

AMENDED IN ASSEMBLY MAY 4, 2005

AMENDED IN ASSEMBLY APRIL 21, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 22

**Introduced by Assembly Members Lieber and Liu and Senator
Kuehl**

**(Coauthors: Assembly Members Bermudez, Chavez, Chan,
DeVore, Goldberg, Hancock, Shirley Horton, Koretz, Leslie,
Levine, Matthews, Pavley, Sharon Runner, and Ruskin)
(Coauthor: Senator Escutia)**

December 6, 2004

An act to add Section 52.8 to the Civil Code, to add Article 8.8 (commencing with Section 1038) to Chapter 4 of Division 8 of the Evidence Code, to amend Section 13956 of the Government Code, *and* to amend Sections 181, 186.2, 273.7, and 14023 of, to add ~~the heading of Chapter 7.5 (commencing with Section 181) to Title 7 of Part 1 of, and to add Sections 181.1, 181.2, 181.3, and 13823.18 to, the Penal Code, relating Sections 181.1, 181.2, and 181.3 to, to add a Chapter heading in Title 7 (commencing with Section 181) of Part 1 of, and to add and repeal Section 13823.18 of, the Penal Code, relating to human trafficking.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 22, as amended, Lieber. Trafficking in persons.

Existing law establishes the offenses of slavery and involuntary servitude. Existing law also makes it an offense to entice an unmarried female minor for purposes of prostitution, as specified, or to aid or assist with the same, or to procure by fraudulent means, any female to have illicit carnal connection with any man. Existing law also makes it

a crime to take away any minor as specified, for purposes of prostitution.

This bill would include the existing crimes of slavery and involuntary servitude within new provisions pertaining to human trafficking. The bill would establish the crime of trafficking of a person for forced labor or services and the crime of trafficking of a minor, both punishable as felonies. The bill would provide for restitution, punitive damages, and would establish a victim-caseworker privilege.

By creating new crimes, this bill would impose a state-mandated local program.

The bill would require state and local law enforcement agencies to issue a Law Enforcement Authority Endorsement for all trafficking victims with 15 business days of initial contact with the victim.

By imposing new duties on local law enforcement agencies, this bill would impose a state-mandated local program.

Existing law establishes various advisory bodies in connection with domestic violence.

The bill would establish a task force to study various issues in connection with human trafficking and to advise the Legislature, as specified.

Existing law requires the Attorney General to give priority to matters involving organized crime, gang activities, drug trafficking, and cases involving a high degree of risk to the witness.

This bill would include human trafficking in that list of priorities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited as, the
2 California Trafficking Victims Protection Act.

3 SEC. 2. Section 52.5 is added to the Civil Code, to read:

4 52.5. (a) A victim of human trafficking, as defined in
5 subdivision (b) of Section 181 of the Penal Code, may bring a
6 civil action for actual damages, compensatory damages, punitive
7 damages, injunctive relief, any combination of those, or any
8 other appropriate relief. A prevailing plaintiff may also be
9 awarded attorney's fees and costs.

10 (b) Treble damages may be awarded on proof of actual
11 damage ~~where defendant's acts are willful and malicious.~~

12 (c) An action brought pursuant to this section shall be
13 commenced within 10 years of the date on which the Trafficking
14 victim was freed from the trafficking situation, or if the victim
15 was a minor when the act occurred, within 15 years after the date
16 the plaintiff attains the age of majority.

17 (d) If a person entitled to sue ~~who~~ is under a disability at the
18 time the cause of action accrues, so that it is impossible or
19 impracticable for him to bring an action, then the time of the
20 disability is not part of the time limited for the commencement of
21 the action. Disability will toll the running of the statute of
22 limitation for this action.

23 (1) Disability includes being a minor, insanity, imprisonment,
24 or other incapacity or incompetence.

25 (2) The statute of limitations shall not run against an
26 incompetent or minor plaintiff simply because a guardian ad
27 litem has been appointed. A guardian ad litem's failure to bring a
28 plaintiff's action within the applicable limitation period will not
29 prejudice the plaintiff's right to do so after his or her disability
30 ceases.

31 (3) If a person entitled to sue lacks knowledge of his or her
32 rights under this law at the time the cause of action accrues and
33 could not have reasonably consulted legal counsel to become
34 aware of his or her rights, the running of the statute of limitations
35 shall be suspended until such knowledge of his or her rights can
36 be reasonably obtained.

37 (4) A defendant is estopped to assert a defense of the statute of
38 limitations when the expiration of the statute is due to conduct by

1 the defendant inducing the plaintiff to delay the filing of the
2 action, or due to threats made by the defendant causing duress
3 upon the plaintiff.

4 (5) The suspension of the statute of limitations due to
5 disability, lack of knowledge, or estoppel applies to all other
6 related claims arising out of the trafficking situation.

7 (6) The running of the statute of limitations is postponed
8 during the pendency of any criminal proceedings against the
9 victim.

10 SEC. 3. Section 13956 of the Government Code is amended
11 to read:

12 13956. Notwithstanding Section 13955, a person shall not be
13 eligible for compensation under the following conditions:

14 (a) An application shall be denied if the board finds that the
15 victim or, where compensation is sought by or on behalf of a
16 derivative victim, either the victim or derivative victim,
17 knowingly and willingly participated in the commission of the
18 crime that resulted in the pecuniary loss for which compensation
19 is being sought pursuant to this chapter. However, this
20 subdivision shall not apply if the injury or death occurred as a
21 direct result of a crime committed in violation of Section 261,
22 262, or 273.5 of, or a crime of unlawful sexual intercourse with a
23 minor committed in violation of subdivision (d) of Section 261.5
24 of, the Penal Code.

25 (b) (1) An application shall be denied if the board finds that
26 the victim or, where compensation is sought by, or on behalf of,
27 a derivative victim, either the victim or derivative victim failed to
28 cooperate reasonably with a law enforcement agency in the
29 apprehension and conviction of a criminal committing the crime.
30 However, in determining whether cooperation has been
31 reasonable, the board shall consider the victim's or derivative
32 victim's age, physical condition, and psychological state, cultural
33 or linguistic barriers, any compelling health and safety concerns,
34 including, but not limited to, a reasonable fear of retaliation or
35 harm that would jeopardize the well-being of the victim or the
36 victim's family or the derivative victim or the derivative victim's
37 family, and giving due consideration to the degree of cooperation
38 of which the victim or derivative victim is capable in light of the
39 presence of any of these factors.

1 (2) An application for a claim based on domestic violence may
2 not be denied solely because no police report was made by the
3 victim. The board shall adopt guidelines that allow the board to
4 consider and approve applications for assistance based on
5 domestic violence relying upon evidence other than a police
6 report to establish that a domestic violence crime has occurred.
7 Factors evidencing that a domestic violence crime has occurred
8 may include, but are not limited to, medical records documenting
9 injuries consistent with allegations of domestic violence, mental
10 health records, or the fact that the victim has obtained a
11 temporary or permanent restraining order, or all of these.

12 (3) An application for a claim based on human trafficking as
13 defined in Section 181 of the Penal Code may not be denied
14 solely because no police report was made by the victim. The
15 board shall adopt guidelines that allow the board to consider and
16 approve applications for assistance based on human trafficking
17 relying upon evidence other than a police report to establish that
18 a human trafficking crime as defined in Section 181 has
19 occurred. That evidence may include, but is not limited to, law
20 enforcement agency endorsement applications, letters from
21 caseworkers, sworn affidavit from the victim, or the victim's
22 friends, family, or other public contacts familiar with the
23 circumstance of the incident. Those parties who may provide this
24 evidence include, but are not limited to, teachers, medical
25 professionals, or religious leaders.

26 (c) An application for compensation may be denied, in whole
27 or in part, if the board finds that denial is appropriate because of
28 the nature of the victim's or other applicant's involvement in the
29 events leading to the crime or the involvement of the persons
30 whose injury or death gives rise to the application. In the case of
31 a minor, the board shall consider the minor's age, physical
32 condition, and psychological state, as well as any compelling
33 health and safety concerns, in determining whether the minor's
34 application should be denied pursuant to this section. The
35 application of a derivative victim of domestic violence under the
36 age of 18 years or a victim of trafficking under 18 years of age
37 may not be denied on the basis of the denial of the victim's
38 application under this subdivision.

39 (d) (1) Notwithstanding Section 13955, no person who is
40 convicted of a felony may be granted compensation until that

1 person has been discharged from probation or has been released
2 from a correctional institution and has been discharged from
3 parole, if any. In no case shall compensation be granted to an
4 applicant pursuant to this chapter during any period of time the
5 applicant is held in a correctional institution.

6 (2) A person who has been convicted of a felony may apply
7 for compensation pursuant to this chapter at any time, but the
8 award of that compensation may not be considered until the
9 applicant meets the requirements for compensation set forth in
10 paragraph (1).

11 (3) Applications of victims who are not felons shall receive
12 priority in the award of compensation over an application
13 submitted by a felon who has met the requirements for
14 compensation set forth in paragraph (1).

15 SEC. 4. Article 8.8 (commencing with Section 1038) is added
16 to Chapter 4 of Division 8 of the Evidence Code, to read:

17
18 Article 8.8. Human Trafficking Victim-Caseworker Privilege
19

20 1038. (a) A trafficking victim, whether or not a party to the
21 action, has a privilege to refuse to disclose, and to prevent
22 another from disclosing, a confidential communication between
23 the victim and a human trafficking caseworker if the privilege is
24 claimed by any of the following persons:

25 (1) The holder of the privilege.

26 (2) A person who is authorized to claim the privilege by the
27 holder of the privilege.

28 (3) The person who was the human trafficking caseworker at
29 the time of the confidential communication. However, that
30 person may not claim the privilege if there is no holder of the
31 privilege in existence or if he or she is otherwise instructed by a
32 person authorized to permit disclosure. The human trafficking
33 caseworker who received or made a communication subject to
34 the privilege granted by this article shall claim the privilege
35 whenever he or she is present when the communication is sought
36 to be disclosed and he or she is authorized to claim the privilege
37 under this section.

38 (b) A human trafficking caseworker shall inform a trafficking
39 victim of any applicable limitations on confidentiality of

1 communications between the victim and the caseworker. This
2 information may be given orally.

3 1038.1. (a) The court may compel disclosure of information
4 received by a human trafficking caseworker that constitutes
5 relevant evidence of the facts and circumstances involving a
6 crime allegedly perpetrated against the victim and that is the
7 subject of a criminal proceeding, if the court determines that the
8 probative value of the information outweighs the effect of
9 disclosure of the information on the victim, the counseling
10 relationship, and the counseling services. The court may compel
11 disclosure if the victim is either dead or not the complaining
12 witness in a criminal action against the perpetrator.

13 (b) When a court rules on a claim of privilege under this
14 article, it may require the person from whom disclosure is sought
15 or the person authorized to claim the privilege, or both, to
16 disclose the information in chambers out of the presence and
17 hearing of all persons except the person authorized to claim the
18 privilege and those other persons that the person authorized to
19 claim the privilege consents to have present.

20 (c) If the judge determines that the information is privileged
21 and shall not be disclosed, neither he nor she nor any other
22 person may disclose, without the consent of a person authorized
23 to permit disclosure, any information disclosed in the course of
24 the proceedings in chambers. If the court determines that
25 information shall be disclosed, the court shall so order and
26 inform the defendant in the criminal action. If the court finds
27 there is a reasonable likelihood that any information is subject to
28 disclosure pursuant to the balancing test provided in this section,
29 the procedure specified in subdivisions (1), (2), and (3) of
30 Section 1035.4 shall be followed.

31 1038.2. (a) As used in this article, “victim” means any
32 person who is a “trafficking victim” as defined in Section 181.2.

33 (b) As used in this article, “Human Trafficking Caseworker”
34 means any of the following:

35 (1) A person who is employed by any organization providing
36 the programs specified in Section 18294 of the Welfare and
37 Institutions Code, whether financially compensated or not, for
38 the purpose of rendering advice or assistance to victims of human
39 trafficking, who has received specialized training in the

1 counseling of human trafficking victims, and who meets one of
2 the following requirements:

3 (A) Has a master's degree in counseling or a related field; or
4 has one year of counseling experience, at least six months of
5 which is in the counseling of human trafficking victims.

6 (B) Has at least 40 hours of training as specified in this
7 paragraph and is supervised by an individual who qualifies as a
8 counselor under subparagraph (A), or is a psychotherapist, as
9 defined in Section 1010. The training, supervised by a person
10 qualified under paragraph (A), shall include, but need not be
11 limited to, the following areas: history of human trafficking, civil
12 and criminal law as it relates to human trafficking, societal
13 attitudes towards human trafficking, peer counseling techniques,
14 housing, public assistance and other financial resources available
15 to meet the financial needs of human trafficking victims, and
16 referral services available to human trafficking victims. *A portion*
17 *of this training must include an explanation of privileged*
18 *communication.*

19 (2) A person who is employed by any organization providing
20 the programs specified in Section 13835.2 of the Penal Code,
21 whether financially compensated or not, for the purpose of
22 counseling and assisting human trafficking victims, and who
23 meets one of the following requirements:

24 (A) Is a psychotherapist as defined in Section 1010, has a
25 master's degree in counseling or a related field, or has one year
26 of counseling experience, at least six months of which is in rape
27 assault counseling.

28 (B) Has the minimum training for human trafficking
29 counseling required by guidelines established by the employing
30 agency pursuant to subdivision (c) of Section 13835.10 of the
31 Penal Code, and is supervised by an individual who qualifies as a
32 counselor under subparagraph (A). The training, supervised by a
33 person qualified under paragraph (A), shall include, but not be
34 limited to, law, victimology, counseling techniques, client and
35 system advocacy, and referral services. *A portion of this training*
36 *must include an explanation of privileged communication.*

37 (c) As used in this article, "confidential communication"
38 means information transmitted between the victim and the
39 caseworker in the course of their relationship and in confidence
40 by a means which, so far as the victim is aware, discloses the

1 information to no third persons other than those who are present
 2 to further the interests of the victim in the consultation or those to
 3 whom disclosures are reasonably necessary for the transmission
 4 of the information or an accomplishment of the purposes for
 5 which the human trafficking counselor is consulted. It includes
 6 all information regarding the facts and circumstances involving
 7 all incidences of human trafficking.

8 (d) As used in this article, “holder of the privilege” means the
 9 victim when he or she has no guardian or conservator, or a
 10 guardian or conservator of the victim when the victim has a
 11 guardian or conservator.

12 ~~SECTION 1.~~

13 *SEC. 5.* The heading of Chapter 7.5 (commencing with
 14 Section 181) is added to Title 7 of Part 1 of the Penal Code,
 15 immediately preceding Section 181, to read:

16
 17 CHAPTER 7.5. HUMAN TRAFFICKING

18
 19 ~~SEC. 5.~~

20 *SEC. 6.* Section 181 of the Penal Code is amended to read:

21 181. (a) Every person who holds, or attempts to hold, any
 22 person in involuntary servitude, or assumes, or attempts to
 23 assume, rights of ownership over any person, or who sells, or
 24 attempts to sell, any person to another, or receives money or
 25 anything of value, in consideration of placing any person in the
 26 custody, or under the power or control of another, or who buys,
 27 or attempts to buy, any person, or pays money, or delivers
 28 anything of value, to another, in consideration of having any
 29 person placed in his custody, or under his power or control, or
 30 who knowingly aids or assists in any manner any one thus
 31 offending, is punishable by imprisonment in the state prison for
 32 two, three or four years.

33 (b) Every person who knowingly subjects, or attempts to
 34 subject, another person to forced labor or services, or who
 35 knowingly participates in, recruits, entices, harbors, transports,
 36 provides, or obtains by any means, or attempts to recruit, entice,
 37 harbor, transport, provide, or obtain by any means, another
 38 person, intending or knowing that the person will be subjected to
 39 forced labor or services, or who benefits financially or by
 40 receiving anything of value, from participation in a venture

1 which has engaged in an act described in this subdivision, is
2 guilty of human trafficking, punishable by 3, 4, or 6 years in the
3 state prison.

4 (c) If the person trafficked is under 18 years of age, the
5 offense is punishable by 3, 6, or 8 years in the state prison.

6 (d) Upon conviction of any person for a violation of this
7 section, the court shall, in addition to any other penalty or
8 restitution, order the defendant to pay restitution to the victim
9 based upon the greater of the gross value of the victim's labor or
10 services based upon the comparable value of similar services in
11 the labor market in which the crime occurred, or the value of the
12 victim's labor as guaranteed under California law, or the actual
13 income derived by the defendant from the victim's labor or
14 services. This restitution order shall be enforceable as if the order
15 were a civil judgment.

16 ~~SEC. 6.~~

17 *SEC. 7.* Section 181.2 is added to the Penal Code, to read:

18 181.2. For purposes of this chapter, the following definitions
19 apply:

20 (a) "Blackmail" includes but is not limited to a threat to
21 expose any secret tending to subject any person to hatred,
22 contempt, or ridicule.

23 (b) "Financial harm" includes credit extortion, criminal
24 violation of usury provisions.

25 (c) "Forced labor or services" means labor or services that are
26 performed or provided by another person and are obtained or
27 maintained through any of the following:

28 (1) Causing or threatening to cause serious harm to any
29 person.

30 (2) Physically restraining or threatening to physically restrain
31 another person.

32 (3) Abusing or threatening to abuse the law or legal process.

33 (4) Knowingly destroying, concealing removing, confiscating,
34 or processing any actual or purported passport or other
35 immigration document, or any other actual or purported
36 government identification document, of another person.

37 (5) Blackmail.

38 (6) Causing or threatening to cause financial harm to any
39 person.

40 (d) "Labor" means work of economic or financial value.

1 (e) “Maintain” means in relation to labor services, to secure
2 continued performance thereof, regardless of any initial
3 agreement on the part of the victim to perform that type of
4 service.

5 (f) “Obtain” means, in relation to labor or services, to secure
6 performance thereof.

7 (g) “Services” means an ongoing relationship between a
8 person and the actor in which the person performs activities
9 under the supervision of or for the benefit of the actor.
10 Commercial sexual activity and sexually explicit performances
11 are forms of “services” pursuant to this section. Nothing in this
12 section shall be construed to legitimize or legalize prostitution.

13 (h) “Trafficking victim” means a person subjected to the
14 practices set forth in Sections 181, 181.1, or 181.2.

15 ~~SEC. 7.~~

16 *SEC. 8.* Section 181.3 is added to the Penal Code, to read:

17 181.3. (a) The Legislature finds that victims meeting the
18 definition of trafficking victim as defined in Section 181 meet the
19 federal definition of a victim of a severe form of trafficking
20 found at Section 7102(8) of Title 22 of the United States Code.

21 (b) Within 15 business days of the first encounter of a
22 trafficking victim as defined in Section 181, law enforcement
23 agencies shall provide brief letters that satisfy the following Law
24 Enforcement Agency Endorsement (LEA) regulations as found in
25 Section 214.11 (f)(1) of Chapter 8 of the Code of Federal
26 Regulations.

27 (c) The LEA must be submitted on Supplement B, Declaration
28 of Law Enforcement Officer for Victim of Trafficking in
29 Persons, of Form I-914. The LEA endorsement must be filled out
30 completely in accordance with the instructions contained on the
31 form and must attach the results of any name or database inquiry
32 performed. In order to provide persuasive evidence, the LEA
33 endorsement must contain a description of the victimization upon
34 which the application is based, including the dates the trafficking
35 in persons and victimization occurred, and be signed by a
36 supervising official responsible for the investigation or
37 prosecution of trafficking in persons. The LEA endorsement
38 must address whether the victim had been recruited, harbored,
39 transported, provided, or obtained specifically for either labor or
40 services, or for the purposes of a commercial sex act.

1 (d) Where state law enforcement agencies find the grant of an
2 LEA endorsement to be inappropriate for a victim of trafficking
3 in persons, the agency shall within 15 days provide the victim
4 with a letter explaining the grounds of the denial of the LEA. The
5 victim may submit additional evidence to the law enforcement
6 agency, which must reconsider the denial of the LEA within one
7 week of the receipt of additional evidence.

8 ~~SEC. 8.~~

9 *SEC. 9.* Section 186.2 of the Penal Code is amended to read:

10 186.2. For purposes of this chapter, the following definitions
11 apply:

12 (a) “Criminal profiteering activity” means any act committed
13 or attempted or any threat made for financial gain or advantage,
14 which act or threat may be charged as a crime under any of the
15 following sections:

16 (1) Arson, as defined in Section 451.

17 (2) Bribery, as defined in Sections 67, 67.5, and 68.

18 (3) Child pornography or exploitation, as defined in
19 subdivision (b) of Section 311.2, or Section 311.3 or 311.4,
20 which may be prosecuted as a felony.

21 (4) Felonious assault, as defined in Section 245.

22 (5) Embezzlement, as defined in Sections 424 and 503.

23 (6) Extortion, as defined in Section 518.

24 (7) Forgery, as defined in Section 470.

25 (8) Gambling, as defined in Sections 337a to 337f, inclusive,
26 and Section 337i, except the activities of a person who
27 participates solely as an individual bettor.

28 (9) Kidnapping, as defined in Section 207.

29 (10) Mayhem, as defined in Section 203.

30 (11) Murder, as defined in Section 187.

31 (12) Pimping and pandering, as defined in Section 266.

32 (13) Receiving stolen property, as defined in Section 496.

33 (14) Robbery, as defined in Section 211.

34 (15) Solicitation of crimes, as defined in Section 653f.

35 (16) Grand theft, as defined in Section 487.

36 (17) Trafficking in controlled substances, as defined in
37 Sections 11351, 11352, and 11353 of the Health and Safety
38 Code.

39 (18) Violation of the laws governing corporate securities, as
40 defined in Section 25541 of the Corporations Code.

- 1 (19) Any of the offenses contained in Chapter 7.5
2 (commencing with Section 311) of Title 9, relating to obscene
3 matter, or in Chapter 7.6 (commencing with Section 313) of Title
4 9, relating to harmful matter that may be prosecuted as a felony.
- 5 (20) Presentation of a false or fraudulent claim, as defined in
6 Section 550.
- 7 (21) False or fraudulent activities, schemes, or artifices, as
8 described in Section 14107 of the Welfare and Institutions Code.
- 9 (22) Money laundering, as defined in Section 186.10.
- 10 (23) Offenses relating to the counterfeit of a registered mark,
11 as specified in Section 350.
- 12 (24) Offenses relating to the unauthorized access to
13 computers, computer systems, and computer data, as specified in
14 Section 502.
- 15 (25) Conspiracy to commit any of the crimes listed above, as
16 defined in Section 182.
- 17 (26) Subdivision (a) of Section 186.22, or a felony subject to
18 enhancement as specified in subdivision (b) of Section 186.22.
- 19 (27) Any offenses related to fraud or theft against the state’s
20 beverage container recycling program, including, but not limited
21 to, those offenses specified in this subdivision and those criminal
22 offenses specified in the California Beverage Container
23 Recycling and Litter Reduction Act, commencing at Section
24 14500 of the Public Resources Code.
- 25 (28) Human trafficking, as defined in Section 181.
- 26 (b) “Pattern of criminal profiteering activity” means engaging
27 in at least two incidents of criminal profiteering, as defined by
28 this act, that meet the following requirements:
- 29 (1) Have the same or a similar purpose, result, principals,
30 victims, or methods of commission, or are otherwise interrelated
31 by distinguishing characteristics.
- 32 (2) Are not isolated events.
- 33 (3) Were committed as a criminal activity of organized crime.
- 34 Acts that would constitute a “pattern of criminal profiteering
35 activity” may not be used by a prosecuting agency to seek the
36 remedies provided by this chapter unless the underlying offense
37 occurred after the effective date of this chapter and the prior act
38 occurred within 10 years, excluding any period of imprisonment,
39 of the commission of the underlying offense. A prior act may not

1 be used by a prosecuting agency to seek remedies provided by
2 this chapter if a prosecution for that act resulted in an acquittal.

3 (c) “Prosecuting agency” means the Attorney General or the
4 district attorney of any county.

5 (d) “Organized crime” means crime that is of a conspiratorial
6 nature and that is either of an organized nature and seeks to
7 supply illegal goods and services such as narcotics, prostitution,
8 loan sharking, gambling, and pornography, or that, through
9 planning and coordination of individual efforts, seeks to conduct
10 the illegal activities of arson for profit, hijacking, insurance
11 fraud, smuggling, operating vehicle theft rings, fraud against the
12 beverage container recycling program, or systematically
13 encumbering the assets of a business for the purpose of
14 defrauding creditors. “Organized crime” also means crime
15 committed by a criminal street gang, as defined in subdivision (f)
16 of Section 186.22. “Organized crime” also means false or
17 fraudulent activities, schemes, or artifices, as described in
18 Section 14107 of the Welfare and Institutions Code.

19 (e) “Underlying offense” means an offense enumerated in
20 subdivision (a) for which the defendant is being prosecuted.

21 ~~SEC. 9.~~

22 *SEC. 10.* Section 273.7 of the Penal Code is amended to read:

23 273.7. (a) Any person who maliciously publishes,
24 disseminates, or otherwise discloses the location of any
25 trafficking shelter or domestic violence shelter or any place
26 designated as a trafficking shelter or domestic violence shelter,
27 without the authorization of that trafficking shelter or domestic
28 violence shelter, is guilty of a misdemeanor.

29 (b) (1) For purposes of this section, “domestic violence
30 shelter” means a confidential location which provides emergency
31 housing on a 24-hour basis for victims of sexual assault, spousal
32 abuse, or both, and their families.

33 (2) Sexual assault, spousal abuse, or both, includes but is not
34 limited to, those crimes described in Sections 240, 242, 243.4,
35 261, 261.5, 262, 264.1, 266, 266a, 266b, 266c, 266f, 273.5,
36 273.6, 285, 288, and 289.

37 (c) Nothing in this section shall apply to confidential
38 communications between an attorney and his or her client.

1 ~~SEC. 10.~~

2 *SEC. 11.* Section 13823.18 is added to the Penal Code, to
3 read:

4 13823.18. There is hereby created an antitrafficking advisory
5 task force that shall assist the Legislature with guiding and
6 coordinating antitrafficking efforts.

7 (a) The task force shall be chaired and convened by a designee
8 of the Attorney General.

9 (b) The members of the task force shall serve at the pleasure of
10 their respective appointing authority, without compensation,
11 except for reimbursement of necessary expenses.

12 (c) The task force shall be composed of the following
13 representatives:

14 ~~(1) One representative of the Department of Justice, who will~~
15 ~~serve as the chairperson.~~

16 ~~(2) One representative of the State Department of Social~~
17 ~~Services.~~

18 ~~(2) One representative of the State Department of Health~~
19 ~~Services.~~

20 (3) Two representatives of local law enforcement, one selected
21 by the California State Sheriffs' Association and one selected by
22 the California Police Chiefs' Association.

23 ~~(4) One representative of a District Attorney's office,~~
24 ~~appointed by the Attorney General.~~

25 ~~(5) One representative of a City Attorney's office, appointed~~
26 ~~by the Attorney General.~~

27 ~~(6) One representative of the Department of Labor Standards~~
28 ~~Enforcement.~~

29 ~~(7) Two survivors of trafficking who have obtained~~
30 ~~certification from the Department of Health and Human Services~~
31 ~~or a T-visa from Department of Homeland Security.~~

32 ~~(8) One representative of a recognized organization with a~~
33 ~~proven record of providing both social and legal services to~~
34 ~~survivors of trafficking for at least five years and experience~~
35 ~~running a shelter specifically for trafficking survivors, selected~~
36 ~~by the Attorney General.~~

37 ~~(9) One representative of a recognized nonprofit organization~~
38 ~~with a proven record of advocating for the civil rights and~~
39 ~~remedies of survivors of trafficking, selected by the Attorney~~
40 ~~General.~~

- 1 ~~(10) One representative of a recognized organization with a~~
2 ~~proven record of primarily providing direct legal services to the~~
3 ~~Asian Pacific Islander community in Northern California.~~
4 ~~(11) One representative of an organization serving or~~
5 ~~advocating for the Latino community with experience and~~
6 ~~expertise in serving survivors of human trafficking, selected by~~
7 ~~the Attorney General.~~
8 ~~(12) One representative of an organization serving or~~
9 ~~advocating for the Eastern European community with experience~~
10 ~~and expertise in serving survivors of human trafficking, selected~~
11 ~~by the Attorney General.~~
12 ~~(13) One representative of an organization serving or~~
13 ~~advocating for the African community with experience and~~
14 ~~expertise in serving survivors of human trafficking, selected by~~
15 ~~the Attorney General.~~
16 ~~(14) One representative of an organization serving or~~
17 ~~advocating for the Asian Pacific Islander community with~~
18 ~~experience and expertise in serving survivors of human~~
19 ~~trafficking, selected by the Attorney General.~~
20 ~~(15) One representative of a domestic violence or sexual~~
21 ~~assault coalition, selected by the Attorney General.~~
22 ~~(16) One representative of the State Department of Health~~
23 ~~Services.~~
24 ~~(17) One representative of an organization advocating for~~
25 ~~social justice and human rights issues, selected by the Attorney~~
26 ~~General.~~
27 ~~(18) One representative of the medical profession, selected by~~
28 ~~the Attorney General.~~
29 ~~(19) One representative of higher education with research~~
30 ~~experience on forced labor and human trafficking, selected by the~~
31 ~~Attorney General.~~
32 ~~(20) One representative of an organization advocating for~~
33 ~~immigrants' rights, selected by the Attorney General.~~
34 ~~(21) One representative of a labor rights organization, selected~~
35 ~~by the Attorney General.~~
36 ~~(4) One representative of the Judicial Council.~~
37 ~~(5) Two representatives of the State Bar of California, one of~~
38 ~~whom practices criminal defense and one of whom represents~~
39 ~~person in immigration proceedings.~~

1 (6) One representative of the California District Attorney's
2 Association; and one representative of a city attorney, appointed
3 by California League of Cities.

4 (7) Two representatives of a recognized organization involved
5 in immigrant worker's rights, civil liberties advocacy, or legal
6 aid, one of whom is appointed by the Speaker of the Assembly
7 and one of whom is appointed by the Senate Committee on Rules.

8 (8) Three representatives of organizations with experience and
9 expertise in serving survivors of human trafficking, at least one
10 of whom shall be located in northern California, and one of
11 whom shall be located in southern California, selected by the
12 Attorney General.

13 (9) Two members of the public appointed by the Governor, at
14 least one of whom shall be a survivor of human trafficking.

15 (10) One representative of the medical profession, selected by
16 the Attorney General.

17 (11) One representative of higher education with research
18 experience on forced labor and human trafficking, selected by
19 the Attorney General.

20 (c) The Department of Justice shall provide staff and support
21 for the task force.

22 (d) The task force shall meet at least once every three months.
23 Subcommittees may be formed and meet as necessary. All
24 meetings shall be open to the public.

25 (e) On or before July 1, 2007, the task force shall report its
26 findings and recommendations to the Governor, the Attorney
27 General, the Speaker of the Assembly, and the Senate Committee
28 on Rules. At the request of any member, the report may include
29 minority findings and recommendations.

30 (f) This section shall become inoperative on July 1, 2007, and
31 is repealed as of January 1, 2007, unless a later enacted statute,
32 that becomes operative before January 1, 2007, deletes or
33 extends that date.

34 ~~SEC. 11.~~

35 SEC. 12. Section 14023 of the Penal Code is amended to
36 read:

37 14023. The Attorney General shall give priority to matters
38 involving organized crime, gang activities, drug trafficking,
39 human trafficking, and cases involving a high degree of risk to
40 the witness. Special regard shall also be given to the elderly, the

1 young, battered, victims of domestic violence, the infirm, the
2 handicapped, and victims of hate incidents.

3 ~~SEC. 12.~~

4 *SEC. 13.* No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution for
6 certain costs that may be incurred by a local agency or school
7 district because, in that regard, this act creates a new crime or
8 infraction, eliminates a crime or infraction, or changes the
9 penalty for a crime or infraction, within the meaning of Section
10 17556 of the Government Code, or changes the definition of a
11 crime within the meaning of Section 6 of Article XIII B of the
12 California Constitution.

13 However, if the Commission on State Mandates determines
14 that this act contains other costs mandated by the state,
15 reimbursement to local agencies and school districts for those
16 costs shall be made pursuant to Part 7 (commencing with Section
17 17500) of Division 4 of Title 2 of the Government Code.