

REVENUE: No revenue impact

FISCAL: May have fiscal impact, statement not yet issued

Action:	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means by prior reference
Vote:	8 - 0 - 1
Yeas:	Barker, Bonamici, Cameron, Flores, Komp, Read, Whisnant, Macpherson
Nays:	0
Exc.:	Krieger
Prepared By:	Bill Taylor, Counsel
Meeting Dates:	4/27, 4/30

WHAT THE MEASURE DOES: Creates the crime of subjecting another person to involuntary servitude in the first and second degree with first degree set as a Class B felony and second degree as a Class C felony. Creates the crime of trafficking in persons and sets the penalty as a Class B felony. Allows the victim to seek restitution from a convicted defendant for the gross income or value to the defendant of the victim's labor or services, or the value of the victim's labor or services computed using the Oregon minimum wage and overtime provisions of the Fair Labor Standards Act. Includes the crimes of involuntary servitude and human trafficking within Oregon's racketeering statute. Allows commencement of a civil action up to six years, rather than two years, after conduct constituting human trafficking occurred. Creates a civil cause of action for damages against the person involved in trafficking. Creates a civil cause of action for damages against the person involved in trafficking. Allows a victim to raise the defense of duress when the victim was forced to commit a crime. Creates the Task Force on Trafficking in Persons.

Includes within the crime of theft by extortion, threatening to notify law enforcement of a person's immigration status unless the person pays money or some other form of property to the person making the threat. Includes within the crime of coercion, notifying law enforcement of a person's immigration status unless the person engages in conduct from which the other person has a legal right to abstain or abstaining from conduct a person has a legal right to do.

ISSUES DISCUSSED:

- Civil liability
- Similar to Senate bill but also includes extortion and coercion

EFFECT OF COMMITTEE AMENDMENT: Replaces the bill.

BACKGROUND: Human trafficking is a form of modern-day slavery. Victims of human trafficking are young children, teenagers, men and women. Approximately 800,000 to 900,000 victims annually are trafficked across international borders worldwide, and between 14,500 and 17,500 of those victims are trafficked into the United States, according to the U.S. Department of State. Victims of human trafficking are subjected to force, fraud, or coercion, for the purpose of sexual exploitation or forced labor.

A person commits the crime of theft by extortion when the person compels another person to deliver property to the person or another person by instilling fear in the other person, that if the property is not delivered, the other person or someone close to the other person will be harmed. The harm could include physical harm, damage to property, exposing secret or publicizing facts subjecting the other person to hatred or contempt, or use or abuse of the position a public servant has by performing some act related to official duties.

A person commits the crime of coercion when the person compels another person to engage in conduct from which the other person has a legal right not to do, or to not engage in conduct that the other person has a legal right to engage in, by means of instilling fear in the other person. A person may instill fear in another person by threatening to: (a) Unlawfully cause physical injury to some person; (b) Unlawfully cause damage to property; (c) Engage in conduct constituting a crime; (d) Falsely accuse some person of a crime; (e) Cause or continue a strike, boycott except that such a threat is not deemed coercive when the act or omission compelled is for the benefit of the group in whose interest the actor purports to act; (f) Testify falsely or provide false information; or (g) Unlawfully use or abuse a person's position as a public servant.

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This summary has not been adopted or officially endorsed by action of the committee.

Committee Services Form – 2007 Regular Session