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AB-1888 Department of Justice: Labor Trafficking Unit. (2023-2024)

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Assembly Bill No. 1888

CHAPTER 614

An act to add and repeal Section 12530.5 of the Government Code, relating to employment.

[Approved by Governor September 26, 2024. Filed with Secretary of State September 26, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1888, Arambula. Department of Justice: Labor Trafficking Unit.

Existing law establishes the Attorney General as the head of the Department of Justice, with charge of all legal matters in which the state is interested, except as specified. Existing law requires the Attorney General, whenever they deem it advisable or necessary in the public interest, or when directed to do so by the Governor, to assist any district attorney in the discharge of the district attorney's duties, and authorizes them to take full charge of any investigation or prosecution of violations of law, as specified. Existing law establishes the Department of Industrial Relations in the Labor and Workforce Development Agency and vests it with various powers and duties to foster, promote, and develop the welfare of the wage earners of California, to improve their working conditions, and to advance their opportunities for profitable employment. Existing law establishes the Civil Rights Department within the Business, Consumer Services, and Housing Agency and sets forth its powers and duties relating to enforcement of civil rights laws.

This bill would establish within the Department of Justice the Labor Trafficking Unit. The bill would require the unit to receive labor trafficking reports and complaints from law enforcement agencies and other governmental entities and refer the reports or complaints to appropriate agencies for investigation, prosecution, or other remedies. The bill would require the unit to coordinate with certain state agencies, including, among others, the Department of Industrial Relations and the Civil Rights Department. The bill would authorize the unit to coordinate with other relevant state agencies, as specified, state and local law enforcement agencies, tribal law enforcement agencies, and district attorneys' offices. The bill would require the unit to make efforts to ensure that local, state, and tribal entities use a victim-centered approach when receiving and processing victim reports or complaints of labor trafficking and when reporting suspected labor trafficking to the unit. The bill would require the unit to follow a victim-centered approach when processing labor trafficking reports or complaints and ensure that victims are informed of the services and options available to them, as specified.

The bill would require the Department of Industrial Relations and the Civil Rights Department to collaborate with the unit to develop policies, procedures, and protocols to track, record, and report potential labor trafficking to the unit. The bill would require the unit to develop a tracking and reporting system to collect labor trafficking reports and complaints and would require the reports to be aggregated and analyzed to identify potential labor trafficking reports and complaints to be further investigated by the Department of Justice or referred for civil action, criminal prosecution, or other remedy, as specified. The bill would require the unit, from April 1, 2027, to January 1, 2036, inclusive, to annually submit a specified report to the Legislature relating to labor trafficking complaints or reports, including the number and type of reports, complaints, or referrals. The bill would require the Department of Industrial Relations and the Civil Rights Department to report this information to the unit on a quarterly basis and

report suspected labor trafficking immediately to the unit, as specified. The bill would specify that the bill's operation is contingent upon adequate appropriation by the Legislature in the annual Budget Act or another statute for the bill's purposes. If the Legislature does not appropriate adequate funding by January 1, 2030, the bill would repeal its provisions and require the Department of Justice to file with the Secretary of State by January 1, 2030, the department's determination that the Legislature has not appropriated adequate funding.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

- (a) Labor trafficking is a form of human trafficking that is often hidden in plain sight, making it challenging to detect.
- (b) Labor trafficking involves obtaining labor with the use of force, fraud, or coercion. Those who are trafficked are often isolated, constantly monitored, or guarded.
- (c) Labor trafficking is seen across many industries, including domestic work, agriculture, construction, food service, health care, retail, hospitality, and more.
- (d) The United States has some of the highest rates of labor trafficking, with California having some of the highest rates in the nation.
- (e) In California, no coordinated strategy exists to address labor trafficking. Because of this, there is little authoritative information on where and how frequently labor trafficking occurs, and indicators of labor trafficking often go unreported or uninvestigated.
- (f) Coordination among and between local, state, federal, and tribal entities will enable the state to identify labor trafficking and act to stop the cycle of extortion and abuse.

SEC. 2. Section 12530.5 is added to the Government Code, to read:

12530.5. (a) For purposes of this section, the following definitions apply:

- (1) "Forced labor or services" means labor or services that are performed or provided by a person and are obtained or maintained through force, fraud, duress, coercion, or equivalent conduct that would reasonably overbear the will of the person.
 - (2) "Labor trafficking" means depriving or violating the personal liberty of another person with the intent to obtain forced labor or services.
 - (3) "Unit" means the Labor Trafficking Unit established within the Department of Justice.
- (b) There is hereby established within the Department of Justice the Labor Trafficking Unit.
- (c) The unit shall receive labor trafficking reports or complaints from law enforcement agencies and other governmental entities and refer the reports or complaints to appropriate agencies for investigation, prosecution, or other remedies.
- (d) The unit shall coordinate with the Department of Industrial Relations, the Civil Rights Department, the Employment Development Department, the State Department of Health Care Services, the State Department of Social Services, the Department of Food and Agriculture, and the Department of Fish and Wildlife.
- (e) (1) The unit may coordinate with other relevant state agencies under whose jurisdiction labor trafficking may occur, state and local law enforcement agencies, tribal law enforcement agencies, and district attorneys' offices.
- (2) The unit shall make efforts to ensure that local, state, and tribal entities use a victim-centered approach when receiving and processing victim reports or complaints of labor trafficking and when reporting suspected labor trafficking to the unit.
- (f) The unit shall follow a victim-centered approach when processing labor trafficking reports or complaints and shall ensure that victims are informed of the services and options available to them. The unit may coordinate with local, state, and tribal entities to connect victims to available services.
- (g) (1) The Department of Industrial Relations and the Civil Rights Department shall collaborate with the unit to develop policies, procedures, and protocols to track, record, and report potential labor trafficking activity to the unit.
- (2) On a quarterly basis, the Department of Industrial Relations and the Civil Rights Department shall report the information described in paragraph (1) of subdivision (h) to the unit.

(3) The Department of Industrial Relations and the Civil Rights Department shall report suspected labor trafficking to the unit immediately when, upon investigating business under their purview, they suspect labor trafficking is occurring or has occurred.

(4) The unit shall develop a tracking and reporting system to collect labor trafficking reports and complaints. These reports and complaints shall be aggregated and analyzed to identify potential labor trafficking reports and complaints to be further investigated by the Department of Justice or referred to the appropriate federal, state, or local law enforcement agency, tribal law enforcement agency, or district attorney's office for civil action, criminal prosecution, or other remedy.

(h) (1) On or before April 1, 2027, and on or before April 1 every year thereafter, the unit shall submit a report to the Legislature that includes the following information pertaining to the prior calendar year:

(A) The number and type of reports or complaints received, including the date the reports or complaints were received by the reporting agency and the date they were referred to the Department of Justice.

(B) The number and type of reports or complaints investigated by the Department of Justice.

(C) The number and type of referrals by the Department of Justice to law enforcement agencies pursuant to subdivision (c).

(D) Descriptive statistics of demographic characteristics about labor trafficking victims correlated with the industry where the trafficking occurred.

(E) Descriptive statistics of demographic characteristics about labor trafficking victims who were referred for services or support correlated with the names of the agencies where those labor trafficking victims were referred for services or support and the type of services and support available at those agencies if known at the time of referral.

(F) Descriptive statistics of demographic characteristics about persons accused of labor trafficking correlated with the industry where the trafficking occurred.

(2) The unit shall also include in each annual report a discussion of the major challenges to addressing labor trafficking reports and the ongoing efforts to address those challenges.

(3) A report to be submitted pursuant to this section shall be submitted in compliance with Section 9795 of the Government Code.

(4) The requirement for submitting a report imposed under this subdivision is inoperative on January 1, 2036.

(i) (1) The operation of this section is contingent upon adequate appropriation by the Legislature in the annual Budget Act or another statute for the purposes of this section.

(2) If the Legislature does not appropriate adequate funding by January 1, 2030:

(A) This section shall be repealed unless a later enacted statute that is enacted before January 1, 2030, deletes or extends that date.

(B) The Department of Justice shall file with the Secretary of State by January 1, 2030, the department's determination that the Legislature has not appropriated adequate funding.