

**ASSEMBLY BILL**

**No. 1837**

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**Introduced by Assembly Member Donnelly**

February 22, 2012

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An act to amend Section 236.1 of the Penal Code, relating to human trafficking.

LEGISLATIVE COUNSEL'S DIGEST

AB 1837, as introduced, Donnelly. Human trafficking.

Under existing law, any person who deprives or violates the personal liberty of another with the intent to effect or maintain a felony violation of specified sex crimes, extortion, or to obtain forced labor or services, is guilty of human trafficking. A violation of those provisions is punishable by imprisonment in the state prison for 3, 4, or 5 years, except that if the victim was under 18 years of age at the time of the commission of the offense, the offense is punishable by imprisonment in the state prison for 4, 6, or 8 years.

This bill would make a technical, nonsubstantive change to these provisions.

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

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

- 1 SECTION 1. Section 236.1 of the Penal Code is amended to  
2 read:  
3 236.1. (a) Any person who deprives or violates the personal  
4 liberty of another *person* with the intent to effect or maintain a

1 felony violation of Section 266, 266h, 266i, 267, 311.4, or 518, or  
2 to obtain forced labor or services, is guilty of human trafficking.

3 (b) Except as provided in subdivision (c), a violation of this  
4 section is punishable by imprisonment in the state prison for three,  
5 four, or five years.

6 (c) A violation of this section where the victim of the trafficking  
7 was under 18 years of age at the time of the commission of the  
8 offense is punishable by imprisonment in the state prison for four,  
9 six, or eight years.

10 (d) (1) For purposes of this section, unlawful deprivation or  
11 violation of the personal liberty of another includes substantial  
12 and sustained restriction of another's liberty accomplished through  
13 fraud, deceit, coercion, violence, duress, menace, or threat of  
14 unlawful injury to the victim or to another person, under  
15 circumstances where the person receiving or apprehending the  
16 threat reasonably believes that it is likely that the person making  
17 the threat would carry it out.

18 (2) Duress includes knowingly destroying, concealing,  
19 removing, confiscating, or possessing any actual or purported  
20 passport or immigration document of the victim.

21 (e) For purposes of this section, "forced labor or services" means  
22 labor or services that are performed or provided by a person and  
23 are obtained or maintained through force, fraud, or coercion, or  
24 equivalent conduct that would reasonably overbear the will of the  
25 person.

26 (f) The Legislature finds that the definition of human trafficking  
27 in this section is equivalent to the federal definition of a severe  
28 form of trafficking found in Section 7102(8) of Title 22 of the  
29 United States Code.

30 (g) (1) In addition to the penalty specified in subdivision (c),  
31 any person who commits human trafficking involving a commercial  
32 sex act where the victim of the human trafficking was under 18  
33 years of age at the time of the commission of the offense shall be  
34 punished by a fine of not more than one hundred thousand dollars  
35 (\$100,000).

36 (2) As used in this subdivision, "commercial sex act" means  
37 any sexual conduct on account of which anything of value is given  
38 or received by any person.

39 (h) Every fine imposed and collected pursuant to this section  
40 shall be deposited in the Victim-Witness Assistance Fund to be

1 available for appropriation to fund services for victims of human  
2 trafficking. At least 50 percent of the fines collected and deposited  
3 pursuant to this section shall be granted to community-based  
4 organizations that serve victims of human trafficking.

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