

**RESOLUTION 07-06-2016 (As Amended)**

**DIGEST**

Human Trafficking: Public Posting Requirements

Amends Civil Code section 52.6 to require posting of model human trafficking notices by hotels, motels, inns, bed and breakfasts, lodging houses, and similar transient lodging establishments.

**TEXT OF RESOLUTION**

**RESOLVED** that the Conference of California Bar Associations recommends that legislation be sponsored to amend Civil Code section 52.6 to read as follows:

§52.6

1 Notice to be posted at specified businesses and establishments; slavery and human  
2 trafficking; location of posting; contents; languages; model notice; civil penalties

3 (a) Each of the following businesses and other establishments shall, upon the availability  
4 of the model notice described in subdivision (d), post a notice that complies with the  
5 requirements of this section in a conspicuous place near the public entrance of the establishment  
6 or in another conspicuous location in clear view of the public and employees where similar  
7 notices are customarily posted:

8 (1) On-sale general public premises licensees under the Alcoholic Beverage Control Act  
9 (Division 9 (commencing with Section 23000) of the Business and Professions Code).

10 (2) Adult or sexually oriented businesses, as defined in subdivision (a) of Section 318.5  
11 of the Penal Code.

12 (3) Primary airports, as defined in Section 47102(16) of Title 49 of the United States  
13 Code.

14 (4) Intercity passenger rail or light rail stations.

15 (5) Bus stations.

16 (6) Truck stops. For purposes of this section, “truck stop” means a privately owned and  
17 operated facility that provides food, fuel, shower or other sanitary facilities, and lawful overnight  
18 truck parking.

19 (7) Emergency rooms within general acute care hospitals.

20 (8) Urgent care centers.

21 (9) Farm labor contractors, as defined in subdivision (b) of Section 1682 of the Labor  
22 Code.

23 (10) Privately operated job recruitment centers.

24 (11) Roadside rest areas.

25 (12) Businesses or establishments that offer massage or bodywork services for  
26 compensation and are not described in paragraph (1) of subdivision (b) of Section 4612 of the  
27 Business and Professions Code.

28 (13) Hotels, motels, inns, bed and breakfasts, and locations that provide transient lodging,  
29 with the exception of personal residences.

30 (b) The notice to be posted pursuant to subdivision (a) shall be at least eight and one-half  
31 inches by 11 inches in size, written in a 16-point font, and shall state the following:  
32

33 “If you or someone you know is being forced to engage in any activity and cannot leave--  
34 whether it is commercial sex, housework, farm work, construction, factory, retail, or restaurant  
35 work, or any other activity--call the National Human Trafficking Resource Center at 1-888-373-  
36 7888 or the California Coalition to Abolish Slavery and Trafficking (CAST) at 1-888-KEY-2-  
37 FRE(EDOM) or 1-888-539-2373 to access help and services.

38  
39 Victims of slavery and human trafficking are protected under United States and California law.

40  
41 The hotlines are:

- 42 Available 24 hours a day, 7 days a week.
- 43 Toll-free.
- 44 Operated by nonprofit, nongovernmental organizations.
- 45 Anonymous and confidential.
- 46 Accessible in more than 160 languages.
- 47 Able to provide help, referral to services, training, and general information.”

48 (c) The notice to be posted pursuant to subdivision (a) shall be printed in English,  
49 Spanish, and in one other language that is the most widely spoken language in the county where  
50 the establishment is located and for which translation is mandated by the federal Voting Rights  
51 Act (42 U.S.C. Sec. 1973 et seq.), as applicable. This section does not require a business or other  
52 establishment in a county where a language other than English or Spanish is the most widely  
53 spoken language to print the notice in more than one language in addition to English and  
54 Spanish.

55 (d) On or before April 1, 2013, the Department of Justice shall develop a model notice  
56 that complies with the requirements of this section and make the model notice available for  
57 download on the department's Internet Web site.

58 (e) A business or establishment that fails to comply with the requirements of this section  
59 is liable for a civil penalty of five hundred dollars (\$500) for a first offense and one thousand  
60 dollars (\$1,000) for each subsequent offense. A government entity identified in Section 17204 of  
61 the Business and Professions Code may bring an action to impose a civil penalty pursuant to this  
62 subdivision against a business or establishment if a local or state agency with authority to  
63 regulate that business or establishment has satisfied both of the following:

64 (1) Provided the business or establishment with reasonable notice of noncompliance,  
65 which informs the business or establishment that it is subject to a civil penalty if it does not  
66 correct the violation within 30 days from the date the notice is sent to the business or  
67 establishment.

68 (2) Verified that the violation was not corrected within the 30-day period described in  
69 paragraph (1).

(Proposed new language underlined; language to be deleted stricken)

**PROPOSER:** Orange County Bar Association

## **STATEMENT OF REASONS**

The Problem: Existing law requires specified business and other establishments to post a model notice that contains information related to slavery and human trafficking, including contact

information for specified nonprofit organizations that provide services aimed at eliminating slavery and human trafficking. (See Civ. Code §52.6(a)-(b).) Existing law also requires the establishments to post the model notice in a conspicuous place near the entrance of the establishment or in another conspicuous location in clear view of the public and employees. (See Civ. Code §52.6(a)-(b).) “The mandated posting provides victims of human trafficking with essential information on where to obtain assistance. The posting also provides critical information to the public on how to report suspected human trafficking” and raises public awareness. (Office of the Attorney General, <http://oag.ca.gov/human-trafficking/sb1193>.)

Human traffickers often use hotels, motels, and other similar transient lodging establishments to facilitate and engage in human trafficking. According to Orange County District Attorney Tony Rackauckas, “[u]nbeknownst to some hotel and motel workers, pimps use these establishments as a ‘cage’ to enslave victims. We need to come together as a community to say that modern-day slavery is not acceptable, and we must work together to stop human trafficking and exploitation.” (See <http://royce.house.gov/news/documentsingle.aspx?DocumentID=397823>). In an effort to combat human trafficking in hotels and motels, Anti-Human Trafficking Training Seminars have been designed specifically for those who work in the hospitality industry. (Id.) To further combat human trafficking in hotels and motels, sub-section 52.6(a)(13) should be added to California Civil Code section 52.6, which would in effect extend the posting requirements of Civil Code section 52.6 to hotels, motels, inns, bed and breakfasts, lodging houses, boardinghouses, and other similar transient lodging establishments.

The Solution: Would expand the list of specified businesses and other establishments to include hotels, motels, inns, bed and breakfasts, lodging houses, boardinghouses, and other similar transient lodging establishments.

**IMPACT STATEMENT**

This resolution does not affect any other law, statute, or rule.

**CURRENT OR PRIOR RELATED LEGISLATION**

Not known.

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**RESOLUTIONS COMMITTEE RECOMMENDATION**  
APPROVE IN PRINCIPLE

History:

No similar resolutions found.

Reasons:

This resolution amends Civil Code section 52.6 to require posting of model human trafficking notices by hotels, motels, inns, bed and breakfasts, lodging houses, and similar transient lodging establishments. The resolution should be approved in principle because human trafficking often occurs at hotels, motels, and other transient lodgings, and posting notices may help victims obtain protection and treatment.

Temporary lodging facilities are documented as venues for human trafficking. The National Human Trafficking Resource Center reports that “[h]ospitality venues in locations with high peaks in seasonal tourism experience a spike in need for short-term temporary labor. Many employers in these areas turn to various temporary work visa programs to fill the need for employment. However, workers in these programs are vulnerable to trafficking as their immigration status remains tied to their continued employment with the initial employer, capacity for program oversight remains limited, and victims sometimes have limited ability to communicate or engage the broader community to find assistance.” (<https://traffickingresourcecenter.org/labor-trafficking-venuesindustries/hospitality-0>, accessed June 30, 2016). Given the vulnerability of human trafficking victims and the risk that trafficking will occur in hospitality venues, posting notices is appropriate.

The potential burden on temporary lodging facilities is minimal. The Department of Justice has developed a model notice that can be printed from the internet. Before any penalty is imposed, the entity is given notice of non-compliance and can avoid any penalty by posting the required notice within 30 days.