

LEGISLATIVE ISSUES

California has, like in many other areas, taken the lead by passing **Assembly Bill 22 (Lieber, 2005)** to provide for multiple protections at the state level, designed to coordinate and compliment federal legislation. Most other states do not have the level of legal protections as California.

Due to the need to understand this interaction and the impact of **AB 22, Senate Bill 180 (Kuehl, 2005)** created a California Statewide Task Force on Human Trafficking.¹ The Task Force's charge was to examine federal law, California law and activities and to recommend where further action is needed to combat slavery and trafficking. This is a relatively new area of legislative attention.

The Task Force produced a report with Findings and Recommendations.²

DIRECT ASSISTANCE TO VICTIMS

CIVIL REMEDIES

Restitution –Assembly Bill 22 (Lieber, 2005) and Senate Bill 180 (Kuehl, 2005) created other avenues of justice for survivors in addition to criminal penalties. The criminal ramifications will help to stop the activity, but do nothing to help the survivor recover from having their life stolen. To help the survivor have tools to reclaim their life, the relatively common legal recourse of victim restitution has been applied to human trafficking by the passage of **Assembly Bill 22 (Lieber, 2005)**. Restitution provides for the defendant to attempt to make the victim "whole" for the economic losses incurred by the victim, and to give them the ability to finance taking back their life. This is in addition to other civil and criminal penalties and assessments and is specific to the victim's situation.

BENEFITS – Senate Bill 1569 (Kuehl, 2006) provides social service and health benefits to survivors to the same extent as those admitted to the United States as refugees.

¹ The California Alliance to Combat Trafficking and Slavery (CA ACTS) Task Force

² The report can be found at <http://www.safestate.org/index.cfm?navId=442>

PREVENTION AND ENFORCEMENT

California business can play a large role in rooting out and eliminating human trafficking by having standards in place for themselves, and those with whom they do business - their "supply chain". **Senate Bill 1649 (Steinberg, 2008)** would have done just that, by requiring retail sellers and manufacturers to develop policies related to how they would comply with state and federal law regarding the eradication of slavery and trafficking. By each "chain" of the transaction being required to have their own policies to provide to those with whom they do business, there is increased awareness and accountability. The bill failed in the Assembly Appropriations Committee due to the costs of a commission to monitor compliance, although costs were expected to be paid by private financing.

SB 1649's passage would have built on **Senate Bill 578 (2003)**. SB 578 established the Sweatfree Code of Conduct. It requires that contractors for state agencies must certify their own "supply chain". In 2009, Senator Steinberg reintroduced SB 1649 and it is **SB 657** in the 2009-2010 legislative session.

EMPLOYMENT/LEGAL

Fair Labor Contracts – AB 1278 (Lieber, 2008) was supported by CAST and was signed into law. It prohibited a contract from allowing for deductions from a person's wages or compensation for the costs of emigration to the United States.

Labor recruiters/employers - Labor recruiters and employers bear responsibility for ensuring the workers they place and employ are not the victims of human trafficking.

STRONG STATE LAW COMPLIMENTING FEDERAL LAW

Assembly Bill 22 (Lieber, 2005) established the California Trafficking Victims Protection Act. This law works with Federal law to establish criminal penalties for human trafficking and forced labor, mandatory restitution to the trafficking victim and directs the Attorney General to make human trafficking and slavery a high priority for enforcement.

