

# **WEST VIRGINIA LEGISLATURE**

## **2018 REGULAR SESSION**

**Introduced**

### **House Bill 4169**

BY DELEGATES BARRETT, SHOTT, OVERINGTON, MOORE,

KESSINGER, LANE, QUEEN, UPSON, LOVEJOY,

CANESTRARO, AND MILLER, R.

[Introduced January 17, 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 posting notices and contents of notice;  
 4 directing the Director of the Division of Justice and Community Services to administer the  
 5 program; authorizing state agents to give notice of violations; providing for criminal  
 6 penalties for failure to comply with posting of notices once given notice of lawful duty to  
 7 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 facilities shall post a notice as provided herein in  
 3 English, Spanish, and any other language deemed appropriate by the director, in each public  
 4 restroom for the business or establishment and either in a conspicuous place near the public  
 5 entrance of the business or establishment or in another location in clear view of the public and  
 6 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 rooms within general acute care hospitals;

15 (7) Urgent care centers;

16 (8) Farm labor contractors and day haulers;

17 (9) Privately operated job recruitment centers;

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

20 (11) Hotels;

21 (12) Businesses and establishments that offer massage or bodywork services by a person  
22 who is not a massage therapist licensed pursuant to §30-37-1 et seq. of this code;

23 (13) Any other business determined by legislative rule of the director as an effective public  
24 location to provide effective notice to victims of human trafficking; and

25 (b) The director shall develop a notice that complies with the requirements of this  
26 subsection and make the notice available for download on its Internet website. The notice shall  
27 be at least 8 ½ inches by 11 inches in size, printed in a 16 point font in English, Spanish, and any  
28 other language deemed appropriate by the director, and state the following:

29 “Are you or someone you know being sold for sex or made/forced to work for little or no  
30 pay and cannot leave? Call the National Human Trafficking Resource Center at 1-888-373-7888  
31 for help. All victims of slavery and human trafficking have rights and are protected by international,  
32 federal, and state law.

33 The hotline is:

34 (1) Anonymous and confidential;

35 (2) Available twenty-four hours a day, seven days a week;

36 (3) Able to provide help, referral to services, training, and general information;

37 (4) Accessible in one hundred seventy languages;

38 (5) Operated by a nonprofit, nongovernmental organization; and

39 (6) Toll free.”

40 (c) Any law-enforcement officer, representative of the state or a county health department,  
41 representative of the State Alcoholic Beverage Control Commission, representative of the Division  
42 of Labor, or other state representative inspecting a business or establishment or otherwise

43 lawfully acting under his or her state authority, may notify, in writing, any business or  
44 establishment that it has failed to comply with the provisions of this section and if it does not  
45 correct the violation within thirty days from the date of receipt of the notice, the owner shall be  
46 charged with a violation of this section and upon conviction is guilty of the misdemeanor offense  
47 and may be punished by a fine of not more than \$500. Upon a second or subsequent conviction,  
48 the owner is guilty of a misdemeanor and shall be punished by a fine not to exceed \$5,000. The  
49 notice required by this subsection may be hand delivered to the noncomplying business or  
50 establishment or mailed to the address of the business or establishment.

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

52 (1) "Agricultural products" means raising, growing, harvesting, or storing of crops; feeding,  
53 breeding, or managing livestock, equine, or poultry; producing or storing feed for use in the  
54 production of livestock;

55 (2) "Day hauler" means any person who is employed by a farm labor contractor to  
56 transport, or who, for a fee, transports, by motor vehicle, workers to render personal services in  
57 connection with the production of any farm products to, for, or under the direction of a third person;  
58 Provided, That such term shall not include a person who produces agricultural products;

59 (3) "Farm labor contractor" means any person who, for a fee, employs workers to render  
60 personal services in connection with the production of any farm products to, for, or under the  
61 direction of a third person, or who recruits, solicits, supplies, or hires workers on behalf of an  
62 employer engaged in the growing or producing of farm products, and who, for a fee, provides in  
63 connection therewith one or more of the following services: furnishes board, lodging, or  
64 transportation for those workers; supervises, times, checks, counts, weighs, or otherwise directs  
65 or measures their work; or disburses wage payments to such persons: Provided, That such term  
66 shall not include a person who produces agricultural products;

67 (4) "Hotel" means any establishment which offers overnight accommodations to the public  
68 for hire;

- 69           (5) "Primary airport" shall have the same meaning as set forth in 49 U.S.C. section 58  
70    47102(16); and
- 71           (6) "Truck stop" means a privately owned and operated facility that provides food, fuel,  
72    shower or other sanitary facilities, and lawful overnight truck parking.

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.