

ASSEMBLY BILL

No. 1002

Introduced by Assembly Members Fong and Ma

February 27, 2009

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1002, as introduced, Fong. Human trafficking.

Existing law establishes the offense of human trafficking.

This bill would make a technical, nonsubstantive change to those 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~~ Every person who deprives or violates the
4 personal liberty of another with the intent to effect or maintain a
5 felony violation of Section 266, 266h, 266i, 267, 311.4, or 518, or
6 to obtain forced labor or services, is guilty of human trafficking.
7 (b) Except as provided in subdivision (c), a violation of this
8 section is punishable by imprisonment in the state prison for three,
9 four, or five years.
10 (c) A violation of this section where the victim of the trafficking
11 was under 18 years of age at the time of the commission of the

1 offense is punishable by imprisonment in the state prison for four,
2 six, or eight years.

3 (d) (1) For purposes of this section, unlawful deprivation or
4 violation of the personal liberty of another includes substantial
5 and sustained restriction of another's liberty accomplished through
6 fraud, deceit, coercion, violence, duress, menace, or threat of
7 unlawful injury to the victim or to another person, under
8 circumstances where the person receiving or apprehending the
9 threat reasonably believes that it is likely that the person making
10 the threat would carry it out.

11 (2) Duress includes knowingly destroying, concealing,
12 removing, confiscating, or possessing any actual or purported
13 passport or immigration document of the victim.

14 (e) For purposes of this section, "forced labor or services" means
15 labor or services that are performed or provided by a person and
16 are obtained or maintained through force, fraud, or coercion, or
17 equivalent conduct that would reasonably overbear the will of the
18 person.

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