

Washington State's Efforts to Prevent Human Trafficking and Sexual Exploitation of Minors

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Human Trafficking

Human trafficking is a crime of exploitation where traffickers profit at the expense of adults and children of all ages, backgrounds, and nationalities by compelling them to perform labor or to engage in commercial sex.¹ It is a multi-billion-dollar criminal industry that steals freedom for profit.² In some cases, victims are lied to, assaulted, threatened or manipulated into working under inhumane, illegal or otherwise unacceptable conditions.³ In other cases, traffickers trick, defraud or physically force victims into selling sex.⁴ Contrary to popular myth, human trafficking may occur to any age, race, gender, nationality, and socioeconomic group.⁵ Many consumers purchase goods and services without ever knowing about the exploitation of trafficked men, women, and children.

Trafficking in the United States

Human trafficking occurs in every region of the United States and around the world, with an estimated 24.9 million victims worldwide at any given time.⁶ The U.S. Department of Justice estimates that between 14,500 and 17,500 people are trafficked into the United States each year.⁷ In 2020, the National Human Trafficking Hotline identified 10,583 trafficking situations involving 16,658 victims and survivors in the United States.⁸ It is important to note that data and statistics on human trafficking may not reflect the full nature or scope of the issue due to the hidden nature of the crime, challenges in identifying individual victims, gaps in data accuracy and completeness, and significant barriers regarding the sharing of victim information among various stakeholders.⁹

In the United States, traffickers compel victims to engage in commercial sex and to work in both legal and illicit industries and sectors, including, but not limited to, in hospitality, traveling sales crews, agriculture, janitorial services, construction, landscaping, restaurants, factories, care for persons with disabilities, salon services, massage parlors, retail services, fairs and carnivals, peddling and begging, drug smuggling and distribution, religious institutions, childcare, and domestic work.¹⁰

Trafficking in Washington State

A report published by the Washington State Task Force Against Trafficking of Persons in 2004 indicated that Washington State is highly susceptible to human trafficking due to its international border with

¹ *About Human Trafficking*, U.S. DEP'T OF STATE, <https://www.state.gov/humantrafficking-about-human-trafficking/> (last visited August 16, 2022).

² *Human Trafficking*, POLARIS, <https://polarisproject.org/human-trafficking/> (last visited Aug. 12, 2022).

³ *Id.*

⁴ *Id.*

⁵ *Myths and Misconceptions*, U.S. DEP'T OF HOMELAND SEC. (May 26, 2022), <https://www.dhs.gov/blue-campaign/myths-and-misconceptions>.

⁶ *Id.*

⁷ *Human Trafficking*, WASH. STATE OFF. OF THE ATTORNEY GEN., <https://www.atg.wa.gov/human-trafficking> (last visited Aug. 12, 2022).

⁸ *Human Trafficking Trends in 2020*, POLARIS 1 (2020), <https://polarisproject.org/wp-content/uploads/2022/01/Human-Trafficking-Trends-in-2020-by-Polaris.pdf>.

⁹ *About Human Trafficking*, *supra* note 1.

¹⁰ *Id.*

Canada, abundant ports, vast rural areas, and demand from agricultural, domestic, sex, and other various industries.¹¹ These conditions make Washington State a potential hub of trafficking activity. The report further indicated that several Washington cities, including Seattle, Vancouver, and Yakima, are included in a trafficking circuit that can include Honolulu, Las Vegas, New Orleans, Portland, and Canada.¹²



Figure 1: Locations of trafficking incidents in Washington State as reported by the National Human Trafficking Hotline in 2019.¹³

In 2019, the National Human Trafficking Hotline identified 272 trafficking cases and 517 trafficking victims in Washington State.¹⁴ Many of these reported cases were identified as instances of sex trafficking (199 cases), followed by labor trafficking (42 cases).¹⁵



Figure 2: A breakdown of Washington trafficking cases as reported by the National Human Trafficking Hotline in 2019.¹⁶

Forms of Human Trafficking

Human trafficking in the United States is generally defined as either: (A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age;¹⁷ or, (B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of

¹¹ *The Report of the Washington State Task Force Against Trafficking of Persons*, OFF. OF CRIME VICTIM ADVOCACY 42–44 (June 2004), <http://www.commerce.wa.gov/wp-content/uploads/2018/05/OCVA-Human-Trafficking-Rept-2004.pdf>.

¹² *Id.* at 44.

¹³ *Washington Spotlight 2019 National Human Trafficking Hotline Statistics*, HUM. TRAFFICKING HOTLINE (2019), <https://humantraffickinghotline.org/sites/default/files/2019%20Washington%20State%20Report.pdf>.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ 22 U.S.C. § 7102(11)(A); *see also* RCW 9A.40.100 for Washington State's statute prohibiting trafficking.

subjection to involuntary servitude, peonage, debt bondage, or slavery.¹⁸ Trafficking can take more specific forms or can be targeted at certain individuals within the categories of sex trafficking and labor trafficking.

Sex Trafficking

Sex trafficking can occur under circumstances where perpetrators recruit, entice, harbor, transport, provide, obtain, advertise, maintain, patronize, or solicit a person for commercial sex, even if the victim previously consented to engage in commercial sex.¹⁹ Child sex trafficking occurs when such victims are under the age of 18, regardless of whether force, fraud, or coercion is used.²⁰ Sex trafficking exploits U.S. citizens, lawful permanent residents, foreign nationals, women, men, children, and LGBTQI+ individuals.²¹

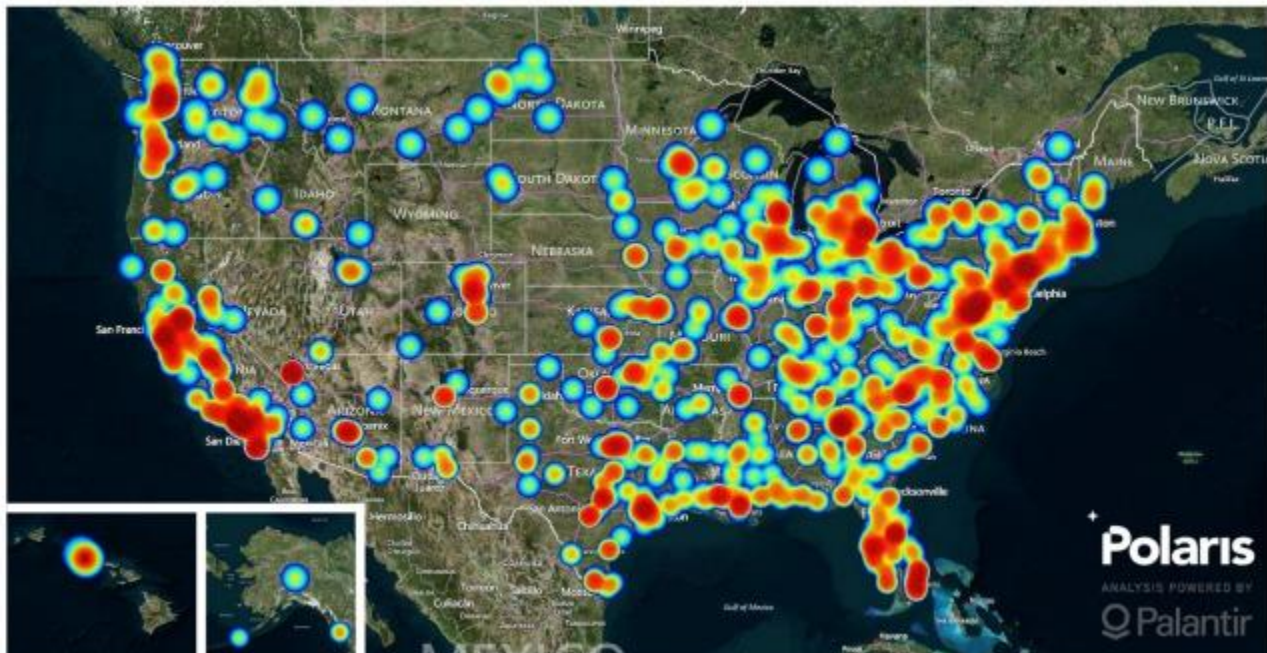


Figure 3: Location of sex trafficking cases involving U.S. citizens reported to the National Human Trafficking Resource Center (now the U.S. National Human Trafficking Hotline) and BeFree in 2014.²²

Sex traffickers often control their victims physically, emotionally, and financially.²³ While some traffickers have no relationship to their victims, many survivors of human trafficking reported being in a romantic relationship with the person who trafficked them and described "complicated power and control dynamics commonly associated with situations of intimate partner violence."²⁴ Similarly, a significant number of survivors reported that a family member or guardian was the perpetrator of trafficking and

¹⁸ 22 U.S.C. § 7102(11)(B).

¹⁹ *About Human Trafficking*, *supra* note 1.

²⁰ *Id.*

²¹ See *Sex Trafficking in the U.S.: A Closer Look at U.S. Citizen Victims*, POLARIS 4 (May 1, 2015), <https://polarisproject.org/wp-content/uploads/2019/09/us-citizen-sex-trafficking.pdf>.

²² *Id.* at 3.

²³ *Id.* at 6.

²⁴ *Id.* at 8.

familial power dynamics that often persisted when a survivor entered adulthood.²⁵ Survivors also reported being trafficked by their employers and experiencing debt bondage, blackmail, threats, and sexual abuse that prevented them from leaving their situation.²⁶

Massage parlors, online escort services, and residential brothels offer convenient sites for commercial sex trafficking.²⁷ Sex traffickers frequently use internet sites to arrange for sexual services out of the public eye.²⁸ Sex trafficking also occurs in public at truck stops, strip clubs, hotels, motels, and on city streets.²⁹

Labor Trafficking

Labor trafficking can occur when a person uses force or physical threats; psychological coercion; abuse of the legal process; a scheme, plan, or pattern intended to hold a person in fear of serious harm; or other coercive means to compel someone to work.³⁰ Once a person's labor is obtained by such means, the person's previous consent or effort to obtain employment with the trafficker does not preclude the person from being considered a victim.³¹

Various forms of forced labor exist. Debt bondage occurs when a person uses a debt that was incurred either before or during employment as a form of coercion to compel a person's labor.³² Domestic servitude occurs when workers are isolated in a private residence using informal or verbal employment contracts that potentially abuse language, cultural barriers, and lack of community ties.³³ Finally, forced child labor—including sale of children for exploitation, forced or compulsory child labor, and debt bondage and serfdom of children—continue to exist, despite legal prohibitions and widespread condemnation.³⁴

Distinction between Human Trafficking and Migrant Smuggling

Human trafficking is distinct from the separate crime of migrant smuggling. Human trafficking occurs when a trafficker uses force, fraud, or coercion to compel another person to work or engage in a commercial sex act and does not require crossing a border.³⁵ In contrast, migrant smugglers engage in the crime of bringing people across international borders through deliberate evasion of immigration laws.³⁶ While these are distinct crimes, individuals who are smuggled may become vulnerable to and victims of human trafficking.³⁷

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.* at 7.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *About Human Trafficking, supra* note 1.

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

Effects of the COVID-19 Pandemic

The COVID-19 pandemic generated conditions that increased the number of people who experienced vulnerabilities to human trafficking and interrupted existing and planned anti-trafficking measures.³⁸

Increased Social and Economic Vulnerabilities

The COVID-19 pandemic had a profound impact on factors contributing to trafficking. Substantial changes in financial situations, barriers to healthcare, decline in mental health, and increased isolation due to COVID-19 mitigation efforts all created new precarious situations for those not previously vulnerable to human trafficking, while creating even more precarious situations for who were already at risk of exploitation.³⁹ Additionally, global increases in unemployment and reductions in income, especially for low wage, migrant, and informal sector workers, meant that "significant numbers of people who were already vulnerable [found] themselves in even more precarious circumstances."⁴⁰ Low-wage, migrant workers, and those in the informal economy, faced riskier employment conditions including restricted movement, minimal oversight mechanisms, withheld wages, and increasing debts.⁴¹

Impact on the Anti-Trafficking Community

The pandemic also affected the anti-trafficking community's efforts to combat trafficking. To combat the global pandemic, governments around the world diverted resources on health and economic concerns "often at the expense of anti-trafficking efforts."⁴² This resulted in decreased protection measures and services for victims, reduced preventative efforts, and hindered investigations and prosecutions of traffickers.⁴³ Anti-trafficking entities experienced an all-around decrease in resources and operations.⁴⁴ As a result, victims and survivors faced obstacles accessing assistance and support as lockdowns, social distancing protocols, and a lack of resources caused service providers to close shelters and reduce services.⁴⁵ Additionally, emergency response and support services, such as shelters, hospitals, and clinics, where victims might be identified, were overburdened, operated at reduced capacity, or closed due to COVID-related restrictions or surges.⁴⁶

Prosecution efforts were often postponed due to delays in investigations and other competing priorities, which further contributed to judicial backlog of cases.⁴⁷ The reduced capacity and shifting priorities of law

³⁸ *Trafficking in Persons Report*, U.S. DEP'T OF STATE 3 (June 2021), <https://www.state.gov/reports/2021-trafficking-in-persons-report/>.

³⁹ *Id.* at 4.

⁴⁰ United Nations Office on Drugs and Crime, *Impact of the COVID-19 Pandemic on Trafficking in Persons*, UNITED NATIONS 1 (Apr. 29, 2020), https://www.unodc.org/documents/Advocacy-Section/HTMSS_Thematic_Brief_on_COVID-19.pdf.

⁴¹ *Trafficking in Persons Report*, *supra* note 38, at 4.

⁴² United Nations Office on Drugs and Crime, *supra* note 40, at 1.

⁴³ *Id.*

⁴⁴ *Trafficking in Persons Report*, *supra* note 38, at 8.

⁴⁵ *Id.* at 10.

⁴⁶ *Id.*

⁴⁷ *Id.* at 10–12.

enforcement contributed to the greater anonymity and impunity that traffickers felt to pursue their crimes.⁴⁸

Exploitation by Human Traffickers

As COVID-19 increased the risks of human trafficking to individuals, human traffickers adapted their existing tactics to take advantage of the unique circumstances presented by the pandemic.⁴⁹ Human traffickers targeted a growing number of vulnerable people and exploited situations where identifying victims would be difficult.⁵⁰ Traffickers also targeted families with false promises and fraudulent job offers to recruit their children, while some families exploited or even sold their children to financially support themselves.⁵¹ Businesses and landlords also pressured individuals to take out loans in exchange for cheap labor or commercial sexual exploitation.⁵²

Human traffickers also adjusted their recruitment strategies to the "new normal" created by the pandemic, especially through the abuse of modern communication technologies.⁵³ In particular, online recruitment and grooming increased as children spent more time online for virtual learning.⁵⁴ Polaris reported that online trafficking recruitment increased by 22% in 2020 while the proportion of victims from common recruitment sites (e.g., strip clubs, foster homes, schools, etc.) decreased in 2020 as compared to the previous year.⁵⁵ In particular, Polaris noted that recruitment on Facebook increased by 125% while recruitment on Instagram increased by 95% in 2020 as compared to the previous year.⁵⁶

Adaptations of Anti-Trafficking Efforts

Despite the disruptions posed by the COVID-19 pandemic, some governments and anti-trafficking stakeholders were able to adapt to the overcome these challenges. Anti-trafficking stakeholders leveraged technology to identify victims, support victims and survivors, and increase collaboration.⁵⁷ Furthermore, service providers shifted online to continue supporting victims as much as possible.⁵⁸ Some service providers also offered telephone and online counseling and legal aid sessions.⁵⁹ Many organizations further collaborated to provide virtual anti-trafficking guidance.⁶⁰ In some countries, prosecutors and courts utilized technology to continue prosecution efforts and investigations, and allowed victims to testify remotely.⁶¹ Although these changes helped to mitigate the impact of the COVID-19 pandemic on anti-trafficking efforts, the effects of the pandemic remain "monumental and may be

⁴⁸ *Id.* at 7.

⁴⁹ *Id.* at 6.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ United Nations Office on Drugs and Crime, *supra* note 40, at 1.

⁵⁴ *Trafficking in Persons Report*, *supra* note 38, at 7.

⁵⁵ *Human Trafficking Trends in 2020*, *supra* note 8, at 2.

⁵⁶ *Id.*

⁵⁷ *Trafficking in Persons Report*, *supra* note 38, at 13.

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.* at 14.

long lasting" and will require sustained collaboration among all anti-trafficking stakeholders to adjust and respond in order to overcome these challenges.⁶²

Commercial Sexual Exploitation of Children (CSEC)

Commercial Sexual Exploitation of Children (CSEC) refers to a range of crimes and activities involving the sexual abuse or exploitation of a child for the financial benefit of any person or in exchange for anything of value (including monetary and non-monetary benefits) given or received by any person.⁶³

Examples of crimes and acts that constitute CSEC include: child sex trafficking/the prostitution of children; child sex tourism involving commercial sexual activity; commercial production of child pornography; or, online transmission of live video of a child engaged in sexual activity in exchange for anything of value.⁶⁴ CSEC also includes situations where a child, whether or not at the direction of any other person, engages in sexual activity in exchange for anything of value, which includes non-monetary things such as food, shelter, drugs, or protection from any person.⁶⁵ CSEC may also occur in the context of internet-based marriage brokering, early marriage, and children performing in sexual venues.⁶⁶ All these acts take advantage of the imbalance of power between an adult and a child.⁶⁷ This targeted exploitation, objectification, and violence is child abuse and is illegal.⁶⁸

The International Labour Organization (ILO) estimates that, in 2016, there were 4.8 million people trapped in forced sexual exploitation around the world.⁶⁹ Women and girls were estimated to account for more than 99% of all global victims of forced sexual exploitation.⁷⁰ More than one million of the victims of forced sexual exploitation (21% of all global victims) were children under the age of 18 years old.⁷¹ However, the true figures of global sexual exploitation are likely far higher than these estimates, due to the difficulties in identifying and detecting victims.⁷²

⁶² *Id.* at 2.

⁶³ *Sexual Exploitation of Children*, OFF. OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, <https://ojjdp.ojp.gov/programs/sexual-exploitation-children> (last visited Aug. 29, 2022); see also chapter 9.68A RCW.

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Commercial Sexual Exploitation, Abuse and Trafficking of Children and Youth*, WASH. OFF. OF SUPERINTENDENT OF PUB. INSTRUCTION 4, <https://www.k12.wa.us/sites/default/files/public/safetycenter/csec/pubdocs/sexual-exploitation-and-trafficking-of-children-and-youth.pdf>.

⁶⁸ *Id.*

⁶⁹ *Forced Labour, Modern Slavery and Human Trafficking*, INT'L LAB. ORG., <https://www.ilo.org/global/topics/forced-labour/lang--en/index.htm> (last visited Aug. 29, 2022).

⁷⁰ *Global Estimates of Modern Slavery*, INT'L LAB. ORG. 39 (Sept. 19, 2017),

https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575479.pdf.

⁷¹ *Id.* at 40.

⁷² *Id.*

CSEC in the United States

An estimated 100,000–293,000 children in the United States are in danger of being sexually trafficked.⁷³ However, sexual violence is the most underreported crime in the United States, and statistics on sexual exploitation and trafficking are difficult to obtain due to "low reporting, poor detection rates, fear, shame, and silence."⁷⁴ Although the exact numbers of victims and survivors in the United States are hard to quantify, CSEC has been identified in cities, suburbs, and rural areas in all 50 states.⁷⁵

Sexual exploitation has profound impacts on girls, boys, and transgender youth.⁷⁶ The U.S. Department of Justice estimates that the average age of sexual exploitation is 12–14 years old.⁷⁷ Underage girls are the bulk of victims in the commercial sex markets, which include pornography, stripping, escort services, and prostitution.⁷⁸ Although underage girls comprise the bulk of victims, it is important to note that any child or youth can be a victim of sexual exploitation, regardless of their age, sex, socio-economic status, race, or nationality.⁷⁹

Perpetrators of CSEC often exploit vulnerabilities or factors in a child's or youth's life, including existing trauma, homelessness, low self-esteem, inadequate supervision or care by parents or family, isolation from friends, exposure to domestic violence in the home, lack of basic resources, sexual orientation, or criminal behavior.⁸⁰ Perpetrators have also utilized technology and the internet to exploit in the commercial sex trade.⁸¹ While unknown persons can be perpetrators, most children and youth are victimized by someone known to them, such as a trusted member of a community, a neighbor, a family member, a gang or an intimate partner.⁸² Perpetrators often establish or build upon an existing relationship to coerce or manipulate (i.e., groom) children and youth into sexually exploitative acts.⁸³

CSEC in Washington State

Many of the factors that make Washington a potential hub of trafficking activity also aggravate issues related to CSEC. Washington's geographic location, proximity to major ports, and the I-5 corridor have made Washington an attractive place for exploiters and traffickers.⁸⁴ Trafficking and exploitation happen in both urban and rural areas.⁸⁵ Child and youth victims have been recruited from small towns in eastern Washington and brought to Seattle, and gang-related prostitution is prominent in areas of central

⁷³ *Sex Trafficking*, WASH. STATE OFF. OF THE ATTORNEY GEN., <https://www.atg.wa.gov/sex-trafficking> (last visited Aug. 30, 2022).

⁷⁴ *Commercial Sexual Exploitation, Abuse and Trafficking of Children and Youth*, *supra* note 67, at 4.

⁷⁵ *Id.*

⁷⁶ *Id.* at 4.

⁷⁷ *Id.*

⁷⁸ *Id.* at 5.

⁷⁹ *Id.*

⁸⁰ *Id.* at 6.

⁸¹ *Id.*

⁸² *Id.* at 5–6.

⁸³ *Id.* at 6.

⁸⁴ *Id.* at 4.

⁸⁵ *Id.*

Washington.⁸⁶ The Port of Seattle estimates that 500–700 children in King County alone are forced into prostitution every year.⁸⁷

Effects of the COVID-19 Pandemic

The COVID-19 pandemic had many implications for efforts to monitor and stop CSEC activity. Due to the pandemic, children became especially at risk for exploitation, since global school closures have not only precluded many from access to education but also from a main source of shelter and nourishment.⁸⁸ In some countries, because of the pandemic, more children are forced on to the streets in search of food and income, thus heightening their risk of exploitation.⁸⁹ Furthermore, many children are increasingly online for learning and socializing due to school closures.⁹⁰ This may make them more vulnerable to online sexual predators.⁹¹

As shelter-in-place orders persisted to combat the pandemic, perpetrators of CSEC shifted to online platforms.⁹² The National Human Trafficking Hotline reported that sex trafficking situations involving online sexual exploitation increased from around 400 situations in both six-month period before the pandemic, to more than 600 situations reported during the first six months of the pandemic alone.⁹³ This shift to online platforms perpetrators may likely persist into the foreseeable future, as buyers and traffickers may perceive online platforms as lower risk or easier to access than in-person sexual services.⁹⁴

Washington's Multifaceted Anti-Trafficking Response

Washington State's many ports and its diverse business landscape make it a target for all forms of human trafficking. Washington's anti-human trafficking policies use a multi-faceted approach often referred to as the "3 Ps"—prosecution, prevention, and protection.⁹⁵ Washington leads the nation in its aggressive legislation, policies, and interventions to combat human trafficking.

Washington State enacts state laws each legislative session to combat all forms of human trafficking and build on its longstanding efforts to enact new anti-trafficking laws. In 2014, the Polaris Project gave Washington's anti-trafficking legislation a perfect score amongst all 50 states.⁹⁶

⁸⁶ *Id.*

⁸⁷ Cathy Swift, *Four Facts about Human Trafficking in Washington*, PORT OF SEATTLE (Jan. 21, 2021), <https://www.portseattle.org/blog/four-facts-about-human-trafficking-washington>.

⁸⁸ United Nations Office on Drugs and Crime, *supra* note 40, at 1.

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Sexual Exploitation During the Pandemic*, POLARIS 5 (July 8, 2021), <https://polarisproject.org/wp-content/uploads/2021/07/Sexual-Exploitation-During-the-Pandemic.pdf>.

⁹³ *Id.* at 3.

⁹⁴ *Id.* at 5.

⁹⁵ See generally *The 3Ps: Prosecution, Protection, and Prevention*, U.S. DEP'T OF STATE (June 2019), https://www.state.gov/wp-content/uploads/2019/07/2019-TIP_FS1-3Ps-Lo-Res.pdf.

⁹⁶ *2014 State Ratings on Human Trafficking Laws*, POLARIS 1 (Sept. 1, 2014), <https://polarisproject.org/wp-content/uploads/2019/09/2014-State-Ratings.pdf>.

Year-by-year, Washington's state and local governments, its community organizations, and individual volunteers build the public's awareness, reach out to trafficking survivors with support services, and strengthen law enforcement resources and training for those investigating and prosecuting human-trafficking crimes.

Anti-Trafficking Task Forces and Work Groups

In 2002, Washington was the first state to establish a Task Force Against the Trafficking of Persons.⁹⁷ In 2015, the legislature renewed and expanded the task force.⁹⁸ In 2015 and 2017, the legislature also re-authorized and expanded the commercially sexually exploited children statewide coordinating committee it created in 2013.⁹⁹ The state's anti-trafficking task forces and work groups measure and evaluate the outcomes of anti-trafficking policy initiatives and programs in order to improve their effectiveness.

The Office of Crime Victims Advocacy

In 2015, the legislature authorized the Office of Crime Victims Advocacy (OCVA) within the Washington Department of Commerce to create a new web portal and information clearinghouse.¹⁰⁰ The web portal creates a single point of on-line access in the state to the most current information and resources on Washington's anti-trafficking work and similar work at the federal level and in other states.

Collaboration with Anti-Trafficking Non-Profit Organizations

In 2010, in anticipation that the Winter Olympic Games held in British Columbia might result in an increase of human trafficking activity along the I-5 corridor, the legislature authorized anti-trafficking posters to be placed in each I-5 Department of Transportation rest stop. The posters featured a toll-free number for trafficking victims to contact for help. Non-profit anti-trafficking organizations produced and placed the posters no cost to the state.

In 2015, the legislature built on the success of the rest stop posters by authorizing the OCVA to work with the state's business community and with anti-trafficking community groups to develop a new anti-trafficking notice that any business may voluntarily place in its public restrooms. Like the 2010 posters, non-profit organizations produce the public restroom notices at no cost to the state.

Some Recent State Legislation

In 2020, to provide a victim-centered, trauma-informed response to children who were victims of commercial sexual exploitation, the legislature passed legislation ([E3SHB 1775](#)) that limited the crime of prostitution to individuals aged 18 or older effective January 1, 2024.¹⁰¹ The legislature also required the Department of Children, Youth, and Families (DCYF) to administer funding for two receiving center

⁹⁷ See RCW 7.68.350.

⁹⁸ RCW 7.68.350.

⁹⁹ RCW 7.68.801.

¹⁰⁰ See *Washington State Clearinghouse on Human Trafficking*, WASH. DEP'T OF COM., <https://www.commerce.wa.gov/serving-communities/crime-victims-advocacy/office-of-crime-victims-advocacy/human-trafficking/> (last visited Aug. 31, 2022).

¹⁰¹ RCW 9A.88.030.

programs for commercially exploited youth ages 12–17, required DCYF to provide support services to commercially sexually exploited children, and required law enforcement officers to coordinate transportation to specific locations for a juvenile who the officer reasonably believes to be a victim of sexual exploitation.

In 2021, the legislature passed legislation ([ESSB 5180](#)) which established a process for victims of sex trafficking, prostitution, commercial sexual abuse of a minor, sexual assault, or domestic violence to apply to vacate convictions for offenses that were committed as a result of such crimes.

In 2022, the legislature passed legislation ([SHB 1571](#)) which, among other things, tasked the Office of Crime Victims Advocacy with implementing a competitive grant process to fund wraparound services for indigenous survivors of human trafficking and fund awareness campaigns to increase accessibility and visibility of services and resources for indigenous survivors of human trafficking. Similarly, the legislature also passed legislation ([SHB 1725](#)) to create the first-in-the-nation missing indigenous person alert system (similar to an "AMBER Alert" or "Silver Alert") in order to assist in the recovering of missing or endangered indigenous persons.¹⁰²

A complete list of Washington State's legislative accomplishments throughout the past years can also be found below in Appendix A.

¹⁰² Amanda Zhou, *WA Launches First-in-Nation Alert System for Missing Indigenous Persons*, SEATTLE TIMES (July 5, 2022), <https://www.seattletimes.com/seattle-news/law-justice/wa-launches-first-in-nation-missing-indigenous-person-alert-system/>; *State Launches M.I.P.A. - Missing Indigenous Person Alert System*, WASH. STATE PATROL (June 30, 2022), <https://www.wsp.wa.gov/2022/06/30/state-launches-m-i-p-a-missing-indigenous-person-alert-system/>.

Appendix A: Washington State's Legislative Accomplishments to Prevent and Address Human Trafficking and Sexual Exploitation of Minors¹⁰³

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¹⁰³ Stephanie Pratt, *Washington State's Landmark Legislative Accomplishments to Prevent & Address Human Trafficking and Sexual Exploitation of Minors*, WASH. DEP'T OF COM. (2022), <https://www.commerce.wa.gov/serving-communities/crime-victims-advocacy/office-of-crime-victims-advocacy/human-trafficking/statewide-human-trafficking-reports/>.

**WASHINGTON STATE TASK FORCE
AGAINST THE TRAFFICKING OF PERSONS**

Twenty years of Legislative Accomplishments

2002

- **House Bill (HB) 2381** created the Task Force Against the Trafficking of Persons—the first of its kind in the nation—directed to measure and evaluate the state's progress in trafficking prevention activities, identify available programs providing services to victims of trafficking, and recommend methods to provide a coordinated system of support and assistance to victims of trafficking (Veloria). *Not codified; Report issued in 2004 (see below)*
- **Senate Bill (SB) 6412**, the International Matchmaking Organization Act—also the first of its kind in the nation—established protections for prospective foreign spouses of Washington residents who go through online international marriage brokers by requiring the brokers to notify recruits in their native language that background check and marital history information is available for prospective spouses who are Washington residents (Kohl-Welles). [RCW 19.220.010](#).
- The Washington State Task Force Against the Trafficking of Persons issued its first report and recommendations (<http://www.commerce.wa.gov/wp-content/uploads/2018/05/OCVA-HT-2002-HT-Report.pdf>).

2003

- **HB 1175** created two human trafficking crimes, both class A felonies, and expanded the definition of criminal profiteering to include the crime of trafficking—making Washington the first state in the nation to criminalize trafficking and specify criminal and civil penalties (Veloria). [RCW 9A.40.100](#).
- **HB 1826** increased protections for prospective foreign spouses by also making personal history information available to them, including spousal abuse and founded child abuse (Veloria). [RCW 19.220.010](#).



Washington State's Landmark Legislative Accomplishments to Prevent & Address Human Trafficking and Sexual Exploitation of Minors

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- The Federal International Marriage Broker Regulations Act is sponsored by U.S. Sen. Maria Cantwell and U.S. Rep. Rick Larsen, modeled after the 2002 International Matchmaking Organization Act.

2004

- The Task Force released its second report (<http://www.commerce.wa.gov/wp-content/uploads/2018/05/OCVA-Human-Trafficking-Rept-2004.pdf>).

2005

- **SB 5127** created requirements for state agencies to develop written protocols for the delivery of services to victims of human trafficking (Kohl-Welles). [RCW 7.68.360](#)
- State funding was provided for legal aid to undocumented immigrants who are victims of sexual assault, domestic violence, or human trafficking.
- The Task Force released its third report (<http://www.commerce.wa.gov/wp-content/uploads/2018/05/OCVA-HT-2005-Task-Force-Report.pdf>).

2006

- **SB 6731** prohibited sex tourism—making WA the second state in the nation to do so (Fraser). [RCW 9A.88.085](#).
- Task Force funding was renewed and the task force was directed to create a Comprehensive Response to Human Trafficking—a coordinated system containing seven components, including prevention, victim identification and victim services.
- The Federal International Marriage Broker Regulation Act was signed into law as part of the Violence Against Women and Department of Justice Reauthorization Act of 2005. [Pub. L. No. 109-162, 119 Stat. 2960](#) (2006).

2007-2008

- **SB 6339** added victims of human trafficking to the list of persons eligible for the state’s address confidentiality program (Kohl-Welles). [RCW 40.24.010](#).
- **SB 5718** created four new crimes relating to child sexual exploitation: commercial sexual abuse of a minor (CSAM) that replaced the crime of patronizing a juvenile prostitute, promoting CSAM, promoting travel for CSAM, and permitting CSAM. It also added an additional one-year penalty to the sentence for a conviction of the most serious crimes of child sex abuse if the offender paid to engage in the abuse (Kohl-Welles). [RCW 9.68A.100 through 103](#).
- The Task Force released its fourth report (<http://www.commerce.wa.gov/wp-content/uploads/2018/05/OCVA-HT-2008-HT-Report.pdf>).

2009

- **SB 5850**—the first legislation of its kind in the nation—required international labor recruiters and domestic employers of foreign workers to disclose federal and state labor laws to employees and required health care professionals be provided with information to help identify human trafficking victims (Kohl-Welles). [RCW 19.320.020](#).

- [HB 1505](#) allowed prosecutors to divert cases in which a minor is alleged to have committed the offense of prostitution, if the juvenile agrees to participate in a program that provides wraparound services, including mental health counseling (Dickerson). [RCW 13.40.213](#).

2010

- [SB 6332](#), built on SB 5850 enacted in 2009, added nonimmigrant workers to the list of employees who must be provided with federal and state labor laws, and established civil penalties for labor recruiters and employers who fail to do so (Kohl-Welles). [RCW 19.320.010](#).
- [SB 6476](#) strengthened penalties for the crime of commercial sexual abuse of a minor and required development of training for law enforcement officers. It also requires the prosecutor to file a diversion for a juvenile's first prostitution-related offense, even if the juvenile has other criminal history (Stevens). [RCW 9.68A.100, .101, and .105](#), and [9A.88.140](#).
- [SB 6330](#) allowed informational posters on domestic trafficking, including trafficking of minors and a "1-800" number, to be placed at rest stops throughout the state which could be very helpful for individuals being taken to international events, such as the Winter Olympics which were held in British Columbia (Kohl-Welles). [RCW 47.38.080](#).

2011

- [SB 5482](#) authorized local governments to use affordable housing funds to provide housing assistance to victims of human trafficking and their families (Kohl-Welles). [RCW 36.22.178, .179, and .1791](#).
- [HB 1874](#) authorized law enforcement officers to conduct surveillance operations on suspected human-trafficking and commercial sexual abuse activities with the consent of the victim. It also authorized prosecutors to request assistance from minors in the undercover surveillance of telephone communications in trafficking investigations without putting youth in danger (Dickerson). [RCW 9.73.210 and .230](#).
- [SB 5546](#) amended the crime of human trafficking to include the illegal harvesting or sale of human organs and broadened the scope of the crimes to hold criminals accountable when caught transporting a person despite not knowing whether the person would eventually be forced into prostitution or manual labor (Kohl-Welles). [RCW 9A.40.100 and .010, 9.95.062, and 10.64.025](#).

2012

- [SB 6251](#) created a new crime, making it illegal to knowingly publish an escort ad on-line or in print that involves a minor (Kohl-Welles). [RCW 9.68A](#).
- [SB 6252](#) added the crimes of commercial sexual abuse of a minor and promoting commercial sexual abuse of a minor to the list of offenses that may constitute a pattern of criminal profiteering activity (Kline). [RCW 9A.82.010 and .100](#).
- [SB 6253](#) authorized law enforcement agencies to seize any proceeds or property that facilitate the crimes of commercial sexual abuse of a minor, promoting sexual abuse of a minor, or promoting prostitution in the first degree (Eide). [RCW 9A.88](#).
- [SB 6254](#) criminalized the act of compelling a person with a disability that renders the person incapable of consent to engage in an act of prostitution (Delvin). [RCW 9A.88.070](#).

- **SB 6256** added to the list of gang-related crimes the promotion of sexual abuse of a minor that provides the gang with an advantage, control, or dominance over a market sector (Conway). [RCW 9.94A.030](#).
- **SB 6257** defined sexually explicit acts with regard to sex trafficking and promoting the sexual abuse of a minor and added sexually explicit acts to these offenses (Roach). [RCW 9.68A.101](#) and [9A.40.100](#).
- **SB 6258** criminalized ordering, luring, or attempting to lure a minor or a person with a cognitive disability into any transportation terminal or into a motor vehicle (Stevens). [RCW 9A.40.090](#).
- **SB 6103** prohibited anyone from practicing reflexology or representing himself or herself as a reflexologist unless certified as a reflexologist or licensed by the health department as a massage practitioner (Keiser). [RCW 18.108](#).
- **SB 6255** established an affirmative defense in any prosecution for prostitution if the defendant engaged in the offense as a result of being a victim of trafficking, promoting prostitution in the first degree, or trafficking in persons under the Trafficking Victims Protection Act, and allowed minors who were convicted of prostitution resulting from being trafficked by force, fraud, or coercion to request the court to vacate the conviction (Fraser). [RCW 9.96.060](#) and [9A.88](#).
- **HB 1983** increased the fees imposed against individuals convicted of promoting or patronizing prostitution and required that an offender with a prior conviction for promoting prostitution in the first or second degree register as a sex offender (Parker). [RCW 9A.40.100](#), [9A.44.128](#), [9A.88.120](#), [9.68A.105](#), [3.50.100](#), [3.62.020](#), [3.62.040](#), [10.82.070](#), and [35.20.220](#).
- **HB 2692** increased the additional fine a person must pay when convicted of patronizing a prostitute and requires those fees be used to pay for increased enforcement and prevention programs (Orwall). [RCW 9A.88.130](#), [3.50.100](#), [3.62.020](#), [3.62.040](#), [10.82.070](#), and [35.20.220](#).
- **HB 2177** prohibited the duplication or distribution of child pornography as part of the discovery process in a criminal prosecution, and instead required the material to be made reasonably available to the prosecutor, defense attorney, and expert witnesses who may testify at trial (Ladenburg). [RCW 9.68A](#).

2013

- **SSB 5308** created a statewide coordinating committee to recommend ways to combat the commercial sexual exploitation of children. This new Commercially Sexually Exploited Children Statewide Coordinating Committee will examine laws and practices of local and regional entities to address issues relating to commercially and sexually exploited children and make recommendations for statewide protocols, laws and practices (Kohl-Welles). [RCW 7.68](#).
- **SB 5488** imposed a \$5,000 fine on top of existing penalties for using online ads to facilitate the commercial sexual abuse of a minor. The bill defines an internet advertisement as a statement in electronic media that would be understood by a reasonable person to be an implicit offer for sexual contact or sexual intercourse in exchange for something of value (Kohl-Welles). [RCW 9.68](#) and [9.68A](#).
- **SSB 5563** required that to receive initial certification as a teacher, an applicant must complete training on how to recognize and prevent commercial sexual abuse and exploitation of minors. Certificated and classified school employees must complete training in their orientation and every three years thereafter. The Washington Coalition of Sexual Assault Programs, in consultation with other organizations, must update existing educational materials informing parents and other

interested community members about how to prevent children from being recruited into sex trafficking, among other issues (Kohl-Welles). [RCW 28A.410.035](#), [28A.300.145](#), [28A.400.317](#).

- [SB 5669](#) allowed for a victim of trafficking and sexual exploitation up to 14 years of age to testify outside the presence of her or his abuser. This bill also tightens current laws addressing trafficking, clarifies that victim consent cannot be used as a defense in the prosecution of a trafficking crime, including when an abuser utilizes an online platform to recruit or sell the victim for sex (Padden). [RCW 9.68A.090](#), [9.68A.100](#), [9.68A.101](#), [9.68A.102](#), [9.68A.103](#), [9A.44.020](#), [9A.44.128](#), [9A.44.150](#), [9A.82.010](#), [13.34.132](#), [9A.40.100](#).
- [EHB 1291](#) created a Statewide Coordinating Committee on Sex Crimes composed of community agencies, legislators and agencies providing services to victims of sex trafficking. This bill also details how the committee will oversee the distribution of funds collected from trafficking crimes to services for victims of sex trade, including revenue collected from impounding vehicles when the driver is involved in exploiting a sex trafficking victim. Fifty percent of revenue from fees and fines for sex crimes must be spent on preventative and rehabilitative services for victims of sex trafficking (Orwall). [RCW 43.63A.740](#), [9.68A.105](#), [9A.88.120](#), [9A.88.140](#), [43.280](#).

2014

- [Senate Joint Memorial \(SJM\) 8003](#) requested that Congress amend the federal Communication Decency Act enacted in 1996 in order to reflect changes in the scope and role of the internet, and the publisher-like role of companies, such as backpage.com, which facilitate child sex trafficking by allowing their online platforms to run adult escort services ads without age verification of those depicted in the ads (Kohl-Welles).
- [SSB 6339](#) addressed involuntary servitude when an individual is being coerced to perform labor by another person who threatens to withhold or destroy documents relating to immigration status or threatens to contact law enforcement to notify that a person is in the United States in violation with immigration laws. A person is committing coercion of involuntary servitude regardless of whether they are providing compensation or benefits for the forced labor performed. Coercion of involuntary servitude is a class C felony (Fraser). [RCW 9A.40 and 9A.40.010](#).
- [SHB 1791](#) expanded the definition of “sex offense” to include trafficking in the first degree when the trafficked person is caused to engage in a sexually explicit act or a commercial sex act. A finding of sexual motivation is not required in order for the offense to qualify as a sex crime. The bill was amended with language from [SB 6017](#) (Kohl-Welles) that permits the seizing law enforcement agency to keep 90 percent of proceeds obtained through seizures and forfeitures for cases in which the crime was committed in connection to child pornography, commercial sexual abuse of a minor, or promoting prostitution (Parker). [RCW 9.68A.120](#), [9A.40.100](#), [9A.44.128](#), [9A.88.150](#).
- [SHB 1292](#) addressed the vacating of prostitution convictions when the person committed the offense as a result of being a victim of Trafficking, Federal Trafficking in Persons, Promoting Prostitution in the first degree or Commercial Sexual Abuse of a Minor. An individual can apply and have the record vacated regardless of whether other prior records of prostitution convictions were vacated or if there are pending prostitution charges. The applicant must show by a preponderance of evidence that the elements of the crime she or he is charged with were a result of the applicant having been a victim of Trafficking, Federal Trafficking in Persons, Promoting Prostitution in the first degree, or Commercial Sexual Abuse of a Minor (Orwall). [RCW 9.96 and 9.96.060](#).

- The Statewide Coordinating Committee on Sex Trafficking released a report (<http://www.commerce.wa.gov/wp-content/uploads/2018/05/Commerce-Sex-Trafficking-Final-2014.pdf>).

2015

- **SSB 5215** created the Washington Internet Crimes Against Children Account, which will be administered by the Criminal Justice Training Commission. The account must be used exclusively for combating Internet-facilitated crimes against children, promoting education on Internet safety to the public and to minors, and rescuing child victims from abuse and exploitation (Roach). [RCW 43.101](#).
- **SSB 5884** established an information clearinghouse within the Department of Commerce's Office of Crime Victims Advocacy, known as the Washington State Clearinghouse on Human Trafficking. The Clearinghouse must share and coordinate statewide efforts to combat the trafficking of persons. The bill reauthorizes the Washington State Task Force on the Trafficking of Persons, which must evaluate progress in Washington's anti-trafficking activities and services, taking into consideration the activities and services of other states; review the effectiveness of Washington's anti-trafficking laws; and recommend needed changes to the Governor and the Legislature. The bill also reauthorizes the Commercially Sexually Exploited Children Statewide Coordinating Committee through June 30, 2017. In addition to its existing duties, the Coordinating Committee must review the extent to which the 2010 law on sex crimes involving children (Chapter 289, Laws of 2010; ESSB 6476) is understood and applied by law enforcement authorities and must research any barriers that exist to full implementation of the 2010 law. Finally, the bill incorporates provisions of **SSB 5883** (Kohl-Welles) to allow for the voluntary posting of anti-trafficking notices in public restrooms (Kohl-Welles). [RCW 7.68, 47.38, 7.68.350, and 7.68.801](#).
- **SB 5933** required the Office of Crime Victims Advocacy to establish a statewide training program on human trafficking laws for criminal justice personnel, and to provide a biennial report to the Legislature on the program (O'Ban). [RCW 43.280](#).

2016

- **2SHB 2530** required the Washington State Patrol to create and operate the Statewide Sexual Assault Kit Tracking system. Authorizes the Department of Commerce to accept private donations to fund the testing of previously unsubmitted sexual assault kits and training for sexual assault nurse examiners. (Orwall). [RCW 36.27.020; 42.56.240; 43.43; 35.21](#). (Hawegawa). [RCW 19.320.010](#).
- **SB 5342** added definitions to the Human Trafficking chapter of RCW for the following terms: any person, menace of any penalty; forced labor; human trafficking or trafficking; and work or service. *Menace* of any penalty is all forms of criminal sanctions and all forms of coercion; *Forced work* is all work extracted under the menace of any penalty and where the person has not voluntarily offered to work; *Human trafficking* is an act conducted to exploit, including forced work, by any means. Examples of means include the threat of use of force or other forms of coercion, abduction, fraud or deception, abuse of power, or abuse of position of vulnerability; and *Work or service* includes all types of legal or illegal work, employment, or occupation.
- **SB 6376** recognizes January 11th as Human Trafficking Awareness Day in Washington State. (Fraser). [RCW 1.16.050](#).

- [SR 8644](#) supported increased education, stronger laws and law enforcement, and the promotion of justice to reduce the exploitation of all people, including women and children. (Chase).
- [SSB 6463](#) established the unranked class C felony of luring with intent to harm or to facilitate the commission of any crime. A person commits the crime of luring if the person orders, lures, or attempts to lure a minor or a person with a developmental disability into any area or structure that is obscured from or inaccessible to the public, or away from any area or structure constituting a bus terminal, airport terminal, or other transportation terminal, or into a motor vehicle without the consent of parent or guardian and with the intent to harm the health, safety, or welfare of the minor or person with a developmental disability or with intent to facilitate the commission of any crime. (Pearson). [RCW 9A.40.090](#).
- The Commercially Exploited Children Statewide Coordinating Committee released a report (<http://www.commerce.wa.gov/wp-content/uploads/2015/12/2016-Final-CSEC-Committee-Report.pdf>).
- The Criminal Penalty Fees Related to Prostitution and Commercial Sexual Abuse of Minors report is released <http://www.commerce.wa.gov/wp-content/uploads/2015/12/Commerce-Criminal-Penalty-Fines-2016-FINAL.pdf>
- The Human Trafficking Model Notices report is released <http://www.commerce.wa.gov/wp-content/uploads/2015/12/Commerce-Trafficking-Posters-2016.pdf>

2017

- [HB 1988](#) created a new legal proceeding, known as Vulnerable Youth Guardianship, authorizing a court to appoint a guardian for a certain immigrant youth between the ages of 18 and 21 who have been abandoned, abused, or neglected Requires the Washington State Task Force Against the Trafficking of Persons to evaluate whether vulnerable youth guardianships where the guardian is a nonrelative suitable person have the intended impact of placing youth at greater risk of being trafficked, and if so, research and identify ways to reduce this risk. (Ortiz-Self). [RCW Title 13](#).
- [SB 5030 \(companion HB 1078\)](#) addressed the statute of limitations for trafficking, commercial sexual abuse of a minor, and promoting commercial sexual abuse of a minor. (Darneille). [RCW 9A.04.080, 9.68A.100, 9.68A.101, and 9A.88.060](#).
- [HB 1079 \(companion SB 5029\)](#) required a defendant who is charged by citation, complaint, or information with an offense involving trafficking or promoting prostitution in the first or second degree and not arrested to appear in court to determine the necessity of imposing a no contact order and consider other conditions of pretrial release. (Orwall). [RCW 26.50.110, 9A.40, and 9A.88](#).
- [SB 5813](#) indicted a defendant cannot claim unknown or mistaken age of a child victim as a defense to trafficking crimes. The crimes of possessing depictions of minors in sexually explicit conduct and dealing in depictions of minors in a sexually explicit conduct are increased from Class C to Class B felonies. (Padden). [RCW 9A.40.100, 9.68A.070, 9.68A.050, and 9.68A.060](#).
- [HB 1184](#) provided that the crime of patronizing a prostitute may be considered as being committed in more than one location. For instance, a person who sends a communication to patronize a prostitute is considered to have committed the crime both at the place from which the contact was made and where the communication is received. (Orwall). [RCW 9A.88.110](#).
- [SB 5272 \(companion bill HB 1112\)](#) addressed the vacating of prostitution offenses when the person committed the offense as a result of being a victim of trafficking, promoting prostitution in the first degree, promoting commercial sexual abuse of a minor, or trafficking in persons. (Saldana). [RCW 9.96.070 and 9.96.060](#).

- [HB 1728](#) authorized law enforcement to limited use of administrative subpoena authority contained within this act for the sole purpose of investigating crimes involving the sexual exploitation of children. (Sawyer). [RCW 10.27.170 and Title 10](#).
- [HB 1832](#) changed the expiration date from June 30, 2017, to June 30, 2023, for the commercially exploited children statewide coordinating committee and revises duties of the committee with regard to reporting deadlines and overseeing and reviewing implementation of the state model protocol for commercially sexually exploited children at task force sites. (Pellicciotti). [RCW 7.68.801](#).
- [HB 1109](#) created the Washington Sexual Assault Kit Initiative (SAKI) Pilot Project to fund the creation of locally based multidisciplinary community response teams to conduct cold case investigations tied to previously unsubmitted sexual assault kits (SAKs). Requires the Criminal Justice Training Commission to incorporate into existing training and develop new training with a victim-centered, trauma-informed approach. (Orwall). [RCW 43.330.470, 43.84.092, 36.28A, and 43.101](#).
- The Criminal Penalty Fees Related to Prostitution and Commercial Sexual Abuse of Minors second report is released <http://www.commerce.wa.gov/wp-content/uploads/2018/04/OCVA-Commerce-Criminal-Penalty-Fines-2017.pdf>
- The Human Trafficking Laws and Investigations report is released <http://www.commerce.wa.gov/wp-content/uploads/2018/06/Commerce-Human-Trafficking-Training-2017.pdf>

2018

- [SR 8694 \(HR 4664\)](#) recognized the people and organizations that fight daily against the scourge of human trafficking and encourages the observation of National Slavery and Human Trafficking Prevention month.
- [HB 1022](#) requires certifying agencies in Washington to respond to certification requests for U and T visas within 90 days or 14 days if the victim/survivor is subject to removal proceedings. Created a Crime Victim Certification Steering Committee to monitor implementation and compliance of the legislation, develop training for certifying agencies, and create and distribute information. Required the Criminal Justice Training Commission to collaborate with the Office of Crime Victims Advocacy to develop and adopt minimum standards for a course of study on U and T nonimmigrant visas, other legal protections for immigrant survivors of criminal activity, and promising practices in working with immigrant crime victims. (MacEwen). [RCW 7.98](#).

2019

- [HB 1055](#) requires a police officer to arrest a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under kidnapping, unlawful imprisonment, custodial interference, luring, trafficking, coercion of involuntary servitude, or indecent exposure-prostitution. (Entenman). [RCW 10.31.100](#).
- [HB 1149](#) changed the Sexual Assault Protection Order (SAPO) statute to clarify that survivors petitioning for an order do NOT need to specifically allege reasonable fear of future dangerous acts in order to be eligible for a SAPO. (Jinkins). [RCW 7.90.020](#).
- [HB 1166](#) requires the joint legislative task force on sexual assault forensic examination best practices to develop policies and submit recommendations on the storage, retention, and destruction of unreported sexual assault kits. Requires a performance audit of the statewide sexual assault tracking system. Expands the requirements of specialized, intensive, and integrated training

for those responsible for investigating sexual assault cases involving adult victims. Requires the Washington State Patrol to conduct the laboratory examination and entering the information into the combined DNA index system within 45 days of receipt of the request for examination of a sexual assault kit. Prohibits the disposal or destruction of untested kits. This legislation was designed to test all kits that had previously been untested and clear out the backlog of untested kits. (Orwall). [RCW 43.43.545](#), [43.101.272](#), [70.125.090](#), [9A.04.080](#).

- [HB 1382](#) provides immunity from prosecution for the crime of prostitution, if the evidence for the charge was obtained as a result from a person seeking emergency assistance in certain circumstances. (Pellicciotti). [RCW 9A.88](#).
- [HB 1742](#) adopted an updated and prevention-oriented approach to teen “sexting” (taking or exchanging nude or sexual images), including removing felony liability for youth who engage in such conduct. Adopts a less punitive approach to generate prevention best practice recommendations. (Frame). [RCW 9.68A.050, 060, 070, 075](#), and [13.40.070](#).
- [HB 1756](#) requires the Department of Labor and Industries to develop training for entertainers and convene an entertainer advisory committee. Requires an adult entertainment establishment to provide a panic button to each entertainer at no cost to the entertainer and record accusations that it receives that a customer has committed an act of violence towards an entertainer. (Orwall). [RCW 49.17](#).
- [SB 5258](#) require every hotel, motel, retail, behavioral health, custodial employer, or property services contractor who employs a custodian, security guard, hotel or motel housekeeper, or room service employee who spends a majority of his or her working hours alone to adopt a sexual harassment policy, provide mandatory training to managers/supervisors/employees, provide a list of resources for employees, provide a panic button to each worker who spends most of his or her working hours alone. (Keiser). [RCW 49.60](#).
- [SB 5290](#) makes reforms to the treatment of youth who commit non-criminal infractions known as “status offenses” (i.e. truancy), including eliminating the use of detention for youth who commit status offenses. (Darneille). [RCW 7.21.030](#), [13.32A.250](#), [13.34.165](#), [28A.225.090](#), [43.185c.260](#), and [2.56.032](#).
- [SB 5461](#) addresses multidisciplinary child protection teams and involvement of agencies and counties in the investigation of child sexual abuse, online sexual exploitation and commercial sexual exploitation of minors, child fatality, child physical abuse, and criminal child neglect cases. (Cleveland). [RCW 13.50.010](#) and [26.44.180](#).
- [SB 5497](#) creates a keep Washington working statewide work group. Requires the attorney general and other stakeholders to publish model policies for limiting immigration enforcement at school, health facilities, courthouses, and shelters. Prohibits state agencies, state departments, and law from participation in federal immigration enforcement activities. (Wellman). [RCW 43.17](#), [43.330](#), [43.10](#), and [10.93](#).
- [SB 5885](#) creates an exemption to hearsay for child sex trafficking victims. (Padden). [RCW 9A.44.120](#).
- The Criminal Penalty Fees Related to Prostitution and Commercial Sexual Abuse of Minors report is released: [Criminal Penalty Fees](#)
- The Human Trafficking Laws and Investigations report is released: [Human Trafficking Laws & Investigations Training FY 18 - 19](#)

2020

- [E3SHB 1775](#) Limits the crime of Prostitution to individuals age 18 or older effective January 1, 2024. Requires the Department of Children, Youth, and Families (DCYF) to administer funding for two receiving center programs for commercially sexually exploited youth ages 12 – 17 on the west side and east side of the Cascade Mountains. Requires law enforcement officers to take or coordinate transportation for a juvenile who the officer reasonably believes to be a victim of sexual exploitation to specified locations. Requires the DCYF to provide services to support commercially sexually exploited children. (Orwall). [RCW 7.68](#) amendments made to: RCW 9A.88.030, 13.40.070, 13.40.213, 7.68.801, 43.185C.260, 3 74.14B.070, and 74.15.020;
- [S3SLSB 5164](#) Authorizes the Department of Social and Health Services to establish a food assistance program for victims of human trafficking. Provides eligibility to victims of human trafficking for state family assistance programs, who otherwise meet eligibility requirements. Requires medical care services to be provided to victims of human trafficking, who are not eligible for Medicaid, who otherwise qualify for the state family assistance program. Requires the state Health Care Authority to add medical care services enrollees into the Apple Health for kids, with the same benefits and services provided to Medicaid Apply Health for kids enrollees. Coordinate with the Department, food assistance programs for legal immigrants, state family assistance programs, and refugee cash assistance.
- *The Criminal Penalty Fees Related to Prostitution and Commercial Sexual Abuse of Minors report: [Criminal Penalty Fees Report 2020](#)*
- *The Human Trafficking Laws and Investigations report: [Human Trafficking Laws & Investigations Training Report FY 20-21](#)*

2021

- [ESHB 1109](#) Modifies the collection and reporting of the status of investigations for sexual assault cases. Requires the state to conduct a case review program for improving training and case outcomes. Expands the rights of sexual assault survivors. (Orwall). [RCW 5.70](#), [43.101.278](#), [70.125.110](#)
- [ESSB 5115](#) Creates an occupational disease presumption for frontline employees during a public health emergency for the purpose of workers' compensation. Requires employers to notify the Department of Labor and Industries when a certain number of their employees become infected during a public health emergency. Requires employers to provide written notice to employees on the premises and their union of potential exposure to the infectious or contagious disease during a public health emergency. Prohibits discrimination against an employee who is high risk for seeking accommodation that protects them from the disease or using all available leave options if no accommodation is reasonable. (Keiser). [RCW 51.32](#)
- [ESSB 5172 \(Companion bill HB 1217\)](#) Phases in overtime pay to certain agricultural employees beginning on January 1, 2022, with the employees receiving overtime for hours worked over 55 in a

week and ending with those employees receiving overtime for hours worked over 40 in a week beginning January 1, 2024. Prohibits the award of damages or other relief to certain agricultural employees seeking unpaid overtime under the overtime statute as it existed on November 4, 2020, and applies the prohibition retroactively. [RCW 49.46.130](#)

- [ESSB 5180](#) Establishes a process for applying to vacate convictions for offenses that were committed as a result of being a victim of sex trafficking, prostitution, commercial sexual abuse of a minor, sexual assault, or domestic violence. (*Dhingra*). [RCW 9.94A.640](#), [9.96.060](#), [9.94A.030](#), [9.94A](#), [9.96](#), [9.96.070](#).
- [2SSB 5183](#) Requires the costs for forensic exams in domestic violence assault cases involving non-fatal strangulation to be paid by the state through the Crime Victim Compensation Program through July 1, 2023. Directs the Office of Crime Victims Advocacy to develop best practices for local communities to increase access to forensic nurse examiners for nonfatal strangulation assaults and develop strategies to make forensic nurse examiner training available in all regions of the state. (*Nobles*). [RCW 43.280](#), [7.68](#)
- *The Criminal Penalty Fees Related to Prostitution and Commercial Sexual Abuse of Minors report: Criminal Penalty Fees Report 2021*

2022

- [SHB 1571](#) Related to the protections and services for indigenous persons who are missing, murdered, or survivors of human trafficking. Requirements for county coroners and medical examiners are included relating to contacting family members and returning remains. Subject to availability of funding the Office of Crime Victims Advocacy will implement a competitive grant process to fund wraparound services for indigenous survivors of human trafficking and 10 awareness campaign projects, five (5) in Eastern Washington and five (5) in Western Washington to increase accessibility and visibility of services and resources for indigenous survivors of human trafficking. (*Mosbrucker*) [RCW 36.24.155](#), [68.50.320](#), and new section [RCW 68.50](#)
- [SHB 1725](#) Related to the creation of an endangered missing person advisory designation for missing indigenous persons and to increase tools for law enforcement to disseminate timely information to engage the public. “Silver Alert” and “missing indigenous person alert” designations will be implemented to enhance the public’s ability to assist in recovering abducted children and missing endangered persons. (*Lekanoff*) [RCW 13.60.010](#)
- [HB 1748](#) includes victims of human trafficking who are aged (65 or older), blind or disabled to be eligible for essential needs and housing support. Victims are not required to have a social security number if they have not been issued one. (*Entenman*) [RCW 74.04.805](#), [74.62.030](#)
- [SSSB 5793](#) Allows compensation for individuals with lived experience on boards, commissions, councils, committees, and other similar groups if they are not otherwise compensated for their attendance at meetings. Individuals who are eligible are also eligible for child and adult care reimbursement, lodging and travel expenses. (*C. Wilson*) *amending* [RCW 28A.300.802](#), [43.03.050](#), [43.03.060](#) and [41.40.035](#). *Reenacting and amending* [43.03.220](#).

2022 Provisos

- **Rental Assistance for Victims/Survivors of Human Trafficking:** \$3,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for housing assistance for victims of human trafficking. The department must allocate funding through contracts with service providers that have current contracts with the office of crime victims advocacy to provide services for victims of human trafficking. A provider must use at least 80 percent of contracted funds for rental payments to landlords and the remainder for other program operation costs, including services addressing barriers to acquiring housing that are common for victims of human trafficking.
- **Human Trafficking Prevention:** \$135,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a grant to a nonprofit organization to provide sexual assault prevention programming to middle and high schools in the Tacoma school district. The grant recipient must be a nonprofit organization serving the city of Tacoma that provides education, intervention, and social advocacy programs for victims of sexual assault, domestic violence, human trafficking, and other forms of abuse.