

AMENDED IN SENATE JUNE 1, 2009

**SENATE BILL**

**No. 657**

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**Introduced by Senator Steinberg**

February 27, 2009

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An act to add Section 1714.43 to the Civil Code, ~~and to add Chapter 4.5 (commencing with Section 8305) to Division 1 of Title 2 of the Government Code,~~ relating to human trafficking.

LEGISLATIVE COUNSEL'S DIGEST

SB 657, as amended, Steinberg. Human trafficking.

The federal Victims of Trafficking and Violence Protection Act of 2000 establishes an Interagency Task Force to Monitor and Combat Trafficking, as specified.

Existing state law makes human trafficking a crime. Existing state law also allows a victim of human trafficking to bring a civil action for actual damages, compensatory damages, punitive damages, injunctive relief, any combination of those, or any other appropriate relief.

Existing law generally regulates various business activities and practices, including those of retail sellers and manufacturers of products.

This bill would, beginning January 1, 2011, require retail sellers and manufacturers doing business in the state to develop, maintain, and implement policies related to their compliance with federal and state law regarding the eradication of slavery and human trafficking, as specified. That provision would not apply to a retail seller or manufacturer having less than \$2,000,000 in annual sales. The bill would also make a specified statement of legislative intent regarding slavery and human trafficking.

~~The bill would also establish the Commission to Combat Slavery and Human Trafficking, as specified.~~

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

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

1 SECTION 1. The Legislature finds and declares the following:

2 (a) Slavery and human trafficking are crimes under state, federal,  
3 and international law.

4 (b) Slavery and human trafficking exist in every country,  
5 including the United States, and the State of California, and  
6 consumers and businesses are often inadvertently touched by this  
7 crime through the unknowing purchase of goods that have been  
8 infected in the supply chain.

9 (c) As a result of the criminal natures of slavery and human  
10 trafficking, these crimes are often hidden from view and are  
11 difficult to uncover and track.

12 (d) Eradicating slavery and human trafficking from California  
13 consumer goods will serve the ultimate goal of eradicating slavery  
14 and human trafficking worldwide.

15 (e) Where slavery and human trafficking are found to exist, a  
16 policy of engagement by business, government, and  
17 nongovernmental organizations, rather than boycotts or  
18 disengagement, is often a more successful strategy in the fight to  
19 eradicate this criminally exploitive conduct.

20 (f) It is the policy of this state to assist California businesses to  
21 identify and work to eliminate slavery and human trafficking from  
22 their supply chains, to educate consumers on how to purchase  
23 goods produced by companies that responsibly manage their supply  
24 chains, and, thereby, to improve the lives of victims of slavery and  
25 human trafficking.

26 SEC. 2. Section 1714.43 is added to the Civil Code, to read:

27 1714.43. (a) Every retail seller and manufacturer doing  
28 business in this state shall develop, maintain, and implement a  
29 policy setting forth its efforts to comply with federal and state law  
30 regarding the eradication of slavery and human trafficking from  
31 its supply chain.

32 (b) The policy described in subdivision (a) shall be posted on  
33 the retail seller’s or manufacturer’s Internet Web site, and shall be  
34 made available in writing upon request by a consumer.

1 (c) The policy described in subdivision (a) shall, at a minimum,  
2 include both of the following elements:

3 (1) That the company and all the suppliers in its supply chain,  
4 including the suppliers of the raw materials incorporated into the  
5 product, will comply with the laws regarding slavery and human  
6 trafficking of the country or countries in which they are doing  
7 business.

8 (2) That the company will make a good faith effort to eradicate  
9 slavery and human trafficking in its existing supply chain rather  
10 than only stop doing business in the area where it discovers that  
11 its supply chain is tainted by slavery or human trafficking.

12 (d) This section shall not apply to a retail seller or manufacturer  
13 having less than two million dollars (\$2,000,000) in annual sales.

14 (e) Nothing in this section shall require a manufacturer to reveal  
15 a trade secret.

16 (f) The exclusive remedy for a violation of this section shall be  
17 an action brought by the Attorney General for injunctive relief.  
18 Nothing in this section shall limit remedies available for a violation  
19 of any other state or federal law.

20 (g) The provisions of this section shall take effect on January  
21 1, 2011.

22 ~~SEC. 3. Chapter 4.5 (commencing with Section 8305) is added  
23 to Division 1 of Title 2 of the Government Code, to read:~~

24  
25 ~~CHAPTER 4.5. COMMISSION TO COMBAT SLAVERY AND HUMAN  
26 TRAFFICKING~~

27  
28 ~~8305. (a) There is in state government the Commission to  
29 Combat Slavery and Human Trafficking.~~

30 ~~(b) The commission shall be composed of nine members. The  
31 Governor shall appoint four members, each having been nominated  
32 by a statewide business organization. The Speaker of the Assembly  
33 shall appoint two members nominated by an organization whose  
34 primary purpose is the eradication of slavery and human trafficking.  
35 The Senate Committee on Rules shall appoint one member  
36 nominated by an organization whose primary purpose is the  
37 eradication of slavery and human trafficking and one member who  
38 is a representative of organized labor nominated by the California  
39 Labor Federation. The Secretary of Business, Transportation and  
40 Housing shall also serve on the commission.~~

- 1 ~~(e) The powers and duties of the commission shall include all~~  
2 ~~of the following:~~
- 3 ~~(1) To investigate complaints about slavery and human~~  
4 ~~trafficking or the failure of a company to have a policy in~~  
5 ~~compliance with Section 1714.43 of the Civil Code.~~
- 6 ~~(2) To establish educational and training programs and best~~  
7 ~~practices to assist those companies subject to Section 1714.43 of~~  
8 ~~the Civil Code in developing policies to combat slavery and human~~  
9 ~~trafficking.~~
- 10 ~~(3) To review company policies and certify that those company~~  
11 ~~policies comply with best practices.~~
- 12 ~~(4) To award companies for exceptional efforts in combating~~  
13 ~~slavery and human trafficking in their supply chains.~~
- 14 ~~(5) To report annually to the Governor and Legislature on its~~  
15 ~~activities and make recommendations on the implementation of~~  
16 ~~this chapter.~~
- 17 ~~(d) The commission shall be funded from private sources and~~  
18 ~~may charge fees to companies who use its services. The~~  
19 ~~commission may accept grants, donations, or funding from any~~  
20 ~~source.~~
- 21 ~~(e) The commission shall be a nonprofit public benefit~~  
22 ~~corporation under the laws of the State of California.~~