crimes may help with both victim identification and crime prevention. However, labor trafficking is often neglected in human trafficking public awareness campaigns. The Commission recommended that California conduct public education and outreach campaigns to increase awareness of all forms of human trafficking.

AB 1966 would further the goals of this recommendation. For this reason, the Little Hoover Commission supports this bill.

Writing in support, the California District Attorneys Association argues:

Human trafficking is a global problem and the criminal enterprise of human trafficking is estimated to gather around \$150 billion a year. With California being a global destination for major entertainment events – including hosting the 2027 NFL Superbowl, the 2028 Summer Olympics, and selected matches of the 2026 FIFA World Cup – this bill would ensure that those who purchase a ticket to any big event in California understand the full consequences of human trafficking while simultaneously providing victims with the resources to seek help.

SUPPORT

California District Attorneys Association
Little Hoover Commission

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation: SB 963 (Ashby, 2024) requires general acute care hospitals with an emergency department to adopt policies and procedures to facilitate identification of victims of human trafficking or domestic violence, as provided, and to collect demographic data. SB 963 is currently pending referral in the Assembly.

Prior Legislation:

AB 1661 (Davies, Ch. 106, Stats. 2022) *See* Comment 2.

AB 1788 (Cunningham, Ch. 760, Stats. 2022) established a cause of action against hotels for failing to report known sexual trafficking within the hotel, as specified, or where an employee benefits from sexual trafficking activity within the hotel, as specified.

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 74, Noes 0)

Assembly Arts, Entertainment, Sports, and Tourism Committee (Ayes 6, Noes 0)
