

# REPORT OF THE CHIEF LEGISLATIVE ANALYST

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DATE: June 15, 2023

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso  
Chief Legislative Analyst

Council File No. 23-0002-S48  
Assignment No. 23-05-0249

SUBJECT: Resolution to SUPPORT SB 376 (Rubio)

CLA RECOMMENDATION: Adopt Resolution (Park – Rodriguez) to include in the City’s 2023-2024 State Legislative Program, SUPPORT for SB 376 (Rubio) to provide human trafficking victims the right to have human trafficking advocates and support people present during interviews by law enforcement and legal authorities, and the notification of their rights and confidentiality limitations.

## SUMMARY

Resolution (Park – Rodriguez), introduced on April 12, 2023 states that human trafficking victims often face language barriers, fear of their traffickers, and/or fear of law enforcement, which keeps them from seeking help and contributes to making human trafficking a hidden crime. The Resolution further states that human trafficking victims are also often isolated from their families and social networks and, in some cases, are separated from their countries of origin, native languages, and cultures.

SB 376 (Rubio), currently pending before the State legislature, intends to support victims of human trafficking by providing them the right to have an advocate and a support person of their choosing present at interviews performed by law enforcement authorities, prosecutors, or defense attorneys. SB 376 would require human trafficking advocates to advise victims of the applicable limitations on the confidentiality of their communications, and law enforcement authorities or prosecutors to notify victims of their right to an advocate or support person. SB 376 would support trafficking victims with accessing the assistance and resources they need. The Resolution therefore requests that the City support SB 376.

## BACKGROUND

According to the California Office of the Attorney General, human trafficking is a crime that involves compelling or coercing a person to provide labor, services, or commercial sex acts, and does not necessarily require the travel or transportation of victims across local, state, or international borders. Many victims of human trafficking are forced into sex labor, including prostitution or work in the sex entertainment industry, or in forced labor, which can include domestic servitude, restaurant work, janitorial work, sweatshop factory work, and migrant agricultural work.

Traffickers use various techniques to instill fear in victims and keep them enslaved. While some traffickers imprison their victims, others use coercive techniques including, but not limited to, isolating their victims from their family members and/or members of their ethnic and religious communities; confiscating their passports, visas, or other identification documents; using threats or violence toward victims and/or the victim’s family members; controlling their victim’s money and financial assets; and limiting their victim’s contact with the public.

Reports show that trafficking victims come from diverse backgrounds and can be found in urban, suburban, and rural areas. Due to the treatment by their traffickers, human trafficking victims may develop a mindset of fear, distrust, denial, and conflicting loyalties. Foreign victims of trafficking are often fearful of being deported or jailed, and therefore may distrust authority figures, particularly law enforcement and government officials. Many victims of both sex and labor trafficking fear that if they escape or report their situation to authorities, their trafficker will harm them, their family members, or others.

The United Nations Office on Drugs and Crimes states that victims of trafficking must be afforded due protection to encourage them to testify against traffickers and to ensure their rights are respected throughout criminal justice procedures. In many jurisdictions, laws must be amended, or new provisions enacted, to ensure that victims who frequently fear or experience intimidation and reprisals from traffickers, are protected effectively. In addition, laws must take into account the special needs of victims, witnesses, and children.

SB 376 would provide human trafficking victims the right to have an advocate and a support person of their choosing present at interviews performed by law enforcement authorities, prosecutors, and defense attorneys. Human trafficking advocates are trained to have the skills, resources, and ability to support victims and create safe spaces to encourage disclosure. In addition, SB 376 would impose a state-mandated local program to require an attending law enforcement authority or prosecutor to notify victims of their right to have an advocate and support person. Locally, the program would require compliance from the Los Angeles County District Attorney's Office, Los Angeles County Sheriff's Department, and LAPD. SB 376 would also require human trafficking advocates to advise victims of the applicable limitations on the confidentiality of the victim's communications with the advocate.

In 2020, 10,583 human trafficking cases involving 16,658 victims were reported to the National Human Trafficking Hotline. California had the highest number of reported cases in the country, with 1,334 cases. States like California, Florida, and New York are particularly vulnerable to human trafficking because of factors including their proximity to international borders, numerous ports and airports, significant immigrant populations, and large economies that include industries that attract forced labor. Los Angeles is a top point of entry into the U.S. for victims of forced labor and trafficking and continues to have the highest reported number of trafficking cases in the state. More must be done to strengthen systems to support victims, especially as they seek justice.

This recommendation aligns with previous City efforts to provide resources and support to human trafficking victims and combat human trafficking in the City.

#### DEPARTMENTS NOTIFIED

Community Investment for Families Department

#### BILL STATUS

|         |   |
|---------|---|
| 2/9/23  | Introduced  |
| 3/29/23 | Re-referred to Committee on Public Safety                     |
| 4/19/23 | Passed as amended, re-referred to Committee on Appropriations |
| 4/20/23 | Amended, re-referred to Committee on Appropriations           |
| 5/22/23 | Passed, ordered to the Assembly                               |
| 5/26/23 | Referred to Committee on Public Safety                        |
| 6/1/23  | Amended, re-referred to Committee on Public Safety            |



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Susan Oh  
Analyst

Attachment     1. Resolution (Park – Rodriguez)  
                      2. SB 376

# ATTACHMENT 1

RULES, ELECTIONS, INTERGOVERNMENTAL RELATIONS

## RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council; and

WHEREAS, the United Nation's International Labor Organization reported human trafficking as the fastest growing criminal industry of the 21<sup>st</sup> century, generating approximately \$150 billion annually; and

WHEREAS, according to the National Human Trafficking hotline, California has one of the highest rates of human trafficking in the country; and

WHEREAS, trafficking victims are often isolated from their families and social networks and, in some cases, are separated from their countries of origin, native languages, and cultures; and

WHEREAS, language barriers, fear of their traffickers, and/or fear of law enforcement keep victims from seeking help and contribute to making human trafficking a hidden crime; and

WHEREAS, currently pending before the California State Legislature is Senate Bill (SB) 376, which would provide human trafficking victims the right to an advocate and their choice of a support person present at interviews performed by law enforcement authorities, prosecutors, or defense attorneys; and

WHEREAS, SB 376 would require human trafficking advocates to advise victims of the applicable limitations on the confidentiality of their communications with the advocate; and

WHEREAS, SB 376 would also impose a state-mandated local program to require the attending law enforcement authority or prosecutor to notify victims of their right to have a human trafficking advocate and support person; and

WHEREAS, human trafficking advocates are trained to have the skills, resources, and ability to support victims and create a safe atmosphere for disclosure; and

WHEREAS, the City of Los Angeles should support SB 376 to support trafficking victims with accessing the assistance and resources they need;

NOW, THEREFORE, BE IT RESOLVED, that by adoption of this Resolution, the City of Los Angeles hereby includes in its 2023-24 State Legislative Program SUPPORT for Senate Bill 376 to provide human trafficking victims the right to have a human trafficking advocate and support person present during law enforcement and legal interviews, and notification of their rights and confidentiality limitations.

PRESENTED BY:

*Traci Park*  
TRACI PARK  
Councilmember, 11<sup>th</sup> District

SECONDED BY:

*Monica Rodriguez*

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APR 12 2023

ORIGINAL

## ATTACHMENT 2

AMENDED IN SENATE APRIL 20, 2023

AMENDED IN SENATE MARCH 16, 2023

**SENATE BILL**

**No. 376**

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**Introduced by Senator Rubio**  
**(Coauthors: Senators Dodd, Wiener, and Wilk)**  
**(Coauthors: Assembly Members Alanis, Davies, Grayson, and**  
**Blanca Rubio)**

February 9, 2023

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An act to add Section 236.21 to the Penal Code, relating to human trafficking.

### LEGISLATIVE COUNSEL'S DIGEST

SB 376, as amended, Rubio. Human trafficking: victim rights.

Under existing law, anyone who deprives or violates the personal liberty of another with the intent to obtain forced labor or services, or with the intent to effect a violation of specified sex crimes, is guilty of human trafficking. Existing law requires law enforcement agencies to use due diligence to identify all victims of human trafficking regardless of the citizenship of the person.

This bill would provide that a victim of human trafficking or abuse has the right to have a human trafficking advocate, as defined, and a support person of the victim's choosing present at an interview by a law enforcement authority, prosecutor, or *the suspect's* defense attorney and would require the human trafficking advocate to advise the victim of the applicable limitations on the confidentiality of the victim's communications with the advocate. *The bill would authorize the law enforcement officer or the prosecutor to exclude the support person, but not the human trafficking advocate, if they believe that the support person's presence would be detrimental to the process.* The bill would

require the attending law enforcement authority or prosecutor to notify a victim of human trafficking or abuse of their right to have a human trafficking advocate and support person of their choosing present at the interview, as specified. By creating a new notification requirement for local law enforcement and prosecutors, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 236.21 is added to the Penal Code, to  
2 read:

3 236.21. (a) (1) A victim of human trafficking or abuse, as  
4 defined in Section 236.1 of this code or Section 1038.2 of the  
5 Evidence Code, has the right to have a human trafficking advocate  
6 and a support person of the victim's choosing present at an  
7 interview by a law enforcement authority, prosecutor, or *the*  
8 *suspect's* defense attorney. *The law enforcement officer or*  
9 *prosecutor may exclude the support person from the interview if*  
10 *the law enforcement officer or prosecutor believes that the support*  
11 *person's presence would be detrimental to the process.*

12 (2) Prior to being present at an interview conducted by a law  
13 enforcement authority, prosecutor, or *the suspect's* defense  
14 attorney, a human trafficking advocate shall advise the victim of  
15 applicable limitations on the confidentiality of communications  
16 between the victim and the human trafficking advocate.

17 (3) *For purposes of this section, the following definitions apply:*

18 ~~(3) As used in this section, "human trafficking~~

19 (A) "Human trafficking advocate" means a person employed  
20 by an organization specified in Section 1038.2 of the Evidence  
21 Code.

22 (B) "Support person" means a family member or friend of the  
23 survivor and does not include the human trafficking advocate.

1 (b) (1) Prior to the commencement of the initial interview by  
2 a law enforcement authority or a prosecutor pertaining to a criminal  
3 action arising out of a human trafficking incident, a victim of  
4 human trafficking or abuse, as defined in Section 236.1 of this  
5 code or Section 1038.2 of the Evidence Code, shall be notified  
6 orally or in writing by the attending law enforcement authority or  
7 prosecutor that the victim has the right to have a human trafficking  
8 advocate and a support person of the victim's choosing present at  
9 the interview.

10 (2) At the time the victim is advised of their rights pursuant to  
11 paragraph (1), the attending law enforcement authority or  
12 prosecutor shall also advise the victim of the right to have a human  
13 trafficking advocate and a support person present at an interview  
14 by the *suspect's* defense attorney or investigators or agents  
15 employed by the *suspect's* defense attorney.

16 (3) This subdivision applies to investigators and agents  
17 employed or retained by law enforcement or the prosecutor.

18 (c) An initial investigation by law enforcement to determine  
19 whether a crime has been committed and the identity of the  
20 suspects does not constitute a law enforcement interview for  
21 purposes of this section.

22 SEC. 2. No reimbursement is required by this act pursuant to  
23 Section 6 of Article XIII B of the California Constitution because  
24 the only costs that may be incurred by a local agency or school  
25 district will be incurred because this act creates a new crime or  
26 infraction, eliminates a crime or infraction, or changes the penalty  
27 for a crime or infraction, within the meaning of Section 17556 of  
28 the Government Code, or changes the definition of a crime within  
29 the meaning of Section 6 of Article XIII B of the California  
30 Constitution.