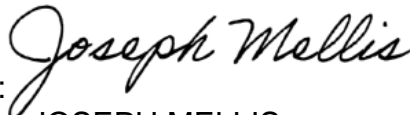


ANALYSIS

This ordinance combats human trafficking in the unincorporated areas of the County of Los Angeles by adding Chapter 13.110 to Title 13 – Public Peace, Morals and Welfare of the Los Angeles County Code to:

- Declare the use of a building or place for human trafficking unlawful and a public nuisance;
- Require certain businesses to post the notice required by California Civil Code section 52.6, train employees in recognizing the signs of human trafficking and how to report those signs, and keep records of such training;
- Encourage employees to report suspected human trafficking by protecting them from retaliation for such good-faith reporting;
- Delegate subpoena power to County Counsel to investigate violations of the ordinance; and
- Make violations of the ordinance a public nuisance and subject to administrative fine, civil action and civil penalty, and misdemeanor prosecution.

RODRIGO A. CASTRO-SILVA
County Counsel

By: 

JOSEPH MELLIS
Deputy County Counsel
Affirmative Litigation & Consumer
Protection Division

Requested: 11/17/2020
Revised: 6/28/2021

ORDINANCE NO. 2021-0038

An ordinance amending Title 13 – Public Peace, Morals and Welfare of the Los Angeles County Code relating to combatting human trafficking.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Chapter 13.110 is hereby added to read as follows:

Chapter 13.110 Prevention of Human Trafficking.

13.110.010 Title.

13.110.020 Definitions.

13.110.030 Public Nuisance.

13.110.040 Posting Requirement.

13.110.050 Content of Notice.

13.110.060 Language of Notice.

13.110.070 Training.

13.110.080 Retaliation or Discrimination Prohibited.

13.110.090 Recordkeeping and Access.

13.110.100 Enforcement.

13.110.110 Violation – Penalties.

13.110.120 Severability.

13.110.010 Title.

This ordinance shall be known as the "Prevention of Human Trafficking Ordinance."

13.110.020 Definitions.

The following definitions shall apply to this Chapter:

A. "Department" means Los Angeles County Department of Consumer and Business Affairs.

B. "Employee" means any individual who:

1. In a particular week performs at least two hours of work for an Employer; and
2. Qualifies as an Employee entitled to payment of a minimum wage from any Employer under the California minimum wage law, as provided under section 1197 of the California Labor Code and wage orders published by the California Industrial Welfare Commission.

C. "Employer" means any person, as defined in section 18 of the California Labor Code, including a corporate officer or executive, who directly or indirectly or through an agent or any other person, including through the services of a temporary service or staffing agency or similar entity, employs any Employee or exercises control over the wages, hours, duties, or working conditions of any Employee. This Chapter and the definition of Employer do not apply to federal, state, or local government entities or agencies.

D. "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, or coercion, or equivalent conduct that would reasonably overbear the will of the person.

E. "Human Trafficking" means depriving or violating the personal liberty of another with the intent to obtain Forced Labor or Services.

13.110.030 Public Nuisance.

Every building or place used for the purpose of Human Trafficking, and every building or place in or upon which acts of Human Trafficking are held or occur is unlawful and a public nuisance, which shall be enjoined, abated, and prevented.

13.110.040 Posting Requirement.

Each of the following businesses or other establishments in the unincorporated area must post a notice that complies with the requirements of this Chapter in a conspicuous location near the public entrance of the establishment or in another conspicuous location in clear view of the public and employees where similar notices are customarily posted:

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

B. Adult or sexually oriented businesses, as defined in subdivision (a) of section 318.5 of the California Penal Code.

C. Primary airports, as defined in section 47102(16) of Title 49 of the United States Code.

- D. Intercity passenger rail or light rail stations.
- E. Bus stations.
- F. Truck stops. For purposes of this section, "truck stop" means a privately-owned and operated facility that provides food, fuel, shower or other sanitary facilities, and lawful overnight truck parking.
- G. Emergency rooms within general acute-care hospitals.
- H. Urgent care centers.
- I. Farm labor contractors, as defined in subdivision (b) of section 1682 of the California Labor Code.
- J. Privately-operated job recruitment centers.
- K. Roadside rest areas.
- L. Businesses or establishments that offer massage or bodywork services for compensation and are not described in paragraph (1) of subdivision (b) of section 4612 of the California Business and Professions Code.
- M. Hotels, motels, bed and breakfast inns, as defined in subdivision (b) of section 24045.12 of the California Business and Professions Code, and hostels and boarding houses, not including personal residences.
- N. Restaurants, as defined in County Code Section 8.04.400.
- O. Community Care Facilities, as defined in subdivision (a) of section 1502 of the California Health and Safety Code, except small family homes and foster family homes.

P. Skilled nursing facilities, as defined in subdivision (c) of section 1250 of the California Health and Safety Code.

Q. Barbershops, hair salons, and nail salons.

R. Gas stations.

S. Retail stores that sell food or household goods, including fresh produce, meats, poultry, fish, deli products, dairy products, canned foods, dry foods, beverages, baked goods, and/or prepared foods.

T. Shelters, including domestic violence shelters and homeless shelters.

U. Primary and reproductive/sexual health services providers, including hospitals, offices operated by a licensed physician and surgeon, licensed clinics or clinics exempt from licensure, or other licensed health care facilities that provide any primary care or reproductive/sexual health care services.

V. Garment manufacturing establishments, as defined in County Code Section 8.04.220.

W. Places, buildings, structures, or portions thereof, where any commercial goods are stored.

X. Construction sites for multi-family residential developments of five or more units, commercial developments, or mixed-use developments.

Y. Businesses or establishments providing janitorial or building maintenance services.

13.110.050 Content of Notice.

The notice to be posted under Section 13.110.040 of this Chapter must be at least 8-1/2 inches by 11 inches in size, written in a 16-point font, and must state the following:

IF YOU OR SOMEONE YOU KNOW IS BEING FORCED TO ENGAGE IN ANY ACTIVITY AND CANNOT LEAVE – WHETHER IT IS COMMERCIAL SEX, HOUSEWORK, FARM WORK, CONSTRUCTION, FACTORY, RETAIL, OR RESTAURANT WORK, OR ANY OTHER ACTIVITY – TEXT 233-733 (BE FREE) OR CALL THE NATIONAL HUMAN TRAFFICKING HOTLINE AT 1-888-373-7888 OR THE CALIFORNIA COALITION TO ABOLISH SLAVERY AND TRAFFICKING (CAST) AT 1-888-KEY-2-FRE(EDOM) or 1-888-539-2373 TO ACCESS HELP AND SERVICES. VICTIMS OF SLAVERY AND HUMAN TRAFFICKING ARE PROTECTED UNDER UNITED STATES AND CALIFORNIA LAW.

THE HOTLINES ARE:

- AVAILABLE 24 HOURS A DAY, 7 DAYS A WEEK
- TOLL-FREE
- OPERATED BY NON-PROFIT, NON-GOVERNMENTAL ORGANIZATIONS
- ANONYMOUS AND CONFIDENTIAL
- ACCESSIBLE IN MORE THAN 160 LANGUAGES
- ABLE TO PROVIDE HELP, REFERRAL TO SERVICES, TRAINING, AND GENERAL INFORMATION.

13.110.060 Language of Notice.

The notice to be posted under Section 13.110.040 of this Chapter must be printed in English, Spanish, and any languages spoken by at least 20 percent of the employees and/or 20 percent of the patrons of the business or establishment subject to the posting requirement of Section 13.110.040.

13.110.070 Training.

A. A business or other establishment that operates a facility described in Section 13.110.040 of this Chapter must provide at least 20 minutes of training to its

new and existing Employees who could interact with, or come into contact with, a victim of Human Trafficking or who are likely to receive, in the course of their employment, a report from another Employee about suspected Human Trafficking, in recognizing the signs of Human Trafficking and how to report those signs to the appropriate law enforcement agency.

B. The Employee training required by this section shall include all of the following:

1. The definition of Human Trafficking, including sex trafficking and labor trafficking;
2. Myths and misconceptions about Human Trafficking;
3. Physical and mental signs to be aware of that may indicate that Human Trafficking is occurring;
4. Guidance on how to identify individuals most at risk for Human Trafficking;
5. Guidance on how to report Human Trafficking, including national hotlines (1-888-373-7888 and text line 233-733) and contact information for local law enforcement agencies that an Employee may use to make a confidential report; and
6. Protocols for reporting Human Trafficking when on the job.

C. The Employee training required by this section may include information and material used in training Santa Clara County Valley Transit Authority Employees, private nonprofit organizations that represent the interests of Human Trafficking victims, and the State of California Department of Justice.

D. The Employee training required by this section shall be delivered by a provider approved by the Department and may be completed in person or online.

E. Each Employee's completion of the training required by this section must be documented with an attendance sheet or a certificate.

F. The Department will publish a list of preapproved training programs or providers that satisfy the requirement in this section.

G. Each Employer subject to this Chapter must maintain records sufficient to verify and substantiate the Employer's full compliance with the training requirement in this section.

13.110.080 Retaliation or Discrimination Prohibited.

No business or other establishment identified in Section 13.110.040 of this Chapter, or its agents, representatives, or Employees, may discipline, discharge from employment, or otherwise punish, retaliate against, or discriminate against any person as a reprisal for the person:

A. Having made a good-faith report of a suspected act of Human Trafficking to that person's Employer, any appropriate government agency, the National Human Trafficking Hotline, or the California Coalition to Abolish Slavery and Trafficking; or

B. Having discussed a suspected act of Human Trafficking with that person's Employer, any appropriate government agency, the National Human Trafficking Hotline, or the California Coalition to Abolish Slavery and Trafficking.

13.110.090 Recordkeeping and Access.

A. Training Records. Employers subject to this Chapter must retain accurate and complete training records pertaining to each Employee that document the name, address, occupation, and date(s) of training, including copies of attendance sheets and/or certificates documenting training received.

B. Retention Period. Every Employer subject to this Chapter must retain training records required in subsection A, above, for four (4) years.

C. Access and Cooperation with Investigations. To allow for compliance monitoring and investigation, every Employer subject to this Chapter must:

1. Allow the Department access to such records required in subsection A of this section;
2. Allow the Department to interview persons, including Employees, during normal business hours; and
3. Otherwise cooperate with the Department's investigators.

D. Presumption of Violation. There is a rebuttable presumption that an Employer violated this Chapter if an allegation is made concerning the Employer's compliance with this Chapter and the Employer does not maintain or retain training records required by subsection A of this section, or if the Employer does not comply with subsection C of this section.

13.110.100 Enforcement.

A. Enforcement and Investigations. The Department is authorized to take appropriate steps to enforce this Chapter, including conducting investigations of possible violations by an Employer or other person.

B. Access to Records. The Department shall have access to all workplaces subject to this Chapter during business hours to inspect postings and records, to interview persons, including Employees, and to investigate such matters necessary or appropriate to determine whether an Employer has violated any provisions of this Chapter.

C. Delegation of Subpoena Power. Under California Government Code section 53060.4, the County Counsel shall have the authority to issue subpoenas for documents and to conduct examinations of persons as witnesses under California Government Code section 25170 for the purpose of enforcing this Chapter. This also includes the power to administer oaths under California Government Code section 25057 and to take all actions necessary to enforce subpoenas, including reporting noncompliance with the subpoena(s) to the Superior Court and seeking an order from the Superior Court compelling compliance with the corresponding subpoena(s).

13.110.110 Violation – Penalties.

The Department is responsible for the investigation and enforcement of this Chapter and may coordinate with any other County department for enforcement. The

following remedies, in addition to any other remedies allowed by law, are available for violations of this Chapter:

A. Public Nuisance. A violation of this Chapter is hereby declared to be unlawful and a public nuisance and may be abated under Chapter 1.23 of the County Code.

B. Administrative Fine. Any person who violates any provision of this Chapter may be subject to administrative fines, noncompliance fees, and other remedies under Chapter 1.25 of the County Code. Before issuing a notice of administrative fine, the enforcement officer must provide a notice of violation with a correction period of 30 days. The administrative fines cannot exceed \$1,000 per violation, per day.

C. Civil Action and Civil Penalty. Any person who violates any provision of this Chapter may be subject to a civil action by County Counsel, including an injunction, and will be liable for a civil penalty of up to \$2,500 per violation, per day.

D. Misdemeanor Prosecution. Any violation of any provision of this Chapter may be charged as a misdemeanor and punishable by a fine not to exceed \$1,000 or by imprisonment in the County jail for a period not to exceed six months, or both.

E. Any administrative fine or civil penalty collected under this Chapter may be used only to fund the County's anti-Human Trafficking activities.

13.110.120 Severability.

If any subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision

will not affect the validity of the remaining portions of this ordinance. The Los Angeles County Board of Supervisors declares that it would have adopted this Chapter, each and every section, and each and every subsection, sentence, clause, and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would subsequently be declared invalid or unconstitutional.

[TITLE13JMCC]

SECTION 2 This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.



Chair

ATTEST:

Celia Zavala
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of July 27, 2021 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

Ayes

Noes

Supervisors Hilda L. Solis
Holly J. Mitchell
Sheila Kuehl
Janice Hahn
Kathryn Barger

Supervisors None

Effective Date: August 26, 2021

~~Operative Date:~~ _____

Celia Zavala
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

APPROVED AS TO FORM:
RODRIGO A. CASTRO-SILVA
County Counsel



By _____
Dawyn Harrison
Chief Deputy County Counsel