

Strengthen Human Trafficking Hotline Enforcement in SB 1193

FACT SHEET

Background and Goals

In 2010 CAST co-sponsored Senate Bill 1193, which added Section 52.6 to the Civil Code. The law requires specified businesses and other establishments, as of April 1, 2013, to post a notice informing the public and victims of human trafficking of telephone hotline numbers to seek help or report unlawful activity. Businesses and establishments where trafficking victims are likely to be found are required to post an 8.5 x 11-inch notice near its public entrance or at another location where other similar notices are posted.

Original requirements of the posting include:

- A statement about forced labor and trafficking
- Two toll-free hotline numbers to call for help
- Information about the hotlines and services
- These hotlines provide support and services for human trafficking victims and the community and are:
 - Available 24 hours/day, 7 days/week
 - Toll-free
 - Operated by nonprofit, nongovernmental organizations
 - Anonymous and confidential
 - Accessible in more than 160 languages
 - Able to provide help, referral to services, training, and general information.
- Posting must be made in English, Spanish, and any other language for which translation is required in the county for purposes of the federal Voting Rights Act.
- Civil Code § 52.6 also mandates that the following 12 businesses post the notice:
 - On-sale general public premises licensees under the Alcoholic Beverage Control Act (Division 9 (commencing with Section 23000) of the Business and Professions Code).
 - Adult or sexually oriented businesses, as defined in subdivision (a) of Section 318.5 of the Penal Code.
 - Primary airports, as defined in Section 47102(16) of Title 49 of the US Code.
 - Truck stops. For purposes of this section, "truck stop" means a privately owned and operated facility that provides food, fuel, shower or other sanitary facilities, and lawful overnight truck parking.
 - Bus stations
 - Intercity passenger rail or light rail stations
 - Emergency rooms within general acute care hospitals
 - Urgent care centers
 - Farm labor contractors, as defined in Section 1682(b) of the Labor Code
 - Privately operated job recruitment centers
 - Roadside rest areas
 - Businesses or establishments that offer massage or bodywork services for compensation and are not described in paragraph (1) of subdivision (b) of Section 4612 of the Business and Professions Code.

The law was amended in 2017 by the passage of AB 260 (Santiago). This bill added hotels and motels to the list of business required to post. SB 225 (Stern) Human trafficking: notice updated the posting requirement in SB 1193 to require posting a texting number where people can reach out for support and services.



(The Hotline Poster)



(Poster properly displayed in Fresno Hotel)

Counties and cities across the state, including Alameda County, Los Angeles County, Sacramento City and County, Los Angeles City, Yolo County, San Francisco City, Marin County, and San Joaquin County, have worked to ensure effective implementation of SB 1193.

CAST's original sponsorship of SB 1193 was based on survivor input that the majority of survivors were unaware that assistance and protections were available, and that with access to information, the majority of survivors may have escaped from their trafficker and sought assistance earlier. Additionally, CAST's on-the-ground experience has shown that Good Samaritans and family members are often in the best position to recognize and report human trafficking, but do not know where to turn or how they can help.

A 2015 report that surveyed enacted state legislation on human trafficking across the country demonstrates the impact and importance of hotline posting legislation. The report concludes that, ***"requiring the National Human Trafficking Hotline number to be posted in public places is the most important provision for increasing the number of human trafficking arrests...."***¹

¹ Identifying Effective Counter-Trafficking Programs and Practices in the U.S.: Legislative, Legal, and Public Opinion Strategies that Work, November 30, 2015, Vanessa Bouche, Ph.D.et all.

When displayed, the poster can have a powerful educational impact in closing the gap between recognition, concern and action. In the past year, 24% of our hotline referrals came from Good Samaritans and family members. Calls directly from Survivors to the CAST hotline also increased 15% in this year alone, representing 33% of all hotline calls. For the first time, self-referrals by trafficking victims were CAST's highest source of referrals. Notably, the number of hotline calls has increased every year since the hotline posting took effect, demonstrating that high visibility and awareness of the human trafficking hotlines give community members and survivors the resources they need to find help.

Need For Action

The stated objectives of SB 1193 were to provide information to Survivors and Good Samaritans and to position the community to more consistently report human trafficking. Unfortunately, given the enforcement standards currently drafted, California counties and cities have not been empowered to create better mechanisms for enforcement of the posting requirements and the current enforcement standard is unclear as to how to hold non-compliant businesses accountable.

California now must take action to make this 2010 law even more effective by updating the enforcement provision in the measure. Thousands of victims of human trafficking in California still do not know where to turn to for help. In-person visits to businesses required to post reveal that even six years after the bill has taken effect the majority of businesses are not meeting their posting obligations. For example, representatives of the National Council of Jewish Women, the other 2010 original sponsor of SB 1193, conducted outreach in Los Angeles County in 2016 and 2017 and found that less than 1/3 of businesses required to comply had actually posted the required notices, even after receiving formal letters from the LA City Attorney and District Attorney's Office informing them of their obligations under SB 1193. Similar noncompliance was observed in Sacramento County after businesses received formal letters from the Sacramento County District Attorney and Sheriff. Most of the noncompliant businesses were still out of compliance one year later.

Few measure can help prevent modern-day slavery or assist with its early identification, but increasing enforcement of SB 1193 will be a substantial step towards those ends by raising community awareness and providing victims access to the help and protections they need.

Action is imperative *today* to strengthen SB 1193's original legislation.

Enforcement Provisions Under Current Law

Section 52.6 (e) provides for enforcement and penalties for failure to comply with posting notices. An attorney general, district attorney, or city council under agreement with the district attorney may bring a

civil action, provided the business has been given notice of its noncompliance and 30 days to correct the violation. Failure to comply may result in a penalty of \$500 for a first violation and \$1000 may be assessed for each subsequent violation.

Because the current enforcement structure has proven to be inadequate to address the current compliance gap, CAST proposes to expand enforcement opportunities by empowering local jurisdictions to adopt and enforce additional enforcement provisions that are consistent with current state law.

Proposed Update to Strengthen Enforcement Provision

Update Civil Code § 52.6 by inserting ***"(f) Nothing in this section shall prevent a local governing body from adopting and enforcing laws to prevent slavery and human trafficking to meet the state requirement of posting notices at specified businesses. Where a local law duplicates or supplements this section, this section shall be construed as providing alternative remedies and not preempting the field."***

This fix would allow cities and counties across the state to pass their own ordinances, which would provide multiple avenues for enforcement, including misdemeanor criminal proceedings, civil actions, as well as City Administrative Citation Enforcement Programs. Given that enforcement on such a wide range of business and local actors is complex, the proposed legislation would allow cities and counties to find the most effective and cost efficient way to enforce SB 1193 and its updated provisions.

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Coalition to Abolish Slavery and Trafficking

Systemic change is at the core of CAST's mission. Taking a survivor-centered approach to ending modern slavery, CAST has a proven track record of working directly with survivors of human trafficking, which builds an important bridge between practice and policy to inform effective policy initiatives. By developing broad-based partnerships, CAST effectively advocates for policies that work to end human trafficking and help survivors rebuild their lives.

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