

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: April 26, 2017

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

FROM: Sharon M. Tso, 
Chief Legislative Analyst

Council File No: 17-0002-S35
Assignment No: 17-03-0304

SUBJECT: Resolution (Martinez-Ryu) to SUPPORT SB 597 (Leyva) relative to making victims of human trafficking eligible for the California Safe at Home Confidential Address Program.

CLA RECOMMENDATION: Adopt Resolution (Martinez-Ryu) to include in the City's 2017 – 2018 State Legislative Program, SUPPORT for SB 597 (Leyva) that would authorize victims of human trafficking to apply for the Safe at Home Confidential Address Program that enables state and local agencies to respond to requests for public records without disclosing the program participant's address and otherwise provide for confidentiality of identity for that person.

SUMMARY

Resolution (Martinez-Wesson), introduced on March 22, 2017, concerns SB 597 that would authorize victims of human trafficking to apply for the Safe at Home Confidential Address Program (Safe at Home Program). The Resolution states that California established the Safe at Home Program in 1999 to allow victims of domestic violence, sexual assault, or stalking to complete an application to enable state and local agencies to respond to requests for public records without disclosing the program participant's address and otherwise keep their information confidential. In addition, it indicates that participants in the Safe at Home Program can use a free P.O. Box instead of their home address to maintain their privacy. The Resolution also states that SB 597 would allow for additional protections for victims of human trafficking from their exploiters. Therefore, the Resolution recommends support for this bill.

BACKGROUND

The Safe at Home Program was created in 1999 within the Office of the Secretary of State in order to enable state and local agencies to accept and respond to requests for public records without disclosing the name and/or address of a victim of domestic violence, sexual assault, or stalking and reproductive healthcare workers. Victims are required to complete an application in person and to meet with a victims' assistance counselor. Existing law also permits applicants to provide evidence with the application, including police court or government agency records or files; documentation from legal, clerical, medical or other professionals; or any other evidence that supports the applicant's sworn statement.

SB 597 would extend the Safe at Home Program to victims of human trafficking and to members of the household of a victim of domestic violence, sexual assault, stalking, or human trafficking. Human trafficking, similar to domestic violence and stalking, is often a crime of manipulation and control. SB 597 would act as a barrier to re-entry into human trafficking by providing for a way to

keep the victims' information confidential. In addition, adding protections for the families of victims of human trafficking, domestic violence, sexual assault, and stalking is also necessary since they may also be in a position of increased vulnerability to retaliation. The application for the Program requires a sworn statement by the applicant that the applicant has good reason to believe:

- That the applicant is a victim of domestic violence, sexual assault, stalking, or human trafficking, or is a member of the household of the victim; and
- That the applicant fears for his or her safety, the safety of his or her children, or any member of his or her household.

This bill states that the victim or member of their household may submit other evidence with the application (i.e., police or court records or documentation from a legal, clerical, medical or other professional staff), but is not required to do so.

The author of the bill states that human trafficking is occurring in large scale in California and that victims of human trafficking need to have the necessary protections to make sure that they cannot be found by their trafficker. Moreover, this bill allow victims of human trafficking to have a life free from fear.

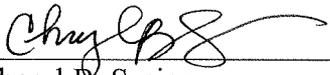
Support of SB 597 is consistent with existing City policies regarding increased protections and safeguards for victims of human trafficking.

DEPARTMENTS NOTIFIED

None

BILL STATUS

2/17/2017	Introduced
3/02/2017	Referred to the Senate Judiciary Committee
4/19/2017	Passed Committee as amended and re-referred to Committee on Appropriation.


Cheryl B. Soriano
Analyst

SMT:cbs

Attachment: 1. Resolution (Martinez -Ryu)
2. SB 597 (Leyva)

RESOLUTION RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

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 with the concurrence of the Mayor; and

WHEREAS, California established the Safe at Home Confidential Address Program (Safe at Home) in 1999 to allow victims of domestic violence, sexual assault or stalking to complete an application to enable state and local agencies to respond to requests for public records without disclosing the program participant's address and otherwise keep that person's information confidential; and

WHEREAS, the applications are approved by the California Secretary of State and any person who makes a false statement in the application is guilty of a misdemeanor; and

WHEREAS, Safe at Home participants can use a free P.O. Box instead of their home address to help them maintain their privacy when receiving mail, opening a bank account, registering to vote, getting a driver's license, etc.; and

WHEREAS, since the program's inception in 1999, Safe at Home has helped to protect more than 7,000 survivors of domestic violence, stalking, and sexual assault; and

WHEREAS, California is one of the top four human trafficking destinations in our country; and

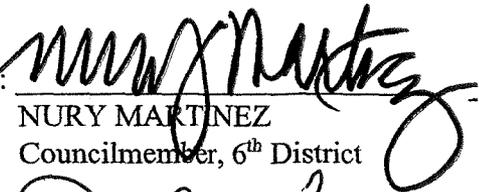
WHEREAS, currently pending before the State Senate is SB 597 (Leyva) that would make victims of human trafficking eligible for the Safe at Home Program; and

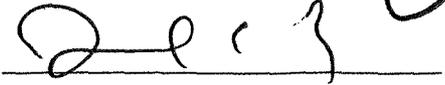
WHEREAS, this bill requires that victims of human trafficking submit an application that contains a sworn statement by the applicant that he or she believes that they are a victim of human trafficking and that the applicant fears for his or her safety or his or her children's safety, or the safety of the minor on whose behalf the application is made, which is akin to the application requirements for victims of domestic violence, sexual assault and stalking; and

WHEREAS, this bill would impose new duties on local public officials and expand the scope of an existing crime, thereby creating a state-mandated local program; and

WHEREAS, SB 597 would allow for additional protections of victims of human trafficking from their exploiters when they seek to establish new names and addresses;

NOW, THEREFORE, BE IT RESOVLED, with the concurrence of the Mayor, that by adoption of this Resolution, the City of Los Angeles hereby includes in its 2017-2018 State Legislative Program support of SB 597 (Leyva) that would authorize victims of human trafficking to apply for the Safe at Home Program that enables state and local agencies to respond to requests for public records without disclosing the program participant's address and otherwise provide for confidentiality of identity for that person.

PRESENTED BY: 
NURY MARTINEZ
Councilmember, 6th District

SECONDED BY: 

MAR 22 2017

Introduced by Senator Leyva

February 17, 2017

An act to amend Sections 6205, 6205.5, 6206, 6208.5, and 6209.5 of the Government Code, relating to human trafficking.

LEGISLATIVE COUNSEL'S DIGEST

SB 597, as amended, Leyva. Human trafficking: victim confidentiality.

Existing law authorizes victims of domestic violence, sexual assault, or stalking to complete an application to be approved by the Secretary of State for the purpose of enabling state and local agencies to respond to requests for public records without disclosing a program participant's residence address contained in any public record and otherwise provide for confidentiality of identity for that person, subject to specified conditions. Any person who makes a false statement in an application is guilty of a misdemeanor.

This bill would make this program available to a victim of human trafficking, as defined. *The bill would also make the program available to members of the household of a victim of domestic violence, sexual assault, stalking, or human trafficking, excluding the perpetrator, if applicable.*

By including victims of human ~~trafficking~~, *trafficking and specified members of a victim's household*, this bill would impose new duties on local public officials and expand the scope of an existing crime, thereby creating 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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 6205 of the Government Code is amended
2 to read:
3 6205. The Legislature finds that persons attempting to escape
4 from actual or threatened domestic violence, sexual assault,
5 stalking, or human trafficking, frequently establish new names or
6 addresses in order to prevent their assailants or probable assailants
7 from finding them. The purpose of this chapter is to enable state
8 and local agencies to respond to requests for public records without
9 disclosing the changed name or location of a victim of domestic
10 violence, sexual assault, stalking, or human trafficking, to enable
11 interagency cooperation with the Secretary of State in providing
12 name and address confidentiality for victims of domestic violence,
13 sexual assault, stalking, or human trafficking, and to enable state
14 and local agencies to accept a program participant's use of an
15 address designated by the Secretary of State as a substitute mailing
16 address.
17 SEC. 2. Section 6205.5 of the Government Code is amended
18 to read:
19 6205.5. Unless the context clearly requires otherwise, the
20 definitions in this section apply throughout this chapter.
21 (a) "Address" means a residential street address, school address,
22 or work address of an individual, as specified on the individual's
23 application to be a program participant under this chapter.
24 (b) "Domestic violence" means an act as defined in Section
25 6211 of the Family Code.