****

**California Legislation Enacted in 2013**

**Impacting Survivors of Human Trafficking**

**AB 241 (Ammiano) Domestic work employees: labor standards**

*An act to add Part 4.5 (commencing with Section 1450) to Division 2 of, and to repeal Section 1454 of, the Labor Code, relating to domestic work employees.*

This bill establishes the Domestic Worker Bill of Rights and:

* Defines domestic work as services related to the care of persons in private households or maintenance of private households or their premises (i.e., childcare providers, caregivers of sick and/or elderly and people with disabilities, house cleaners).
* Defines domestic work employee as an individual who performs domestic work and includes live-in domestic work employees. Exempt from this definition are In-Home Supportive Service (IHSS) program employees, specified family members, minor babysitters, employees of a licensed health care facility, and a person employed or who contracts with a regional center or the State Department of Developmental Services.
* Defines domestic work employer as a person (including through a third party employer) who employs or exercises control over wages, hours, or working conditions of a domestic work employee. The bill exempts from the definition of domestic employer any person who receives services through IHSS, licensed health care facilities, and employment agencies operating solely as referral agencies.
* Directs the governor to convene a committee to study the impact of this bill on personal attendants and their employers. The new law was set to sunset on or before January 1, 2017.

**AB 307 (Campos) Protective orders**

*An act to amend Sections 136.2 and 166 of the Penal Code, relating to protective orders.*

This bill expands the grounds upon which a court may consider entry of a protective order in a criminal case. Current law allows a court to issue a protective order for up to 10 years when a defendant is convicted of specified crimes. This bill would also require the court to consider issuing a protective order in a case in which a defendant has been convicted of a sex crime, including rape, or any crime that requires the defendant to register as a sex offender. Violation of the protective order constitutes contempt, a misdemeanor, punishable by up to one year in county jail and/or a fine of up to $1,000.

**AB 524 (Mullin) Immigrants: extortion**

*An act to amend Section 519 of the Penal Code, relating to immigrants.*

Existing law defines extortion as the obtaining of property from another, with consent, or the obtaining of an official act of a public officer, induced by a wrongful use of force or fear, or under color of official right. Existing law further provides that fear sufficient to constitute extortion may be induced by certain threats, including a threat to accuse the threatened individual, or his or her relative or family, of a crime.

This bill would also provide that a threat to report the immigration status or suspected immigration status of the threatened individual, or his or her relative or a member of his or her family, may also induce fear sufficient to constitute extortion.

**AB 576 (V. Manuel Pérez) Revenue Recovery and Collaborative Enforcement Team Act: pilot program**

*An act to add and repeal Part 12.2 (commencing with Section 15910) of Division 3 of Title 2 of the Government Code, relating to the underground economy.*

This bill would establish a pilot program to create a multi-agency team to collaborate in combating criminal tax evasion associated with the underground economy. The team is charged with developing a plan to include a central intake process and structure to document, review, and evaluate data and complaints. Team members are authorized to exchange information for investigative purposes. The bill further establishes deadlines for submission of reports to the Legislature on the findings of the pilot, which sunsets January 1, 2019, unless otherwise extended.

**AB 694 (Bloom) Admissibility of evidence: victims of human trafficking**

*An act to amend Section 1161 of the Evidence Code, relating to evidence.*

Existing law prohibits the admissibility of evidence that a victim of human trafficking has engaged in any commercial sexual act as a result of being a victim of human trafficking in order to prove the victim’s criminal liability for any conduct related to that activity.

This bill would instead prohibit the admissibility of evidence that a victim has engaged in any commercial sexual act as a result of being a victim of human trafficking in order to prove the victim’s criminal liability for the commercial sexual act. Further, evidence of sexual history or history of a commercial sex act is inadmissible to impeach the character of the victim in any civil or criminal matter.

**AB 1195 (Eggman) Public records: crime victims**

*An act to add Section 6254.30 to the Government Code, relating to public records.*

Under the California Public Records Act, victims or their authorized representatives are entitled to receive certain information regarding an incident. This bill ensures that any victim of crime has access to their crime report, regardless of their legal status. This bill will amend Government Code section 6254 and clarify that a state or local law enforcement agency cannot deny a victim of a crime their crime report due to their residency status in the United States of America.

**SB 114 (Pavley) Commercially sexually exploited minors**

*An act to amend Sections 18259.7 and 18259.10 of the Welfare and Institutions Code, relating to sexually exploited minors.*

Existing law authorizes, until January 1, 2014, the County of Los Angeles to create a pilot project, contingent upon local funding, for the purpose of developing a comprehensive, replicative, multidisciplinary model to address the needs and effective treatment of commercially sexually exploited minors, as specified.

This bill extends this sunset date three years to January 1, 2017, for the discretionary pilot project in Los Angeles County. Extends the sunset date three years to April 1, 2016 for the District Attorney for the County of Los Angeles to submit a report to the Legislature summarizing activities of the pilot project, as specified.

**SB 130 (Corbett) Witnesses**

*An act to amend Sections 868.5 and 868.8 of the Penal Code, relating to witnesses.*

Existing law provides that a prosecuting witness in a case involving murder, kidnaping, and certain sex offenses, among other specified offenses, is entitled, for support, to the attendance of up to 2 persons of his or her own choosing at the preliminary hearing and at the trial or juvenile court proceeding during the testimony of the prosecuting witness, as specified.

Existing law also requires courts to take special precautions to provide for the comfort and protection of testifying witnesses who have a disability or are a minor under 11 years of age. The bill would extend these provisions to include human trafficking, among other crimes.

**SB 612 (Leno) Residential tenancy: victims of human trafficking and elder or dependent adult abuse**

*An act to amend, repeal, and add Section 1946.7 of the Civil Code, and to amend Section 1161.3 of the Code of Civil Procedure, relating to residential tenancy.*

Existing law authorizes a tenant to notify the landlord in writing that he or she or a household member was a victim of domestic violence, sexual assault, stalking, or abuse of an elder or dependent adult and that the tenant intends to terminate the tenancy. Existing law permits the tenant to quit the premises after notification and limits the tenant’s obligation for payment of rent, as specified. Existing law requires the notice to terminate the tenancy to be given within 180 days of the date the order was issued or the report was made, or as specified.

This bill would expand these provisions to authorize a tenant who is a victim of human trafficking to notify the landlord that he or she or a household member intends to terminate the tenancy. A human trafficking victim would be required to attach to the notice documentation from a medical or health care provider, mental health provider, or a human trafficking caseworker, among others, that the tenant is seeking assistance for injuries as the result of human trafficking could satisfy the notice requirement.

**SB 717 (DeSaulnier) Search warrants: driving under the influence**

*An act to amend Section 1524 of the Penal Code, relating to search warrants, and declaring the urgency thereof, to take effect immediately.*

Prop 35 established protections for victims of human trafficking, including the enactment of Evidence Code Section 1161. SB 717 provides a process by which EC §1161 can be implemented in the courtroom. Victims of human trafficking already suffer physical trauma, fear, and an assault on their privacy and dignity. It reaffirms that victims of human trafficking will be protected from undue harassment and intimidation in the courtroom by excluding reference to past sex acts that are determined to have been the result of trafficking.

Current law offers a specific procedure required in any prosecution of sex crimes if evidence of sexual conduct is offered to attack the credibility of the victim/survivor of sexual assault. This bill would expand the offenses included within the term “sexual conduct” to include commercial sexual conduct.

**SB 60 (Wright) Crime victims: human trafficking**

*An act to amend Sections 13955 and 13957 of the Government Code, relating to crime victims, and making an appropriation therefor.*

Existing law provides for the compensation of victims and derivative victims of specified types of crimes by the California Victim Compensation and Government Claims Board from the Restitution Fund.

This bill would include victims of human trafficking within the definition of crimes that are eligible for compensation under these provisions.

**AB 218 (Dickinson) Employment applications: criminal history**

*An act to add Section 432.9 to the Labor Code, relating to employment.*

Existing law prohibits both public and private employers from asking an applicant for employment to disclose, either in writing or verbally, any information concerning an arrest or detention that did not result in a conviction.

This bill would prohibit a state or local agency from asking an applicant to disclose information regarding a criminal conviction, except as specified, until the agency has determined the applicant meets the minimum employment qualifications for the position.

**Coalition to Abolish Slavery & Trafficking Contacts:**

Stephanie Richard, Policy & Legal Services Director, (213)-365-5249, [Stephanie@castla.org](mailto:Stephanie@castla.org)

Kay Buck, Executive Director (213) 365-0887, [Kay@castla.org](mailto:Kay@castla.org)

**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.

Coalition to Abolish Slavery & Trafficking (CAST)

5042 Wilshire Blvd #586, L.A., CA 90036

(213) 365-1906

[info@castla.org](mailto:info@castla.org) www.castla.org