



SENATOR SHANNON GROVE
SENATE DISTRICT 16

SB 1042

Human Trafficking – Serious and Violent Felony

SUMMARY

SB 1042 will include human trafficking in the lists of crimes that are defined as serious and violent under California law, making the crime a strike under the Three Strikes law. SB 1042 will help strengthen protections for the millions of victims of sex and labor trafficking.

PROBLEM

Currently human trafficking is defined as a non-serious and non-violent crime. So, the act of human trafficking cannot be considered a strike under California's Three Strikes law.

California consistently ranks number one in the nation in the number of human trafficking cases reported to the National Human Trafficking Hotline. The California Attorney General notes that California is one of the largest sites for human trafficking in the United States, recognizes the serious nature of this crime, and has defined it as "modern day slavery." "Human trafficking is among the world's fastest growing criminal enterprises and is estimated to be a \$150 billion-a-year global industry. It is a form of modern day slavery that profits from the exploitation of our most vulnerable populations."

(<https://oag.ca.gov/human-trafficking>).

Children as young as 11 to 12 years old are exploited by traffickers who force them to sell their bodies for the trafficker's financial gain. Trafficking victims are frequently forced to have sex with upwards of 15 strangers a day or face beatings at the hands of their traffickers. Trafficking victims must meet daily sex or labor quotas before they are permitted to sleep, eat, rest, or receive other basic life necessities. Traffickers use a combination of physical violence and psychological manipulation to gain compliance over their victims. These tactics include death threats to the victim, threats to harm the victim's family, food deprivation, physical beatings, rape, and burning the victim, among other acts of violence. Trafficking victims are treated as

property by their traffickers and are subject to their physically exhausting and exploitive demands. In many instances, traffickers will also brand their victims with facial or body tattoos to signify their ownership over the victim and the victim's status as mere property.

Human trafficking victims often suffer long-term physical and psychological trauma. The American Academy of Pediatrics recognized the severe trauma human trafficking victims suffer and stated the following, "violence and psychological manipulation are common, and victims are at increased risk of injury, sexual assault, infectious diseases, substance misuse, untreated chronic medical conditions, malnutrition, post-traumatic stress disorder (PTSD), major depression and other mental health disorders, homicide, and suicide." The US Department of Health and Human Services Administration on Children, Youth, and Families further noted, "young people who are sexually trafficked typically experience physical violence, both at the hands of their traffickers and those who purchase sex, and often acquire sexually transmitted infections (STIs) through their exploitation."

EXISTING LAW

The Penal Code defines the crimes that are considered serious and violent under California law. Penal Code section 1192.7(c) lists the 42 crimes that are defined as serious crimes under California law. Penal Code section 667.5(c) lists the 23 crimes that are defined as violent under California law. Both serious and violent crimes are considered strikes under California law. Existing California law defines human trafficking as a non-serious and non-violent crime.

SOLUTION

SB 1042 amends the Penal Code to add human trafficking to the list of both serious and violent crimes under California law. SB 1042 also classifies human

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trafficking as a strike offense and makes those convicted of this crime subject to the same penalties that apply to all serious and violent crimes. It is about time that California starts to prosecute these horrendous acts as serious and violent crimes.

SPONSOR

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