

# **WEST VIRGINIA LEGISLATURE**

**2017 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 4169**

BY DELEGATES BARRETT, SHOTT, OVERINGTON, MOORE,

KESSINGER, LANE, QUEEN, UPSON, LOVEJOY,

CANESTRARO, AND R. MILLER

[Introduced January 18, 2018; Referred to the

Committee on the Judiciary.]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §15-9A-4, relating to requiring certain establishments and facilities to post  
3 human trafficking assistance notices; establishing where notices must be posted and  
4 contents of notice; directing the Director of the Division of Justice and Community Services  
5 to administer the program; authorizing state agents to give notice of violations; providing  
6 for criminal penalties for failure to comply with posting of notices once given notice of  
7 lawful duty to post; and defining terms.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 9A. DIVISION OF JUSTICE AND COMMUNITY SERVICES.**

**15-9A-4. Human Trafficking Assistance Notices.**

1 (a) For the purpose of assisting persons who are subject to human trafficking to obtain  
2 help and services, the following businesses and establishments shall post a notice as provided  
3 herein in English, Spanish, and any other language determined by legislative rule by the director,  
4 in each public restroom for the business or establishment and either in a conspicuous place near  
5 the public entrance of the business or establishment or in another location in clear view of the  
6 public and employees where similar notices are customarily posted:

7 (1) All locations licensed by the Alcohol Beverage Control Commission pursuant to chapter  
8 sixty of this code to allow consumption of alcoholic beverages, and exotic entertainment facilities  
9 as defined pursuant to §60-4-23 of this code;

10 (2) Primary airports;

11 (3) Passenger rail stations;

12 (4) Bus stations;

13 (5) Locations where gasoline and diesel fuel are sold;

14 (6) Emergency departments within hospitals;

15 (7) Urgent care centers;

16 (8) Locations at which farm labor contractors and day haulers work, if such an  
17 establishment is available at those locations in which notices can be posted;

18 (9) Privately operated job recruitment centers;

19 (10) Rest areas located along interstate highways in this state operated by the Department  
20 of Highways;

21 (11) Hotels; and

22 (12) Any other business determined by legislative rule of the director as an effective public  
23 location to provide effective notice to victims of human trafficking.

24 (b) The director shall provide at least one hyperlink on its Internet website to downloadable  
25 posters that are 8 ½ inches by 11 inches in size that provide information regarding the National  
26 Human Trafficking Resource Center and includes the telephone number for the National Human  
27 Trafficking Resource Center hotline. These downloadable posters must be available in various  
28 languages, including English and Spanish. These downloadable posters, if printed and posted,  
29 will satisfy the posting requirements of this section.

30 (c) Any law-enforcement officer, representative of the state or a county health department,  
31 representative of the State Alcoholic Beverage Control Commission, representative of the Division  
32 of Labor, or other state representative inspecting a business or establishment or otherwise  
33 lawfully acting under his or her state authority, may notify, in writing, any business or  
34 establishment that it has failed to comply with the provisions of this section and if it does not  
35 correct the violation within thirty days from the date of receipt of the notice, the owner shall be  
36 charged with a violation of this section and upon conviction is guilty of the misdemeanor offense  
37 and may be punished by a fine of not more than \$250. Upon a second or subsequent conviction,  
38 the owner is guilty of a misdemeanor and shall be punished by a fine not to exceed \$500. The  
39 notice required by this subsection may be hand delivered to the noncomplying business or  
40 establishment or mailed to the address of the business or establishment.

41 (d) For the purposes of this section, and unless a different meaning is plainly required:

42 (1) "Production of agricultural products" means raising, growing, harvesting, or storing of  
43 crops; feeding, breeding, or managing livestock, equine, or poultry; producing or storing feed for  
44 use in the production of livestock;

45           (2) “Day hauler” means any person who is employed by a farm labor contractor to  
46 transport, or who, for a fee, transports, by motor vehicle, workers to render personal services in  
47 connection with the production of any farm products to, for, or under the direction of a third person;  
48 Provided, That such term shall not include a person engaged in the production of agricultural  
49 products;

50           (3) “Farm labor contractor” means any person who, for a fee, employs workers to render  
51 personal services in connection with the production of any farm products to, for, or under the  
52 direction of a third person, or who recruits, solicits, supplies, or hires workers on behalf of an  
53 employer engaged in the growing or producing of farm products, and who, for a fee, provides in  
54 connection therewith one or more of the following services: furnishes board, lodging, or  
55 transportation for those workers; supervises, times, checks, counts, weighs, or otherwise directs  
56 or measures their work; or disburses wage payments to such persons: Provided, That such term  
57 shall not include a person engaged in the production of agricultural products;

58           (4) “Hotel” means any establishment which offers overnight accommodations in exchange  
59 for a monetary payment to the public;

60           (5) “Primary airport” shall have the same meaning as set forth in 49 U.S.C. section 58  
61 47102(16); and

62           (6) “Truck stop” means a privately owned and operated facility that provides food, fuel,  
63 shower, or other sanitary facilities, and lawful overnight truck parking;

64           (7) “Hospital” shall have the same meaning as set forth in West Virginia Code §16-2D-  
65 2(21).

NOTE: The purpose of this bill is to require posting of a notice in designated locations of a hotline available for people to call to report human trafficking to be posted in areas where persons are subject to human trafficking; authorizing state representatives to give notices; and establishing penalties for failure to post.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.