



# UNPACKING HUMAN TRAFFICKING VOL. 2

A SURVEY OF LAWS IN THE UNITED STATES TARGETING  
HUMAN TRAFFICKING IN THE HOSPITALITY INDUSTRY



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## VOL. 2

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TARGETING HUMAN TRAFFICKING IN THE  
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Unpacking Human Trafficking is a summary of the laws in the United States relating to the display of human trafficking awareness posters in lodging facilities, the requirement that employees be trained to recognize and handle suspected incidents of human trafficking, and if hotels are civilly and/or criminally liable. Studies have shown that a large percentage of human trafficking, particularly sex trafficking, occurs in hotels, motels and other places of public lodging.

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# Unpacking Human Trafficking Vol. 2

The following is an update to Unpacking Human Trafficking Vol. 1, launched in May 2019, of the laws of the fifty states relating to the display of human trafficking awareness posters in lodging facilities and the training requirements for hospitality industry employees concerning the recognition and handling of suspected incidents of human trafficking.

This report, Unpacking Human Trafficking Vol. 2 is an update and expansion of the original report, which covered laws as of January 2019, and is more comprehensive than ever.

First, we have included laws addressing the criminal and civil liability of lodging facilities for incidents of human trafficking that occur on their property. Civil liability refers to the potential risk that a lodging facility could be held responsible in a civil court for money damages for injuries suffered by a victim of human trafficking on the facility's premises. Criminal liability refers to the potential risk that a lodging facility could be the focus of prosecution by a state law enforcement authority, such as a District Attorney or Attorney General, and punished under the state's criminal code. In both instances, the liability may be imposed on either the corporation or an individual owner or manager.

Second, you'll now find even more jurisdictions covered, including Puerto Rico and several U.S. cities that have adopted ordinances related to these concerns.

Posters that comply with the various laws as well as additional resources for hospitality brands, management companies, and properties are available on ECPAT-USA's website at [www.ecpatusa.org/hotel](http://www.ecpatusa.org/hotel). For states that do not have a human trafficking awareness signage requirement ECPAT-USA's Standard Hotel Poster can be utilized.

# CHART OF LAWS CONCERNING HUMAN TRAFFICKING AWARENESS SIGNAGE IN LODGING FACILITIES

JURISDICTIONS	MANDATORY SIGNAGE	VOLUNTARY SIGNAGE	MANDATORY FOR NUISANCE <sup>1</sup>	MANDATORY TEXT <sup>2</sup>
Alabama			●	●
Alaska				
Arizona				
Arkansas			●	●
California	●			●
Colorado				
Connecticut	●			●
Delaware			●	●
Florida	●			●
Georgia	●			●
Hawaii				
Idaho				
Illinois				
Indiana				
Iowa				
Kansas		●		●
Kentucky				
Louisiana	●			●
Maine	●			
Maryland			●	●
Massachusetts		●		
Michigan		●	●	●
Minnesota	●			●
Mississippi				
Missouri			●	●
Montana		●		●
Nebraska		●		
Nevada				

<sup>1</sup> This category refers to laws that limit the mandate to establishments that have been found to constitute a nuisance under the jurisdiction's law due to prostitution or other illegal activity on the premises.

<sup>2</sup> This category refers to laws that mandate the exact language that appears on the posters.

JURISDICTIONS	MANDATORY SIGNAGE	VOLUNTARY SIGNAGE	MANDATORY FOR NUISANCE <sup>1</sup>	MANDATORY TEXT <sup>2</sup>
New Hampshire				
New Jersey	● <sup>3</sup>	●		●
New Mexico	●			●
New York	● <sup>4</sup>	●		●
North Carolina	● <sup>5</sup>			●
North Dakota				
Ohio		●		●
Oklahoma				
Oregon				
Pennsylvania			●	●
Rhode Island			●	
South Carolina	●			●
South Dakota				
Tennessee		●		●
Texas	● <sup>6</sup>			●
Utah				
Vermont		●		●
Virginia				
Washington		●		●
West Virginia	●			●
Wisconsin		●		●
Wyoming				
District of Columbia				
Puerto Rico				
Anchorage, AK	●			●
Lancaster, CA				
San Antonio, TX				
San Diego, CA				

<sup>3</sup> In New Jersey, back-of-house signs in areas accessible to employees only are mandatory, while posters in the public areas are voluntary.

<sup>4</sup> Information cards are mandatory, while posters are voluntary.

<sup>5</sup> The mandate is applicable to lodging facilities that hold liquor licenses.

<sup>6</sup> The mandate is applicable to facilities that hold liquor licenses.

## CHART OF ELEMENTS OF LAWS MANDATING HUMAN TRAFFICKING AWARENESS SIGNAGE

JURISDICTIONS	REQUIRED LANGUAGES SPECIFIED <sup>1</sup>	REQUIRED FONT SIZE SPECIFIED	MINIMUM POSTER SIZE SPECIFIED	PENALTY FOR FAILURE	SPECIFIC POSTERS REQUIRED <sup>2</sup>
Alabama (Nuisance Only) <sup>3</sup>	ENG, SPA	No	At Least 8½ x 11"	Warning/ \$50 fine	No
Arkansas (Nuisance Only)	ENG, SPA	No	At Least 8½ x 11"	Warning/ \$500 fine	Yes
California	ENG, SPA	At least 16pts	At Least 8½ x 11"	\$500/ \$1,000 fine	No
Connecticut	No	No	No	\$100/ \$250 fine	Yes
Delaware (Nuisance Only)	No	No	No	\$300 fine	Yes
Florida	ENG, SPA	At least 32pts	At Least 11"x 15"	\$200 per day	No (but identical text required)
Georgia	ENG, SPA	At least 16pts	At Least 8½ x 11"	\$500/ \$5,000 fine	No
Louisiana	ENG, SPA, LA FRA	At least 14pts in bold	At Least 8½ x 11"	\$50 – 2,500 fine	No
Maine	No	No	No	\$300 fine	Yes
Maryland	ENG, SPA	No, but bold type	At Least 3x5"	\$1,000 fine	No (but identical text required)
Michigan (Nuisance Only)	ENG, SPA	At least 14pts	At Least 8½ x 11"	\$250/ \$500 fine	No
Minnesota	No	No	No	No	Approval required

<sup>1</sup>In addition to the languages listed here, many laws require posters in more languages as determined by the Federal Voting Rights Act (AR., CA., MD., MO., PA.), Commissioner of Labor (AL.), the Human Trafficking Interagency Coordinating Council (DE.), any other language predominately spoken in the area as determined by the Dept. of Business and Professional Regulation (FL.), Bureau of Investigations (GA.), Dept. of Public Safety and Corrections (LA.), Attorney General or Dept. of Licensing and Regulatory Affairs (MI.), Division of Justice and Community Services (WV.), and any language used by ten percent or more of the employees or facility users (NM.).

<sup>2</sup> Some jurisdictions have directed various agencies to design posters and make them available to businesses on their websites for use on a voluntary basis.

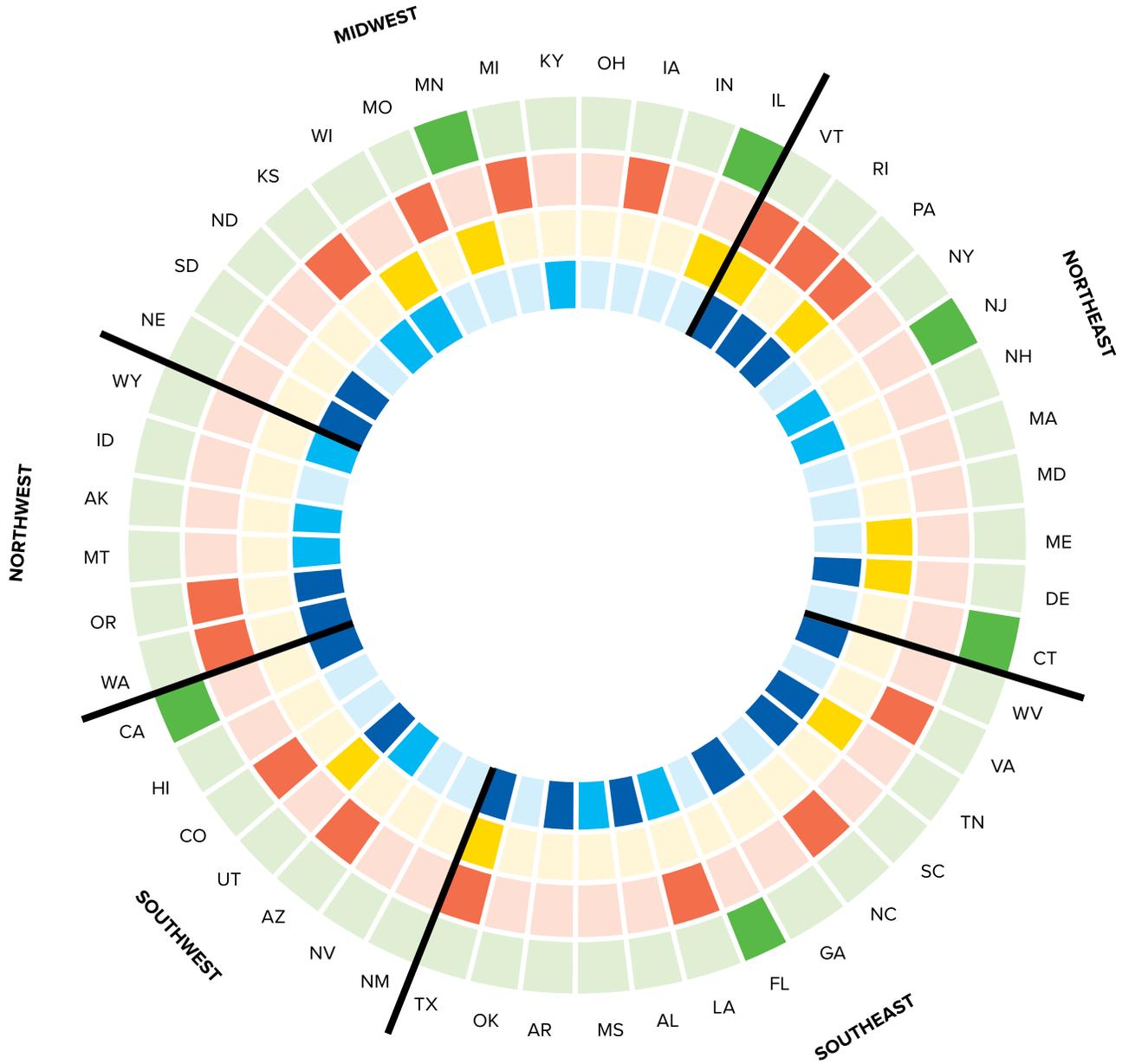
Some go a step further and mandate that the businesses use the posters designed by the agencies. Those mandated uses are indicated here.

<sup>3</sup>In some jurisdictions, human trafficking awareness posters are only mandated if the establishment has been declared a "nuisance" as that term is defined under the applicable law.

JURISDICTIONS	REQUIRED LANGUAGES SPECIFIED <sup>1</sup>	REQUIRED FONT SIZE SPECIFIED <sup>1</sup>	MINIMUM POSTER SIZE SPECIFIED <sup>1</sup>	PENALTY FOR FAILURE	SPECIFIC POSTERS REQUIRED <sup>2</sup>
Missouri (Nuisance Only)	ENG, SPA	No	At Least 8½ x 11”	Warning/ Infraction	Yes
New Jersey (Back of House)	No <sup>4</sup>	No	No	Impact on License	Yes
New Mexico (If Subject to Min. Wage Act)	ENG, SPA	No	At Least 8½ x 11”	No	No
New York (Information Cards)	No	No	No	No	No
North Carolina (If Licensed to Sell Alcohol)	No	No	No	Permit Revocation/ Fine	Yes
Pennsylvania (Nuisance Only)	ENG, SPA	No	At Least 8½ x 11”	\$100/ \$500 fine	No
Rhode Island (Nuisance Only)	No	No	No	\$300 fine	No
South Carolina	ENG, SPA	At least 16pts	At Least 8½ x 11”	Warning/ \$50 fine	Yes
Texas (If Licensed to Sell Alcohol)	ENG, SPA	No	At Least 8½ x 11”	No	No
West Virginia	ENG, SPA	No	No	Warning/ \$250 – 500 fine	No
Anchorage, AK	Five most common languages	No	At Least 8½ x 11”	\$100 fine	No (but specific text required)

<sup>4</sup> Posters available in English and Spanish

# CHART OF TRAINING, CIVIL AND CRIMINAL LIABILITY LAWS BY STATE



## Mandated Training

- YES
- NO

## Voluntary Training Laws

- YES
- NO

## Civil Liability Law

- YES
- NO

## Criminal Liability Law

- YES
- MAYBE
- NO

## CHART OF TRAINING, CIVIL AND CRIMINAL LIABILITY LAWS BY OTHER JURISDICTIONS



### Mandated Training

- YES
- NO

### Voluntary Training Laws

- YES
- NO

### Civil Liability Law

- YES
- NO

### Criminal Liability Law

- YES
- MAYBE
- NO

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## SIGNAGE AND TRAINING LAWS EXPLAINED, BY STATE

### Alabama

#### Signage Law

The Alabama Criminal Code provides that any hotel cited as a nuisance<sup>1</sup> must display a human trafficking awareness poster in a location(s) where it is clearly visible to the public, including the entrance of the hotel and any location where posters and notices are customarily posted.<sup>2</sup> The law provides that hotels subject to this provision must print the posters from the website of The Alcoholic Beverage Control Board, The Public Service Commission or the Department of Labor or ask that the poster created by one of those agencies be mailed for the cost of printing and first class postage. The posters must be printed in English, Spanish and any other languages deemed appropriate by the Commissioner of Labor. The poster must be at least 8½ x 11 inches in size.

The law provides that the posters must state as follows:

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, or any other activity – call the National Human Trafficking Resource Center Hotline at 1-888-373-7888 to access help and services.

(1) Victims of human trafficking are protected under U.S. law.

(2) The Toll-free Hotline is:

- a. Available 24 hours a day, 7 days a week.
- b. Operated by a nonprofit, non governmental organization.
- c. Anonymous and confidential.
- d. Accessible in 170 languages.
- e. Able to provide help, referral to services, training and general information.

A first violation of the above signage law will result in a warning. Thereafter, any violation will result in a fine of not more than \$50.00.<sup>3</sup>

#### Training Law

Alabama does not currently have a law that requires training employees of lodging facilities concerning human trafficking.

#### Civil Liability Law

Alabama does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

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## Alabama, continued

### Criminal Liability Law

Certain aspects of Alabama criminal laws prohibiting human trafficking may apply to hotels, as a “person” (including a corporation)<sup>4</sup> may be guilty of human trafficking in the first degree for knowingly harboring, holding or maintaining any minor for the purpose of causing the minor to engage in sexual servitude.<sup>5</sup> Further, Alabama criminalizes as human trafficking in the second degree conduct including: (i) knowingly benefitting financially from participating in a venture or engagement for the purpose of sexual servitude or labor servitude, and (ii) knowingly harboring, holding or maintaining another person for the purpose of labor servitude or sexual servitude.<sup>6</sup>

A corporation, or any other legal entity other than an individual, may be prosecuted for a human trafficking offense if an agent of the corporation or entity performs the conduct which is an element of the crime while acting within the scope of his or her office or employment and on behalf of

the corporation or entity, and the commission of the crime was either authorized, requested, commanded, performed, or within the scope of the person’s employment on behalf of the corporation or entity or constituted a pattern of conduct that an agent of the corporation or entity knew or should have known was occurring.<sup>7</sup>

The penalties for human trafficking include a fine of not more than \$60,000 (for human trafficking in the first degree), a fine of not more than \$30,000 (for human trafficking in the second degree), or any amount not exceeding double the pecuniary gain to the defendant or loss to the victim caused by the commission of the offense (in respect of either crime).<sup>8</sup>

Any profits or proceeds and any interest in property acquired or maintained as a result of committing human trafficking shall be forfeited to the State of Alabama for the purpose of paying restitution to trafficking victims.<sup>9</sup>

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## Alaska

### Signage Law

Alaska does not currently have a statewide law requiring human trafficking awareness posters in hotels.

### Training Law

Alaska does not currently have a law that requires training employees of lodging facilities concerning human trafficking.

### Civil Liability Law

Alaska does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

Certain aspects Alaska’s laws criminalizing human trafficking may apply to hotels. For example, a “person”<sup>10</sup> (which includes a business) commits the crime of human trafficking in the second degree if the person obtains a benefit from the commission of human trafficking, with reckless disregard that the benefit is a result of the trafficking.<sup>11</sup> Human trafficking in the second degree is punishable by a fine not exceeding \$100,000.<sup>12</sup>



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## Arizona

### Signage Law

Arizona does not currently have a law concerning human trafficking awareness signage in lodging facilities.

### Training Law

Arizona does not currently have a law that requires training employees of lodging facilities about human trafficking. However, the existence of a voluntary training program for hotel employees can act as a mitigating factor in the event of a conviction for human trafficking at a lodging facility (See Criminal Liability below).

### Civil Liability Law

Arizona does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

It is a crime for a “person”<sup>13</sup> (which includes an “enterprise”<sup>14</sup>) to engage in human trafficking, which includes knowingly harboring a person with the knowledge that (i) they will be subject to forced labor services; (ii) they will engage in prostitution or sexually explicit performance by deception, coercion or force; or (iii) the enterprise will benefit financially from a human trafficking offense.<sup>15</sup> Each of these instances of human trafficking is classified as a felony, the maximum fine for which is one million dollars for enterprises.<sup>16</sup>

If an enterprise is found to be criminally liable for an offense, including an offense that posed

an “imminent and substantial hazard to human health,” the court may impose a fine of up to five million dollars.<sup>17</sup> However, the fine will be reduced by twenty-five percent if the court finds by a preponderance of the evidence that the enterprise had in effect, at the time of the offense, an “effective program to prevent and detect violations of law.” The law defines the minimum qualification of an “effective program.” They are: 1) established compliance standards and procedures to be followed by employees and agents that are reasonably capable of reducing the chances of violations of law; 2) the assignment of a high-level personnel to oversee compliance; 3) the use of due care to not delegate authority to individuals whom the enterprise knows or should know have a propensity to engage in illegal activities; 4) steps are taken to communicate the standards and procedures to employees and agents, including requiring participation in training programs; 5) reasonable steps are taken to achieve compliance with the standards, including systems designed to detect violations of law; 6) consistent enforcement of the standards through use of reasonable disciplinary mechanisms; and 7) after a violation is detected, reasonable responsive steps are taken to prevent further violations. The statute also lists several circumstances under which an enterprise would not be entitled to the twenty-five percent reduction of the fine, including the involvement of management in the violation, delay in reporting the offense and obstruction of the investigation. Ariz. Rev. Stat. §§ 13-822 (effective programs to prevent and detect violations of law).

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## Arkansas

### Signage Law

Arkansas law requires that any hotel, motel or other establishment cited as a public nuisance for prostitution under Section 20-27-401 of the Arkansas Code must post signage displaying information about the National Trafficking Resource Center Hotline. The posters, which must be at least 8½ x 11 inches, must be displayed in a conspicuous location near the entrance of the establishment or where notices and posters are customarily posted. The law includes a requirement that the posters be printed in English, Spanish, and any other language mandated by the federal Voting Rights Act.<sup>18</sup>

The law provides that the posters must state as follows:

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, or any other activity – call the National Human Trafficking Resource Center Hotline at 1-888-373-7888 to access help and services. Victims of human trafficking are protected under United States and Arkansas state law.

The Hotline is:

- Available 24 hours a day, 7 days a week
- Toll-free
- Operated by a non-profit, non-governmental organization
- Anonymous and confidential
- Accessible in 170 languages
- Able to provide help, referral to services, training, and general information.

The law provides obligates business owners and operators to obtain copies of the poster either by printing them from the websites of the Alcoholic Beverage Control Board, the Department of Labor or the Arkansas State Highway and Transportation Department or by requesting them from by mail for the cost of printing and first-class postage from one of those agencies. If the regulatory agency finds that a hotel or motel has failed to post the required information the owner or operator will initially receive a warning, but any additional violation will result in a fine not exceeding \$500 (which does not apply to establishments owned or operated by the State of Arkansas).

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## Arkansas, continued

### Training Law

Arkansas does not currently have a law that requires training employees of lodging facilities concerning human trafficking.

### Civil Liability Law

Arkansas does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

It is a crime for a “person,”<sup>19</sup> (including an “organization”)<sup>20</sup> to engage in the trafficking of persons. These acts include: knowingly (i) harboring or maintaining a person knowing that the person will be subjected to involuntary servitude; (ii) harboring or maintaining a minor for commercial sexual activity, and (iii) benefitting financially from any such ventures.<sup>21</sup> Human trafficking is generally a Class A felony, in respect of which the maximum fine is \$15,000.<sup>22</sup> The statute provides for enhanced liability of organizations, which includes a suspension or revocation of a license or permit and/or a court order to dissolve or reorganize, in addition to a fine.<sup>23</sup>



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## California

### Signage Law

On September 27, 2018, the California Civil Code<sup>24</sup> was amended to require all hotels, motels and bed and breakfast inns<sup>25</sup> to post notices concerning slavery and human trafficking. The notices must be at least 8½ x 11 inches and printed in no smaller than sixteen-point font. They must be displayed in a conspicuous manner near the entrance or other location where they are in clear view to the public and employees.

The law provides that posters must state as follows:

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 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 nonprofit, nongovernmental organizations.
- Anonymous and confidential.
- Accessible in more than 160 languages.
- Able to provide help, referral to services, training, and general information.

The law mandates that the posters be printed in English, Spanish and one additional language that is widely spoken in the county where the lodging establishment is located and for which translation is required by the federal Voting Rights Act. Failure to comply with this law can result in a civil penalty of \$500 for the first violation and \$1,000 for each subsequent violation.

In July 2019, the signage law was amended, effective as of January 1, 2020, to clarify that it does not prevent local governing bodies from adopting and enforcing ordinances designed to prevent human trafficking.<sup>26</sup> Several municipalities have enacted ordinances specifically tailored to prevent human trafficking by local businesses, including motels and massage parlors (see Lancaster below).

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## California, continued

### Training Law

Effective January 1, 2019, section 12950.3 of the California Government Code<sup>27</sup> requires that by January 20, 2020, every hotel and motel must provide at least twenty minutes of human trafficking awareness training for every employee who is likely to come into contact with victims of human trafficking.<sup>28</sup> By January 1, 2020, employers must provide human trafficking awareness training to each employee who is likely to come in contact with a victim of human trafficking every two years and within six months of the commencement of their employment.

The law specifies that the training must include: (i) the definition of human trafficking and commercial exploitation of children, (ii) guidance on how to identify individuals at risk for trafficking; (iii) differences between labor and sex trafficking, specific to the hotel sector, (iv) guidance on the role of hospitality employees in reporting and responding to this issue, and (v) the contact information for appropriate agencies, including the National Human Trafficking Hotline toll-free

number and text line, and the telephone number of the local law enforcement agency. Bed and breakfast establishments are not affected by this law. Furthermore, an employee's failure to report an incident of human trafficking is not, by itself, a basis for a finding of liability to a victim.

### Civil Liability Law

California does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

Under the California Penal Code, real property "used to facilitate" a human trafficking offense may be designated as a nuisance, which shall be enjoined, abated, and prevented, and in respect of which damages may be imposed.<sup>29</sup> If real property is "put to substantial use for the purpose of facilitating the crime of human trafficking that involves a commercial sex act where the victim was less than 18 years of age" the property may be seized and ordered to be forfeited.<sup>30</sup>

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## Colorado

### Signage Law

Colorado does not currently have a law concerning human trafficking awareness signage in lodging facilities.

### Training Law

Colorado does not currently have a law that requires training employees of lodging facilities about human trafficking. There is, however, a provision in the mandate of a council created in the Colorado Department of Public Safety requiring the development of, among other things, training standards and curricula for, among others, people who work in places where human trafficking victims are likely to appear. (C.R.S. 18-3-505). The existence of the council is to be reviewed by the Department of Regulatory Agencies and, absent further action, the statute providing for the council is scheduled to be repealed on September 1, 2024.

### Civil Liability Law

Colorado does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

Colorado does not currently have a law concerning the criminal liability of lodging facilities where human trafficking occurs.



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## Connecticut

### Signage Law

Connecticut law requires an operator of a hotel, motel, inn or similar lodging to post in plain view a notice concerning services available to victims of human trafficking.<sup>31</sup> The notice must indicate that any person who is forced to engage in any activity and who cannot leave may contact a state or federal anti-trafficking hotline, and must include the toll-free telephone numbers for such hotlines. The law does not specify the exact text or size of the posters. The penalty for any operator that fails to comply with the law is a fine of \$100 for a first violation, and \$250 for any subsequent violation.<sup>32</sup>

### Training Law

Connecticut law provides that “[t]he operator of each hotel, motel, inn or similar lodging shall ensure that each employee... receive training at the time of hire on the (1) recognition of potential victims of human trafficking, and (2) activities commonly associated with human trafficking.”

Lodging establishment operators must also conduct ongoing awareness campaigns for employees on the activities commonly associated with human trafficking. Operators of lodging facilities were required to certify by October 17, 2017, and annually thereafter that every employee has received the required training and keep such records in the employee’s personnel file.<sup>33</sup>

### Civil Liability Law

Connecticut does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

Connecticut does not currently have a law concerning the criminal liability of lodging facilities where human trafficking occurs.

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## Delaware

### Signage Law

Delaware requires the Human Trafficking Interagency Coordinating Council to create a public-awareness sign that contains the state and National Human Trafficking Resource Center hotline information.<sup>34</sup> The Delaware Department of Transportation is required to display the sign at entities found to be maintaining a criminal nuisance involving prostitution under § 7104 of Title 10 of the Delaware Code.<sup>35</sup> The council shall approve a list of locations on an annual basis.<sup>36</sup> The penalty for knowingly failing to comply with the law is \$300 per violation.<sup>37</sup>

### Training Law

Delaware does not currently have a law that requires training employees of lodging facilities concerning human trafficking.

### Civil Liability Law

Delaware permits a victim of human trafficking to bring a civil action against a person that violates §787(b) of Title 11 of the Delaware Code, which prohibits (among other things) knowingly harboring or enticing forced labor or sexual servitude.<sup>38</sup> An organization can be held liable for a violation of

the statute if (a) the conduct constituting a violation of the statute is engaged in, authorized, solicited, requested, commanded or recklessly tolerated by the board of directors or by a high managerial agent acting within the scope of employment and in behalf of the organization; or (b) the conduct constituting a violation of the statute is engaged in by an agent of the organization while acting within the scope of employment and in behalf of the organization.<sup>39</sup> In a civil suit, a victim may make a claim for compensatory damages, punitive damages, injunctive relief, any other appropriate relief.<sup>40</sup> A victim may also recover reasonable attorneys' fees and costs, including reasonable fees for expert witnesses.<sup>41</sup> The victim must commence the civil action no later than five (5) years after the later of the date on which the victim: (a) was freed from the human trafficking situation; or (b) attained 18 years of age.<sup>42</sup> While damages awarded pursuant to a successful civil action must be offset by restitution paid to the victim for the same violation, commencement of the civil action does not preclude any other remedy available to the victim under federal law or Delaware law.<sup>43</sup>

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## Delaware, continued



### Criminal Liability Law

An organization can be held liable for a violation of §787(b) of Title 11 of the Delaware Code if (i) the organization knowingly harbored or enticed forced labor or sexual servitude and (ii)(a) the conduct constituting a violation of the statute is engaged in, authorized, solicited, requested, commanded or recklessly tolerated by the board of directors or by a high managerial agent acting within the scope of employment and in behalf of the organization; or (b) the conduct constituting a violation of the statute is engaged in by an agent

of the organization while acting within the scope of employment and in behalf of the organization.<sup>44</sup> In addition to the penalties otherwise associated with violations of the Human Trafficking Statute, a court may consider the severity of an organization's violation of the Human Trafficking Statute and order additional penalties, including: (a) a fine of not more than \$25,000 per offense; (b) disgorgement of profit from illegal activity in violation of this section; and (c) debarment from state and local government contracts.<sup>45</sup>

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## Florida

### Signage Law

Effective as of July 1, 2019, Florida requires public lodging establishments to post a human trafficking public awareness sign that meets the following requirements:

- (a) The sign must be at least 11 x 15 inches in size,
- (b) The sign must be printed in an easily legible font, in at least 32-point type,
- (c) The sign must be in English and Spanish and any other language predominantly spoken in the area which the Department of Business and Professional Regulation deems appropriate,
- (d) The sign must substantially provide the following:

“If you or someone you know is being forced to engage in an activity and cannot leave, whether it is prostitution, housework, farm work, factory work, retail work, restaurant work, or any other activity, call the National Human Trafficking Resource Center at 888-373-7888 or text INFO or HELP to 233-733 to access help and services. Victims of slavery and human trafficking are protected under United States and Florida law.”<sup>46</sup>

Public lodging establishments must be in compliance with the above stated signage requirements by January 1, 2021.<sup>47</sup> Failure to

comply will result in a fine of \$2,000 per day unless the lodging establishment adequately documents that each deficiency was corrected within ninety days of receiving a notice of violation.<sup>48</sup>

### Training Law

Florida requires public lodging establishments to provide annual training regarding human trafficking awareness to employees (a) who perform housekeeping duties in the rental units or (b) who work at the front desk or reception area where guests ordinarily check in or check out.<sup>49</sup> Such training must be provided for new employees within sixty days after the employee begins their employment, or by January 1, 2021, whichever occurs later.<sup>50</sup> Each employee must submit a signed and dated acknowledgment of having received the training, which may be kept electronically, but must be provided to the Department of Business and Professional Regulation upon request.<sup>51</sup> Additionally, by January 1, 2021, each public lodging establishment must implement a procedure for the reporting of suspected human trafficking to the National Human Trafficking Hotline or to a local law enforcement agency.<sup>52</sup>

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## Florida, continued

The required human trafficking awareness training must be submitted to and approved by the Department of Business and Professional Regulation, and must include all of the following:

- (a) The definition of human trafficking and the difference between sex trafficking and labor trafficking.
- (b) Guidance specific to the public lodging sector concerning how to identify individuals who may be victims of human trafficking.
- (c) Guidance concerning the role of the employees of a public lodging establishment in reporting and responding to suspected human trafficking.<sup>53</sup>

### Civil Liability Law

Florida does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

Florida does not currently have a law concerning the criminal liability of lodging facilities where human trafficking occurs.



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## Georgia

### Signage Law

Georgia law mandates that hotels, inns and other establishments that offer overnight accommodations to the public must post a notice providing information on how to contact the National Human Trafficking Hotline and the Statewide Georgia Hotline for Domestic Minor Trafficking.<sup>54</sup> The notice must be in English, Spanish and any other language deemed appropriate by the Georgia Bureau of Investigations. The notice must be at least 8½ x 11 inches and printed in not less than sixteen-point font. “Notices must be displayed in every public restroom and near the public entrance or in another location in clear view of the public and employees where notices are customarily posted.

The law provides that signage must state as follows:

Are you or someone you know being sold for sex or made/forced to work for little or no pay and cannot leave? Call the National Human Trafficking Resource Center at 1-888-373-7888 or the Statewide Georgia Hotline for Domestic Minor

Trafficking at 1-844-842-3678 for help. All victims of slavery and human trafficking have rights and are protected by international, federal and state law.

The hotline is:

- (1) Anonymous and confidential;
- (2) Available 24 hours a day, seven days a week;
- (3) Able to provide help, referral to services, training, and general information;
- (4) Accessible in 170 languages;
- (5) Operated by a nonprofit, non governmental organization; and
- (6) Toll free.

Model notices are available on the Georgia Bureau of Investigations’ website.<sup>55</sup> Failure to comply with the statute, following a thirty-day period after receipt of a notice to correct a violation, constitutes a misdemeanor and can result in a fine of up to \$500. Upon a second or subsequent conviction, the offense is elevated to an aggravated misdemeanor subjecting the lodging owner to up to a \$5,000 fine.

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## Georgia, continued

### Training Law

Georgia does not currently have a law that requires training employees of lodging facilities concerning human trafficking.

### Civil Liability Law

Georgia does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

A corporation may be prosecuted for an act or omission constituting a crime under Georgia Code § 16-5-46 only if (i) it knowingly entices, or harbors, a person for the purpose of labor servitude or sexual servitude, and (ii)(A) an agent of the corporation performs the conduct which is an element of the crime while acting within the scope of his or her office or employment and on behalf of the corporation and (B) the commission of the crime was either (1) authorized, requested, commanded, performed, or within the scope of his or her employment on behalf of the corporation or (2) constituted a pattern of illegal activity that an agent of the company knew or should have known was occurring.<sup>56</sup>



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## Hawaii

### Signage Law

Hawaii does not currently have a law concerning human trafficking awareness signage in lodging facilities.

### Training Law

Hawaii does not currently have a law that requires training employees of lodging facilities concerning human trafficking.<sup>57</sup>

### Civil Liability Law

Hawaii does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

Hawaii does not currently have a law concerning the criminal liability of lodging facilities where human trafficking occurs.

## Idaho

### Signage Law

Idaho does not currently have a law concerning human trafficking awareness signage in lodging facilities.

### Training Law

Idaho does not currently have a law that requires training employees of lodging facilities concerning human trafficking.

### Civil Liability Law

Idaho does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

Idaho does not currently have a law concerning the criminal liability of hotels where human trafficking occurs.

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## Illinois

### Signage Law

Illinois does not currently have a law concerning human trafficking awareness signage in lodging facilities.

### Training Law

On May 30, 2019, Illinois enacted the Lodging Establishment Human Trafficking Recognition Act, which requires that, beginning on June 1, 2020, a lodging establishment<sup>58</sup> shall provide its employees with training in the recognition of human trafficking and protocols for reporting observed human trafficking to the appropriate authority.<sup>59</sup> The employees of a lodging establishment must complete the training within six months after beginning employment in such role with the lodging establishment and every two years thereafter, if still employed there. The training shall be at least twenty minutes in duration.<sup>60</sup>

A lodging establishment may use its own human trafficking program or that of a third party if the program includes: (a) a definition of human trafficking and commercial exploitation of children; (b) guidance on how to identify individuals who are most at risk for human trafficking; (c) the difference between human trafficking for purposes of labor and for purposes of sex as the trafficking relates

to lodging establishments; and (d) guidance on the role of lodging establishment employees in reporting and responding to human trafficking. In addition, the Department of Human Services shall develop a curriculum for an approved human trafficking training recognition program which shall be used by a lodging establishment that does not administer its own program as described above. The Department's training recognition program shall include the matters described in clauses (a) through (d) above and the Department may consult with the United States Department of Justice regarding the development of its training recognition program. The Department shall develop and publish its training recognition program by no later than July 1, 2020.<sup>61</sup>

### Civil Liability Law

Any company<sup>62</sup> that knowingly benefits, financially or by receiving anything of value, from participation in a venture that has engaged in an act of involuntary servitude or involuntary sexual servitude of a minor may be subject to a fine of up to \$100,000.

### Criminal Liability Law

Illinois does not currently have a law concerning the criminal liability of lodging facilities where human trafficking occurs.

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## Indiana

### Signage Law

Indiana does not currently have a law concerning human trafficking awareness signage in lodging facilities.

### Training Law

Indiana does not currently have a law that requires training employees of lodging facilities concerning human trafficking.

### Civil Liability Law

Indiana does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

Indiana does not currently have a law concerning the criminal liability of lodging facilities where human trafficking occurs.

## Iowa

### Signage Law

Iowa does not currently have a law concerning human trafficking awareness signage in lodging facilities.

### Training Law

Iowa does not have a law that mandates training of lodging facility employees.<sup>63</sup> However, the Iowa Department of Justice is statutorily mandated to create a human trafficking awareness training program that is available, on a voluntary basis, to businesses “that have a high statistical incidence of debt bondage or forced labor or services.”<sup>64</sup> Lodging facilities may fit within this category.

### Civil Liability Law

Iowa does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

Iowa does not currently have a law concerning the criminal liability of lodging facilities where human trafficking occurs.

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## **Kansas**

### **Signage Law**

Kansas does not currently have a law concerning human trafficking awareness signage in lodging facilities. It does, however, have statutorily mandated human trafficking awareness notices, created by the Secretary of Labor, that are available to employers for display on a voluntary basis.<sup>65</sup>

### **Training Law**

Kansas does not currently have a law that requires training employees of lodging facilities about human trafficking. It has, however, a statutorily mandated plan to educate employers about human trafficking created by the Secretary of Labor.<sup>66</sup>

### **Civil Liability Law**

Kansas's criminal code expressly provides that criminal prosecution does not preclude civil actions based on the actions underlying the criminal prosecution.<sup>67</sup>

### **Criminal Liability Law**

Kansas does not currently have a law directly addressing criminal liability for hotel or motel operators when sex trafficking occurs on hotel or motel property. However, the definition of "person" in the criminal code includes public and private corporations.<sup>68</sup> Thus, under Kansas law, a corporate entity, such as a lodging facility, could be guilty of human trafficking if such entity intentionally benefitted financially or received anything of value from participation in a venture that the entity had reason to know involved human trafficking.<sup>69</sup> Penalties include a fine of \$2,500 to \$5,000 for human trafficking and at least \$5,000 for aggravated human trafficking.<sup>70</sup>

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## Kentucky

### Signage Law

Kentucky does not currently have a law concerning human trafficking awareness signage in lodging facilities.

### Training Law

Kentucky does not currently have a law that requires training employees of lodging facilities concerning human trafficking. However, in 2018, the State Senate passed a resolution encouraging residents, employees and agencies in Kentucky to book travel and events that are signatories of the Tourism Child-Protection Code of Conduct, which requires companies to develop measures to combat human trafficking, including policies and procedures to prevent the sexual exploitation of children.<sup>71</sup>

### Civil Liability Law

Kentucky does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

Under Kentucky Law, a person<sup>72</sup> could be guilty of “promoting human trafficking” if such person intentionally (i) benefits financially or receives anything of value from knowing participation in human trafficking, or (ii) entices or harbors another person, knowing that the person will be subject to human trafficking.<sup>73</sup> Violation of this statute by a corporation can result in a fine of up to \$20,000.<sup>74</sup>



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## Louisiana

### Signage Law

Louisiana requires hotels<sup>75</sup> to post human trafficking awareness notices that state as follows:

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, or any other activity, call the national Human Trafficking Resource Center hotline at 1-888-373-7888 or text “HELP” to 233733 (Be Free) in order to access help and services.

The notices must be no smaller than 8½ x 11 inches, and in bold font no smaller than fourteen points. The notices must be posted in the location where other employee notices required by state and federal law are posted. They must be in English, Spanish, Louisiana French and any other language required by the Department of Public Safety and Corrections.<sup>76</sup> A first violation of this law can result in revocation or suspension of a business permit and/or a fine of \$50 to \$500. The fine for a second offense occurring within three years is \$250 to \$1000, and for a third offense within three years of the first the fine is \$500 to \$2500.<sup>77</sup>

### Training Law

Louisiana does not currently have a law that requires training employees of lodging facilities concerning human trafficking. However, Louisiana law provides for a general plan to create and distribute training materials on human trafficking awareness to various entities and to the general public.<sup>78</sup>

### Civil Liability Law

Louisiana does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

Louisiana does not currently have a law directly addressing criminal liability for hotel or motel operators when sex trafficking occurs on hotel or motel property. However, under Louisiana law, the definition of “person” for the purposes of the criminal code includes “a body of person whether incorporated or not,” and a person could be guilty of human trafficking if they knowingly benefitted from human trafficking.<sup>79</sup>

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## Maine

### Signage Law

Effective August 2, 2018, Maine requires certain businesses, where contact with victims of human trafficking is likely, including lodging establishments, to post human trafficking awareness posters containing a telephone number for a national human trafficking hotline, with such posters to be provided by the Department of Labor.<sup>80</sup> The law requires employers to post the notice in a place that is clearly visible to the public and employees. The penalty for failing to comply with the law is a fine of \$300 per violation. The law is only applicable to lodging places that are licensed under Title 22, section 562 of the Maine Revised Statutes. The law does not specify the size or text of the posters.

### Training Law

Maine does not currently have a law that requires training employees of lodging facilities concerning human trafficking.

### Civil Liability Law

A trafficked person may bring a civil action for actual damages, compensatory damages, punitive damages, injunctive relief, any combination of those or any other appropriate relief. A prevailing plaintiff is entitled to an award of attorney's fees and costs.<sup>81</sup> Subject to certain exceptions, a civil action must be commenced within 10 years of the date on which the trafficked person was freed from the trafficking situation.<sup>82</sup>

### Criminal Liability Law

Maine does not currently have a law concerning the criminal liability of lodging facilities where human trafficking occurs.

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## Maryland

### Signage Law

Pursuant to Maryland's Business Regulation Code, law enforcement is authorized to issue a civil citation to a lodging establishment requiring the posting of a human trafficking awareness notice in each of its guest rooms for one year if there has been an arrest leading to a conviction for prostitution, solicitation of a child or human trafficking on the property.<sup>83</sup> Lodging establishments subject to the law include inns, hotels, motels, and any property that contains a minimum of four rooms available to temporary guests for lodging or sleeping purposes for a fee. The notice must be at least 3 x 5 inches and printed in English, Spanish and any other language dictated by the federal Voting Rights Act. The telephone number of the National Human Trafficking Resource Center Hotline must be included in bold type. Failure to comply with the notice requirement can result in a fine of up to \$1,000 (in the aggregate, rather than for each room in violation).

The notice, which is identical to that designed by the Department of Labor, Licensing and Regulation, must state as follows:

REPORT HUMAN TRAFFICKING: National Human Trafficking Resource Center – 1-888-373-7888.

CALL FOR HELP IF YOU OR SOMEONE YOU KNOW:

- Is being forced to have sex without consent
- Has had an ID or document taken away
- Is being threatened by or is in debt to an employer
- Wants to leave a job but cannot freely do so.

TOLL FREE. 24/7. CONFIDENTIAL.

INTERPRETERS AVAILABLE.

This sign is required under State law.<sup>84</sup>

### Training Law

Maryland does not currently have a law that requires training employees of lodging facilities concerning human trafficking.

### Civil Liability Law

Maryland does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

Maryland does not currently have a law concerning the criminal liability of lodging facilities where human trafficking occurs.<sup>85</sup>

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## Massachusetts

### Signage Law

Massachusetts does not currently have a law concerning human trafficking awareness signage in lodging facilities. However, the Attorney's General's Office established a Human Trafficking Division that links businesses to trafficking awareness and prevention resources on its websites, but use of those resources by private business is not mandatory.<sup>86</sup>

### Training Law

Massachusetts does not currently have a law that requires training employees of lodging facilities concerning human trafficking.

### Civil Liability Law

Massachusetts does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

A business entity that commits trafficking of persons for sexual servitude or forced labor services shall be punished by a fine of not more than \$1,000,000.<sup>87</sup>



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## Michigan

### Signage Law

Michigan law requires certain private businesses to display human trafficking awareness posters, including lodging establishments that have been found to be a public nuisance due to acts of prostitution or human trafficking committed on the property.<sup>88</sup> The posters must be placed in a location clearly visible to the public and employees, in each facility that is open to use by the public.<sup>89</sup> The posters must be no smaller than 8½ x 11 inches, with print no smaller than fourteen-point font, of durable construction, and printed in English, Spanish and any other language deemed appropriate by the Michigan Department of Licensing and Regulatory Affairs in consultation with the Attorney General.<sup>90</sup>

The posters must state as follows:

If you or someone you know is being forced to engage in any activity and cannot leave, whether the activity is commercial sex, housework, farm work, or any other activity, please contact the national Human Trafficking Resource Center hotline at 1-888-373-7888 or text 233733 to access help and services. The victims of human trafficking are protected under U.S. law and the laws of this state.<sup>91</sup>

An entity covered by the statute which does not comply with the signage requirement will be notified and provided 48 hours to come into compliance. An entity notified a second time within one year of the first notification will be fined up

to \$250. If the same entity is notified a third time within one year of the previous violations, it will be fined up to \$500.<sup>92</sup>

While lodging facilities that have not been found to be a public nuisance are not required to display human trafficking awareness posters, they may do so voluntarily and the posters are available in many languages on the Michigan Department of Licensing and Regulatory Affairs website.<sup>93</sup>

### Training Law

Michigan does not currently have a law that requires training employees of lodging facilities concerning human trafficking. However, the Attorney General's website ([https://www.michigan.gov/ag/0,4534,7-359-82917\\_81399---,00.html](https://www.michigan.gov/ag/0,4534,7-359-82917_81399---,00.html)) includes a number of human trafficking resources and publications, including some geared to the hospitality industry. A training video entitled, "Making the Invisible Visible" is on the Michigan Attorney General's YouTube channel, while a publication entitled, "Human Trafficking Red Flags for Hospitality Industry" was published by the Attorney General.<sup>94</sup>

### Civil Liability Law

Michigan does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

Michigan does not currently have a law concerning the criminal liability of lodging facilities where human trafficking occurs.

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## Minnesota

### Signage Law

Minnesota law, effective August 1, 2018, requires all hotel and motel establishments to display a poster, written or approved by the Commissioner of Health, that contains information explaining what sex trafficking is in order to raise awareness; how to recognize potential victims; how to identify activities commonly associate with sex trafficking; and effective responses to trafficking situations, including how to report suspected sex traffickers to the proper law enforcement officials. The posters must be displayed in a place readily accessible to all employees. The law does not include any punishment for failure to comply and does not specify the size or text of the posters.<sup>95</sup>

### Training Law

Minnesota law requires the Commissioner of Health to work with the state hotel and lodging association, to approve an educational training program by November 1, 2018. The training program must focus on the accurate and prompt identification and reporting of, and response to, suspected sex trafficking. At a minimum, it is required to address (i) what sex trafficking is in order to raise awareness of it, (ii) how to recognize potential victims of sex trafficking, (iii) how to identify activities commonly associated with sex trafficking, and (iv) effective responses to trafficking situations including, but not limited to, how to report suspected sex trafficking to proper law enforcement officials.<sup>96</sup>

The law provides that, upon completion and approval of the training program, every hotel and motel in the state is required to ensure that every employee who work on site, including, but not limited to, any owner, operator, or manager is trained within ninety days of hiring or within one hundred and twenty days of August 1, 2018, and annually thereafter. The operator of every hotel and motel is required to certify annually that every employee has received the required training. In addition, lodging operators have an obligation to conduct an ongoing awareness campaign for employees addressing the required components of the training. Any operator who fails to comply with the training requirement will, upon the first violation, be given six months to comply with an order issued by the Health Commissioner.<sup>97</sup>

### Civil Liability Law

Any hotel or motel operator or employee who acts in good faith is immune from civil liability for reporting suspected sex trafficking activities.<sup>98</sup>

### Criminal Liability Law

Minnesota does not currently have a law concerning the criminal liability of lodging facilities where human trafficking occurs.

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## Mississippi

### Signage Law

Mississippi does not currently have a law concerning human trafficking awareness signage in lodging facilities.

### Training Law

Mississippi does not currently have a law that requires training employees of lodging facilities concerning human trafficking.

### Civil Liability Law

Mississippi does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

A business may be criminally liable if an agent of the enterprise knowingly engages in conduct that constitutes a human trafficking offense

while acting within the scope of employment and for the benefit of the entity.<sup>99</sup> A business may also be criminally liable if an employee of the enterprise engages in conduct that constitutes a human trafficking offense and an agent of the enterprise either knew or recklessly disregarded the offense and the agent failed to take effective action to stop the illegal activity.<sup>100</sup> There is an affirmative defense where the enterprise had in place adequate procedures, including an effective complaint procedure, designed to prevent persons from engaging in unlawful conduct and to promptly correct any violations of law.<sup>101</sup> A business may be fined up to \$1,000,000 for violations and may also have to disgorge of profit and could be debarred from government contracts.<sup>102</sup> Additionally, a court may order forfeiture of assets for such a violation under section 97- 3-54.7 of the Mississippi code.<sup>103</sup>



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## Missouri

### Signage Law

Effective August 28, 2018, the Missouri Department of Public Safety was tasked to create a human trafficking awareness poster by January 1, 2019.<sup>104</sup> Missouri law provides that commencing on March 1, 2019, many establishments, including hotels, motels or other facilities that have been declared a public nuisance due to prostitution activity, must display the poster in a conspicuous place in or near the property's bathrooms or entrance.

The poster must be at least 8½ x 11 inches in size and must contain a statement substantially similar to 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, or any other activity – call the National Human Trafficking Resource Center Hotline at 1-888-373- 7888 or text 233733 (BEFREE) or visit the following website: [www.traffickingresourcecenter.org](http://www.traffickingresourcecenter.org) to access help and services. Victims of human trafficking are protected under U.S. and Missouri law.

The toll-free hotline is:

- Available 24 hours a day, 7 days a week
- Operated by a non-profit, non-governmental organization
- Anonymous and confidential
- Accessible in 170 languages
- Able to provide help, referral to services, training, and general information.

Additional information about other hotlines providing assistance to human trafficking victims may also be included. The poster must be printed in English, Spanish and any other language required for voting material under the federal Voting Rights Act. Any owner of an establishment required to post the hotline notice who fails to comply with the requirement will receive a written warning for the first violation and “may be guilty of an infraction for any subsequent violation.”<sup>105</sup>

### Training Law

Missouri does not currently have a law that requires training employees of lodging facilities concerning human trafficking. Training materials prepared in conjunction with local businesses and nonprofits are available on the Attorney General's website.<sup>106</sup>

### Civil Liability Law

Missouri does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

Missouri does not currently have a law concerning the criminal liability of lodging facilities where human trafficking occurs.

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## Montana

### Signage Law

Montana does not currently have a law requiring lodging facilities to display human trafficking awareness signage. However, the Montana Department of Justice is statutorily required to design a poster that must be 8½ x 11 inches and that provides information about the National Human Trafficking Resource Center hotline, including (if available) a quick response code provided by the National Human Trafficking Resource Center for access by mobile devices.<sup>107</sup> The Department of Justice can determine which entities must receive the posters.<sup>108</sup> While display of the poster is encouraged in a location that is accessible to employees and members of the public, it is not mandated.<sup>109</sup>

### Training Law

Montana does not currently have a law that requires training employees of lodging facilities concerning human trafficking.

### Civil Liability Law

Montana does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

Under Montana law, any person who purposely or knowingly harbors a victim of human trafficking or benefits financially or by receiving anything of value from facilitating human trafficking can be held criminally liable.<sup>110</sup> “Person” is defined to include a corporation or other entity, as well as a natural person.<sup>111</sup>

## Nebraska

### Signage Law

Nebraska does not currently have a law requiring lodging facilities to display human trafficking awareness signage. However, a task force of the Nebraska Commission on Law Enforcement and Criminal Justice is statutorily authorized to encourage businesses, including hotels, to voluntarily display human trafficking awareness posters.<sup>112</sup>

### Training Law

Nebraska does not currently have a law that requires training employees of lodging facilities concerning human trafficking.

### Civil Liability Law

Nebraska does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

Under Nebraska law, any person who knowingly harbors, or attempts to harbor, a victim of human trafficking or knowingly benefits from, or participates in, a venture that involves human trafficking can be held criminally liable.<sup>113</sup> “Person” is defined as “any individual, partnership, limited liability company, firm, association, corporation, trustee, lessee, agent, assignee, or other legal entity.”<sup>114</sup>

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## Nevada

### Signage Law

Nevada does not currently have a law concerning human trafficking awareness signage in lodging facilities.

### Training Law

Nevada does not currently have a law that requires training employees of lodging facilities concerning human trafficking.

### Civil Liability Law

Nevada does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

Nevada does not currently have a law concerning the criminal liability of lodging facilities where human trafficking occurs.

## New Hampshire

### Signage Law

New Hampshire does not currently have a law concerning human trafficking awareness signage in lodging facilities.

### Training Law

New Hampshire does not currently have a law that requires training employees of lodging facilities concerning human trafficking.

### Civil Liability Law

New Hampshire does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

Under New Hampshire law, it is a class A felony to harbor a person, knowing or believing it likely that the person will be subjected to trafficking.<sup>115</sup> And the statutory definition of “person” for the purposes of the criminal law includes corporations and unincorporated associations, as well as natural persons.<sup>116</sup>

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## New Jersey

### Signage Law

New Jersey's Human Trafficking Prevention, Protection and Treatment Act created a Commission on Human Trafficking and gave the Commission the duty to, among other things, "[d]evelop mechanisms to promote public awareness of human trafficking, including promotion of the national, 24-hour toll-free hotline telephone service on human trafficking ... and the promotion of training courses and other educational materials for use by persons ... to undergo training on the handling of and response procedures for suspected human trafficking."<sup>117</sup> The Commission has worked with the Office of the Attorney General's Department of Law and Safety to create human trafficking awareness posters that may be displayed in lodging facilities, and the posters are available on the Department's website.<sup>118</sup> The Department of Community Affairs, in consultation with the Commission on Human Trafficking, is mandated to develop a training program for lodging facility employees (discussed below) and, as part of that training program, the Department enacted a regulation that requires the posting of an information sheet, available in English and Spanish, on reporting suspected human trafficking in conspicuous and visible locations in areas accessed by hotel employees including, but not limited to, laundry rooms and employee break rooms.<sup>119</sup>

### Training Law

New Jersey law requires the Department of Community Affairs and the Commission on Human Trafficking to create and provide a one-time training course on "the handling and response procedures of suspected human trafficking activities for owners, operators, and staff of hotels and motels."<sup>120</sup> Verified completion of the course by required staff "shall be a condition of issuance, maintenance, or renewal" of any license, certificate, or permit. The training course must be reviewed every two years and modified as required.<sup>121</sup> Further, the Department of Community Affairs must oversee and ensure that "all hotel and motel owners, operators, and required staff attend [a] one-time training course . . . within six months of the first day of ownership, operation, or employment for all new owners, operators and required staff."<sup>122</sup> The regulations adopted by the Department of Community Affairs pursuant to this mandate specify that the employees to be trained are: hotel management, front desk and registration employees, janitorial and housekeeping staff and hotel security staff.<sup>123</sup> As part of the training the Department has provided a video on recognizing and reporting suspected human trafficking in English and Spanish, and all the specified employees must view the video.<sup>124</sup> The lodging facility is required to maintain a list of the current employees and the date on which they viewed the video and a certificate must be filed with the Department by the owner or manager stating that the employees have viewed the video and that the list of employees and the dates of viewing has been maintained and is available for inspection.<sup>125</sup>

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## New Jersey, continued

### Civil Liability Law

New Jersey does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

Under New Jersey law, a person can be held criminally liable for human trafficking if he knowingly harbors a victim of human trafficking.<sup>126</sup> A person can be held criminally liable for human trafficking in the second degree if he provides services, resources, or assistance with the knowledge that the services, resources, or assistance are intended to be used in furtherance of the commission of the crime of human trafficking.<sup>127</sup> For purposes of this law, “services, resources, or assistance” include business services, lodging, and the provision of facilities or any other service or property with pecuniary value that exceeds \$200, whether or not a person is compensated for the services, resources, or assistance.<sup>128</sup> The definition of “person” for the purposes of the criminal law includes corporations and unincorporated associations.<sup>129</sup>



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## New Mexico

### Signage Law

New Mexico passed legislation that requires all employers subject to the Minimum Wage Act to display a trafficking awareness poster.<sup>130</sup> No penalties for failure to display the poster are specified. The poster must be at least 8½ x 11 inches. It must be in English, Spanish, and “any other written language where ten percent or more of the workers or users” of the facility speak that language, with the portions in each language equal in size. The poster must be displayed in a conspicuous location visible to both employees and the public. The law mandates the inclusion of the following text:

NOTICE ON HUMAN TRAFFICKING: OBTAINING FORCED LABOR OR SERVICES IS A CRIME UNDER NEW MEXICO AND FEDERAL LAW. IF YOU OR SOMEONE YOU KNOW IS A VICTIM OF THIS CRIME, CONTACT THE FOLLOWING: IN NEW MEXICO, CALL OR TEXT 505- GET-FREE (505-438-3733); OR CALL THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE TOLL-FREE AT 1-888-373- 7888 FOR HELP. YOU MAY ALSO SEND THE TEXT “HELP” OR “INFO” TO BEFREE (233733). YOU MAY REMAIN ANONYMOUS, AND YOUR CALL OR TEXT IS CONFIDENTIAL.

Versions in English, Spanish, and Navajo are available at <https://www.dws.state.nm.us/Business/Publications/State-and-Federal-Posters>.

### Training Law

New Mexico does not currently have a law that requires training employees of lodging facilities concerning human trafficking.

### Civil Liability Law

New Mexico does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

New Mexico does not currently have a law concerning the criminal liability of lodging facilities where human trafficking occurs.

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## New York

### Signage Law

Effective October 14, 2018, New York law provides that every keeper of a lodging facility must display human trafficking “information cards” in public restrooms, guestrooms, and near public entrances and other conspicuous places.<sup>131</sup> The cards must contain only information concerning services for human trafficking victims and must prominently include the National Human Trafficking Hotline telephone number. The law does not require any specific text, other than the hotline number, nor does it specify size or font. The content of the cards may be developed by the Office of Temporary and Disability Assistance (OTDA), in consultation with the New York State Interagency Task Force on Human Trafficking, the United States Department of Homeland Security, or the lodging facility. There are no specific penalties for failure to abide by the law.

The law further provides that lodging facilities may, on a voluntary basis, also display a human trafficking awareness notice. The OTDA, in consultation with the New York State Interagency Task Force on Human Trafficking, must provide the notice. Information cards and notices provided by the OTDA are available at <http://otda.ny.gov/programs/bria/trafficking.asp>.

### Training Law

New York does not currently have a law that requires training employees of lodging facilities concerning human trafficking. A bill (A 6834-B) passed the Assembly on April 25, 2018, but did not reach a vote in the Senate and would have to be reintroduced to proceed.<sup>132</sup> The proposed legislation would, if passed, amend Chapter 190 of the General Business Law by adding section 205, and would mandate training for all employees likely to come into contact with human trafficking victims.

### Civil Liability Law

New York does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

New York does not currently have a law concerning the criminal liability of lodging facilities where human trafficking occurs.

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## North Carolina

### Signage Law

North Carolina's 2017 appropriations bill contained provisions requiring display of posters by certain businesses. The requirements became effective on June 28, 2017, when the bill became law through a veto override. None of the requirements specifically mention hotels or lodging facilities, but one requirement applies to holders of Alcoholic Beverage Control permits, which includes hotels.<sup>133</sup> Entities subject to the law must prominently display on the premise a public awareness sign created and provided by the North Carolina Human Trafficking Commission that includes the National Human Trafficking Resource hotline information. Penalties may include suspension or revocation of the permit or fines up to \$1,000 (maximum for repeat violations).<sup>134</sup> The poster must be displayed in a conspicuous location visible to both employees and the public. A copy of the poster is available at <https://www.nccourts.gov/commissions/human-trafficking-commission>.

### Training Law

North Carolina does not currently have a law that requires training employees of lodging facilities concerning human trafficking. However, the North Carolina Human Trafficking Commission does offer on-site training.<sup>135</sup>

### Civil Liability Law

North Carolina does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

North Carolina does not currently have a law concerning the criminal liability of lodging facilities where human trafficking occurs.

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## North Dakota

### Signage Law

North Dakota does not currently have a law concerning human trafficking awareness signage in lodging facilities.

### Training Law

North Dakota does not currently have a law that requires training employees of lodging facilities concerning human trafficking.

### Civil Liability Law

North Dakota does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

North Dakota does not currently have a law concerning the criminal liability of lodging facilities where human trafficking occurs.



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## Ohio

### Signage Law

Ohio law “encourage[s],” but does not require hotels<sup>136</sup> to display the human trafficking awareness posters prepared by the Division of Criminal Justice Services in the Department of Public Safety.<sup>137</sup>

If a lodging facility chooses to display such a poster, it must be at least 8½ x 11 inches, printed in English, Spanish, and any other language required for voting material in a given county, and contain a statement with “substantially” the following text:

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, or other activity call the National Human Trafficking Resource Center Hotline at 1-888-373-7888 to access help and services.

Victims of human trafficking are protected under U.S. and Ohio law. The toll-free Hotline is:

- Available 24 hours a day, 7 days a week
- Operated by a non-profit, non-governmental organization
- Anonymous & confidential
- Accessible in 170 languages
- Able to provide help, referral to services, training, and general information.

Posters in English, Spanish, Arabic, French, and Mandarin are available at <https://humantrafficking.ohio.gov/campaign.html>. In addition to the national human trafficking resource center hotline, the statement on the poster may contain any additional hotline regarding human trafficking for access to help and services.

### Training Law

Ohio does not currently have a law that requires training employees of lodging facilities concerning human trafficking.

### Civil Liability Law

Ohio does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

Ohio does not currently have a law concerning the criminal liability of lodging facilities where human trafficking occurs.

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## Oklahoma

### Signage Law

Oklahoma does not currently have a law concerning human trafficking awareness signage in lodging facilities.

### Training Law

Oklahoma does not currently have a law that requires training employees of lodging facilities concerning human trafficking.

### Civil Liability Law

Oklahoma does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

Oklahoma does not currently have a law concerning the criminal liability of lodging facilities where human trafficking occurs.<sup>138</sup>

## Oregon

### Signage Law

Oregon does not currently have a law concerning human trafficking awareness signage in lodging facilities.

### Training Law

Oregon does not currently have a law that requires training employees of lodging facilities concerning human trafficking. However, the Oregon Department of Justice has a Trafficking Intervention Program, which has a stated goal of developing a comprehensive statewide response to human trafficking, including training and assistance for law enforcement and community partners.<sup>139</sup>

### Civil Liability Law

Oregon does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

Under Oregon law, a person who knowingly (i) harbors, or attempt to harbor, another person and knows or recklessly disregards facts indicating that that the other person is a victim of human, or (ii) benefits financially or receives something of value from participation in a venture that involves human trafficking can be held criminally liable.<sup>140</sup> The statutory definition of “person” includes public or private corporations, unincorporated associations and partnerships, in addition to natural persons.<sup>141</sup>

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## Pennsylvania

### Signage Law

Pennsylvania's Human Trafficking Resource Center Act of 2012 requires certain establishments, including any hotel found to be a drug-related or common nuisance, to display human trafficking awareness posters.<sup>142</sup> The posters must contain information about the National Human Trafficking Resource Center Hotline and state that victims of human trafficking are protected under state and federal law.<sup>143</sup> Furthermore, the posters must be at least 8½ x 11 inches and must be printed in English, Spanish, and any other language mandated by the Voting Rights Act in the relevant county.<sup>144</sup>

Administrative penalties assessed by the licensing authority for failure to properly post such signs begin with a warning and increase to monetary fines of up to \$500.<sup>145</sup> Criminal penalties for failure to properly post such signs begin with a fine of no more than \$100 and increase with any additional violations, up to a misdemeanor and a fine of up to \$500.<sup>146</sup>

### Training Law

Pennsylvania does not currently have a law that requires training employees of lodging facilities concerning human trafficking. However, subject to availability of funds, grants are to be made available to state and local government and nongovernmental agencies to develop or expand programs geared toward prevention of human trafficking, including increasing public awareness.<sup>147</sup>

### Civil Liability Law

Pennsylvania has enacted a civil cause of action for human trafficking victims to seek reparations. Section 3051(a) of Title 18 provides that a victim of human trafficking may bring a civil action against anyone who participated in trafficking the victim. It further provides that “a victim of the sex trade” may sue any person that: “(i) recruits, profits from or maintains the victim in any sex trade act; (ii) abuses or causes bodily harm to the victim in any sex trade act; and (iii) knowingly advertises or publishes advertisements for purposes of recruitment into sex trade activity.”

It is possible that a lodging facility could be identified as an entity that “profits from” sex trafficking, albeit indirectly, by collecting the fee of letting a room to traffickers, but the availability of civil liability is restricted. Lodging facilities would appear to fall under the explicit exception for “any person who provides goods and services to the general public,” contained in the statute. As a business providing services to the general public, a lodging facility could only be held civilly liable to a victim trafficked at the facility if it “knowingly markets or provides” services to traffickers, knowingly receives a higher level of compensation from a traffickers, or supervises or exercises control over a trafficker. 18 Pa. Cons. Stat. § 3051(b) (1)-(3).

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## Pennsylvania, continued

The statute provides for actual, compensatory and punitive damages as well as injunctive relief. Treble damages may be awarded upon proof of actual damages caused by willful and malicious acts. A prevailing plaintiff is also entitled to attorney's fees and costs. 18 Pa. Cons. Stat. § 3051 (c)-(e).

### Criminal Liability Law

Under Pennsylvania law, any business entity that knowingly aids or participates in human trafficking could be subject to any of the following penalties: (1) a fine of not more than \$1,000,000; (2) revocation of the business entity's (i) charter, if it is organized under laws of Pennsylvania, or (ii) certificate of authority to do business in Pennsylvania, if the business entity is not organized under the laws of Pennsylvania; or (3) other relief as the courts deems equitable, including forfeiture of assets or restitution.<sup>148</sup>



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## Rhode Island

### Signage Law

In 2017, Rhode Island enacted the Uniform Act on the Prevention and Remedies for Human Trafficking, which includes a mandate for certain types of businesses to display human trafficking awareness posters, but does not include lodging facilities unless they have previously cited as a nuisance.<sup>149</sup> Any such business must display the sign in a location that is clearly conspicuous and visible to employees and the public.<sup>150</sup> The law does not specify the size or exact text of the posters. The penalty for knowingly failing to comply with the law is \$300 per violation.<sup>151</sup>

### Training Law

Rhode Island does not currently have a law that requires training employees of lodging facilities concerning human trafficking. The 2017 Uniform Act created a council on human trafficking bringing together governmental and nongovernmental actors to, among other things, coordinate training on prevention for state and local employees.<sup>152</sup>

### Civil Liability Law

Rhode Island does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

Under Rhode Island law, a business entity may be prosecuted for human trafficking if: (1) the entity knowingly engaged in conduct that constitutes human trafficking or (2) an employee or nonemployee agent of the entity engages in conduct that constitutes human trafficking and the conduct is part of a pattern of activity in violation of the statute governing human trafficking for the benefit of the entity, which the entity knew was occurring and failed to take effective action to stop.<sup>153</sup> If a business entity is found criminally liable for human trafficking, the court may consider the severity of the entity's conduct and order penalties in addition to those otherwise provided for the offense, including: (1) a fine of not more than \$50,000 per offense; (2) disgorgement of profit from the activity; and (3) debarment from state and local government contracts.<sup>154</sup>

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## South Carolina

### Signage Law

South Carolina requires all lodging facilities to display human trafficking awareness posters containing specific language. The posters must state as follows:

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, or any other activity, call the National Human Trafficking Resource Center Hotline at 1-888-373-7888 to access help and services. Victims of human trafficking are protected under federal law and the laws of South Carolina. The hotline is:

1. available twenty-four hours a day, seven days a week;
2. operated by a nonprofit, non governmental organization;
3. anonymous and confidential;
4. accessible in one hundred seventy languages;
5. able to provide help, referral to services, training, and general information.

The posters must be no smaller than 8½ x 11 inches and be printed in both English and Spanish on the same poster. The notices must be posted in each public restroom of the business or establishment and in a prominent location conspicuous to the public at the entrance of the establishment where posters and notices are customarily posted.

The law mandates several state agencies to provide the required posters by making them available for downloading from their websites. The businesses are required to download the posters and post them in not less than sixteen point font. The penalty for failure to properly post such notice is a written warning for the first violation and a \$50 fine for each subsequent violation.<sup>155</sup>

### Training Law

South Carolina does not currently have a law that requires training employees of lodging facilities concerning human trafficking.

### Civil Liability Law

South Carolina does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

Under South Carolina law, a person who (i) knowingly harbors or transports a victim of sex trafficking or (ii) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in sex trafficking, may be held criminally liable. A business owner who uses his business in a way that constitutes a violation of South Carolina's sex trafficking law may be held criminally liable and upon conviction, must be imprisoned for a maximum of fifteen years, in addition to the other penalties provided in the applicable statute.<sup>156, 157</sup>

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## South Dakota

### Signage Law

South Dakota does not currently have a law concerning human trafficking awareness signage in lodging facilities.

### Training Law

South Dakota does not currently have a law that requires training employees of lodging facilities concerning human trafficking.

### Civil Liability Law

South Dakota does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

Under South Dakota law, a person who purposely or knowingly harbors a victim of human trafficking or benefits financially or by receiving anything of value from facilitating human trafficking can be held criminally liable. If the victim is under eighteen years of age, the crime of human trafficking need not be purposeful or knowing.<sup>158</sup> The statutory definition of an actor for purposes of the criminal law includes limited liability companies, corporations, firms, organizations and partnerships, and thus can cover lodging facilities.<sup>159</sup>



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## Tennessee

### Signage Law

The Tennessee Human Trafficking Resource Center Hotline Act provides that any governmental entity or private business or establishment “that provides or offers a place of... lodging... in this state is strongly encouraged to post a sign no smaller than 8½ by 11 inches indicating certain information regarding the Tennessee human trafficking center hotline” in a location visible to employees and the general public.<sup>160</sup> The Tennessee human trafficking resource center hotline is a state-run hotline maintained by the Tennessee Bureau of Investigation. The sign must be in English, Spanish and any other language mandated by the Voting Rights Act of 1965, in the county where the sign will be posted. The sign should state the following:

Tennessee Human Trafficking Resource Center  
Hotline at 1-855-558-6484.

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 or any other activity – call the Tennessee Human Trafficking Hotline to access help and services.

Victims of human trafficking are protected under United States and Tennessee law.

The hotline is:

- Anonymous and confidential Available 24/7
- Toll free
- Available to Non-English speaking callers through assistance of Interpreters.

The title of the sign and the Tennessee human trafficking center hotline should be in boldface and underlined and no smaller than twenty-eight point font size. The law provides that the Department of Labor and Workforce shall make the sign available on its website and shall periodically send an electronic notification to any business or establishment that is licensed by the state or any subdivision thereof that encourages the posting of the sign.

### Training Law

Tennessee does not currently have a law that requires training employees of lodging facilities concerning human trafficking.

### Civil Liability Law

Tennessee law provides for civil action against those who violate the laws prohibiting human trafficking (see below) for actual damages, compensatory damages, punitive damages, injunctive relief and/or any other appropriate relief plus attorney’s fees and costs.<sup>161</sup>

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## Tennessee, continued



### Criminal Liability Law

Tennessee law provides that a corporation may be prosecuted for a violation of human trafficking laws<sup>162</sup> for an “act or omission constituting a crime under [human trafficking laws] only if an agent of the corporation performs the conduct that is an element of the crime while acting within the scope of the agent’s office or employment and on behalf of the corporation and the commission

of the crime was either authorized, requested, commanded, performed or within the scope of the agent’s employment on behalf of the corporation or constituted a pattern of illegal activity that an agent of the company knew or should have known was occurring.”<sup>163</sup> Fines for each such offenses range from up to \$250,000 to up to \$350,000 for corporations.<sup>164</sup>

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## Texas

### Signage Law

Texas does not currently have a law mandating that lodging facilities post human trafficking awareness noticed.

However, Texas law requires the holder of a permit or license to sell alcoholic beverages (which could include certain lodging facilities) on or off of the premises to display a sign containing notice in English and Spanish that states the following:

**WARNING:** Obtaining forced labor or services is a crime under Texas Law. Call the national human trafficking hotline: 1-888-373-7888. You may remain anonymous.<sup>165</sup>

The sign must be at 8½ x 11 inches and displayed in a conspicuous manner clearly visible to the public and employees of the permit or license holder. The sign must be in English (covering approximately 2/3 of the sign) and Spanish (covering approximately 1/3 of the sign).

### Training Law

Although training is not mandatory, the Office of the Attorney General of Texas has developed an optional training video for all persons, focused on preventing human trafficking.<sup>166</sup> Also, the Hotel and Lodging Association of Greater Houston provides complimentary human trafficking training specific to the hotel and lodging industry.<sup>167</sup>

### Civil Liability Law

Texas law provides that a “defendant who engages in the trafficking of persons or who intentionally or knowingly benefits from participating in a venture that traffics another person is liable to the person trafficked... for damages arising from the trafficking of that person by the defendant or venture.”<sup>168</sup> Furthermore, if a legal entity is liable under Section 98.002(a) of the Texas Civil Practices and Remedies Code, a shareholder or member of such legal entity is “jointly and severally liable with the entity to the person trafficked for damages arising from the trafficking of that person if the person demonstrates that the shareholder or member caused the entity to be used for the purpose of trafficking that person and did traffic that person for the direct personal benefit of the shareholder or member.”<sup>169</sup>

### Criminal Liability Law

Under Texas law, a person who knowingly harbors a victim of human trafficking or benefits financially or by receiving anything of value from facilitating human trafficking can be held criminally liable.<sup>170</sup> The definition of “person” in the criminal law includes corporations, associations, limited liability companies and other entities and, consequently could include to businesses such as lodging facilities.<sup>171</sup>

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## Utah

### Signage Law

Utah does not currently have a law concerning human trafficking awareness signage in lodging facilities.

### Training Law

Utah does not currently have a law that requires training employees of lodging facilities concerning human trafficking.

### Civil Liability Law

Utah civil laws provide that a victim of human trafficking may bring a civil action against their trafficker, and the court may award actual damages, compensatory damages, punitive damages, injunctive relief, or any other relief, or treble damages on proof of actual damages if the courts find that the trafficker's acts were willful and malicious. In the event that a business, including a lodging facility, is found criminal liable (see Criminal Liability Law below), that business could be held civilly liable the same as a natural person.<sup>172</sup>

### Criminal Liability Law

Under Utah law, an actor who purposely harbors a victim of human trafficking can be held criminally liable.<sup>173</sup> The definition of an actor for the purpose of the application of this statute includes public and private corporations, partnerships and unincorporated associations and thus applies to businesses, such as lodging facilities.<sup>174</sup>



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## Vermont

### Signage Law

Vermont law states that a “notice offering help to victims of human trafficking” must be accessible on the Vermont Department of Labor website and “may be posted in a prominent and accessible location in the workplaces.”<sup>175</sup>

The notice should provide contact information for at least one local law enforcement agency and include the following text:

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, or any other activity – call the toll-free National Human Trafficking Resource Center Hotline at 1-888-373-7888 to access help and services. The toll-free hotline is:

- Available 24 hours a day, 7 days a week
- Operated by a nonprofit, non governmental organization Anonymous and confidential
- Accessible in 170 languages
- Able to provide help, referral to services, training, and general information.

The notice shall be made available in English, Spanish and, if requested by an employer, another language.

### Training Law

Vermont does not currently have a law that requires training employees of lodging facilities concerning human trafficking. However, Vermont law requires the Vermont Department of Labor to develop and implement an education plan to raise

awareness among Vermont employers about the problem of human trafficking, the related hotline and resources available to employers, employees and potential victims of human trafficking.<sup>176</sup> Further, the U.S. Attorney’s Office for the District of Vermont and the Office of the Attorney General for the State of Vermont announced, on June 7, 2018, that the Vermont Human Trafficking Task Force executed a Memorandum of Understanding, one component of which is to provide voluntary training or awareness events by the task force for professionals or community members.<sup>177</sup>

### Civil Liability Law

Vermont criminal laws provide that a “victim of human trafficking may bring an action against the offender in the Civil Division of the Superior Court for damages, injunctive relief, punitive damages in the case of a willful violation, and reasonable costs and attorney’s fees.”<sup>178</sup> Additionally, if a business entity (i.e., a corporation, partnership, association, or any other legal entity) is convicted of violating Utah human trafficking laws, the Attorney General may commence a proceeding in the Civil Division of the Superior Court to dissolve the entity.<sup>179</sup>

### Criminal Liability Law

Under Vermont law, a person who purposely harbors a victim of human trafficking can be held criminally liable.<sup>180</sup> The criminal code definition of “person” includes corporations, partnerships, unincorporated associations and other legal entities and thus could apply to businesses, such as lodging facilities.<sup>181</sup>

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## Virginia

### Signage Law

Virginia does not currently have a law concerning human trafficking awareness signage in lodging facilities.

### Training Law

Virginia does not currently have a law that requires employees of lodging facilities concerning human trafficking. However, Virginia requires a Sex Trafficking Response Coordinator in the Department of Criminal Justice Services to promote strategies for the education, training, and awareness of sex trafficking.<sup>182</sup>

### Civil Liability Law

Virginia does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Law

Virginia does not currently have a law concerning the criminal liability of lodging facilities where human trafficking occurs.



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## Washington

### Signage Law

Washington does not currently have a law concerning human trafficking awareness signage in lodging facilities. However, Washington law provides that establishments offering public restrooms (which may include certain lodging facilities) may voluntarily post a sign in restrooms used by the public and employees. The notice may be in multiple languages and include toll-free telephone numbers of organizations providing assistance to victims of human trafficking, including the national human trafficking resource center and the Washington state office of crime victim advocacy.<sup>183</sup>

### Training Law

Washington does not currently have a law that requires training employees of lodging facilities concerning human trafficking.<sup>184</sup> However, the Washington Hospitality Association is partnering with Businesses Ending Slavery and Trafficking (BEST), a nonprofit organization in the United States dedicated to working with businesses to disrupt human trafficking, to provide free human trafficking training for Washington Hospitality Association members and staff.<sup>185</sup>

### Civil Liability Law

Washington does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Law

Washington law provides that a person is guilty of trafficking (a class A felony) when such person harbors another person knowing, or in reckless disregard of the fact, that force, fraud, or coercion will be used to cause the person to engage in forced labor, involuntary servitude, a sexually explicit act, or a commercial sex act, or benefits financially from participation in a venture that has engaged in such acts, resulting in an assessment of a \$10,000 fee. Because the statutory definition of “person” includes corporate businesses, partnerships, associations, joint ventures, or other legal or commercial entities, a lodging facility can be charged for violating the criminal law.<sup>186</sup>

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## West Virginia

### Signage Law

A West Virginia law, effective June 5, 2019, requires certain businesses and establishments, including hotels (defined as any establishment that offers overnight accommodations to the public in exchange for a monetary payment), to post a notice to assist victims of human trafficking to obtain help and services.<sup>187</sup> The notice must be printed in English, Spanish, and any other language determined by legislative rule by the Director of the Division of Administrative Services and must be posted in public restrooms and either near the entrance or another clearly visible location where public notices are posted.<sup>188</sup> The Director is required to provide hyperlinks on the Division's website to downloadable notices that are 8½ x 11 inches in size and provide information regarding the National Human Trafficking Resource Center and display the telephone number for the National Human Trafficking Center hotline.<sup>189</sup>

The law further provides that any law enforcement officer, representative for the Bureau for Public Health or of a county health department representative of the State Alcohol Beverage Control Commissioner, representative of the Division of Labor, or other state representative inspecting a hotel or otherwise acting under state authority may notify any hotel in writing that it failed to comply with this statute. Failing to correct

the violation within thirty days of receipt of the written notice constitutes a misdemeanor. First convictions carry a fine of \$250, and subsequent convictions carry fines between \$250 and \$500.<sup>190</sup>

### Training Law

West Virginia does not currently have a law that requires training employees concerning human trafficking in lodging facilities.

### Civil Liability Law

West Virginia does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Law

West Virginia makes it a felony for any person (defined to include a business) to knowingly and willingly traffic (defined to include harboring) (i) an adult, resulting in imprisonment for 3-15 years and/or a fine of up to \$200,000, or (ii) a minor, resulting in imprisonment of 5–20 years and/or a fine of up to \$300,000.<sup>191</sup> Additionally, West Virginia declares all property which is directly or indirectly used or intended for use in any manner to facilitate a violation of Article 14 (Human Trafficking) to be contraband, subject to forfeiture, to which no person shall have a property interest, and any business entity convicted of such violation shall be debarred from state or local government contracts.<sup>192</sup>

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## Wisconsin

### Signage Law

Wisconsin law requires its Department of Justice to design a poster, or obtain a predesigned poster, that provides information regarding a human trafficking resource enter hotline. The poster shall be in English and Spanish and any other language required under federal law for voting materials in a particular county. The law states that the Department of Justice shall make the poster available to others to print from its website and encourage hotels, among other establishments, to display the poster.

Compliance with this law is not mandatory and there are no penalties for failing to display the poster.<sup>193</sup>

### Training Law

Wisconsin does not currently have a law that requires training employees of lodging facilities concerning human trafficking.

### Civil Liability Law

Any person who incurs an injury or death by virtue of a violation of the human trafficking criminal law (see below) may bring a civil action against the person who committed the violation

(including actual damages, punitive damages, and reasonable attorney fees). Wisconsin law defines “person” to include all partnerships, associations and bodies politic or corporate. Thus, liability could extend to businesses such as lodging facilities.<sup>194</sup>

### Criminal Law

Wisconsin law generally provides that “whoever” knowingly harbors any child for the purpose of commercial sex acts or benefits therefrom is guilty of a Class C felony.<sup>195</sup> As noted above, the definition of “person” is broad enough to include a business entity such as a lodging facility.

Wisconsin law provides that the State Attorney General may cause a subpoena to be served upon a hotel to compel the production of documents if the information likely to be obtained is relevant to an ongoing investigation of a human trafficking crime or an Internet crime against a child and the Attorney General has reasonable cause to believe that a room provided by the hotel has been used in the crime. A person served with such a subpoena must, if requested, provide the relevant customer’s name, address, and telephone number of record, and duration of stay.<sup>196</sup>

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## Wyoming

### Signage Law

Wyoming does not currently have a law concerning human trafficking awareness signage in lodging facilities.

### Training Law

Wyoming does not currently have a law that requires training employees of lodging facilities concerning human trafficking.

### Civil Liability Law

Wyoming does not currently have a law concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Law

Wyoming law makes it a felony for a person (defined to include a partnership, corporation or other association or entity) to harbor an individual for the purpose of forced labor or sexual servitude, punishable by various terms of imprisonment and fines depending on which provision is violated.<sup>197</sup> Additionally, Wyoming law makes subject to forfeiture all buildings knowingly used or intended to be used to further human trafficking if the owner has knowledge of or gives consent to the act of violation.<sup>198</sup>



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## SIGNAGE, TRAINING, CIVIL AND CRIMINAL LIABILITY LAWS, EXPLAINED, BY OTHER JURISDICTIONS

### Washington, DC

#### Signage Law

The District of Columbia does not currently have a law concerning human trafficking awareness signage in lodging facilities.

#### Training Law

The District of Columbia does not currently have a law that requires training employees of lodging facilities concerning human trafficking.

#### Civil Liability Law

The District of Columbia does not currently have a law addressing the issue of civil liability concerning human trafficking in lodging facilities. However, an individual who is a victim of the offenses discussed below (Criminal Law), may bring a civil action for damages (including actual, compensatory, and punitive damages), injunctive relief, and any other appropriate relief.<sup>199</sup>

#### Criminal Law

The District of Columbia makes it unlawful for a business to harbor a person knowing, or in reckless disregard of the fact, that the coercion will be, or is being, used to cause the person to provide

labor or services or engage in a commercial sex act.<sup>200</sup> Similarly, it is unlawful for a business to harbor a person who will be caused as a result to engage in a commercial sex act knowing or in reckless disregard of the fact that the person is under eighteen years old.<sup>201</sup> The District of Columbia also makes it unlawful for a business knowingly to benefit, financially, or by receiving anything of value, from voluntarily participating in a venture which has engaged in any act in violation of the human trafficking laws, knowing or in reckless disregard of the fact that the venture has engaged in the violation.<sup>202</sup> The penalties for such violations are fines calculated under various formulas set forth in the statute and/or imprisonment for not more than twenty years.<sup>203</sup>

In addition to any sentence imposed, the business must forfeit to the District of Columbia any property that was used or intended to be used to commit or facilitate the commission of the violation and any property constituting or derived from any proceeds that the business obtained as a result of the violation.<sup>204</sup>

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## Puerto Rico

### Signage Law

Puerto Rico does not currently have a law concerning human trafficking awareness signage in lodging facilities.

### Training Law

Puerto Rico does not currently have a law that requires training employees of lodging facilities concerning human trafficking. The Department of Education and the Department of the Family are empowered and designated as the government entities in charge of joining efforts to educate, inform, and raise awareness of human trafficking prevention and the effects thereof in Puerto Rico through fairs, workshops, seminars, presentations, and prevention programs.<sup>205</sup>

### Civil Liability Law

Puerto Rico does not currently have a law addressing the issue of civil liability concerning human trafficking in lodging facilities.

### Criminal Law

Puerto Rico criminalizes the promotion or enabling of entry or exit from the Commonwealth of Puerto Rico of another person, even with the consent of said, person, for the practice of prostitution. The statutory definition of “person” includes “natural and juridical person,” therefore, it would be theoretically possible for a business to be held liable under the statute. However, the phrasing the criminal provision suggests that active participation in the trafficking by a principal of the business, would likely have to be established to assign criminal responsibility.<sup>206</sup>

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## **Anchorage, Alaska**

### **Signage Ordinance**

The City of Anchorage has a local ordinance that requires human trafficking awareness posters be displayed in a clearly visible location to employees, in all hotels and motels within the city limits.<sup>207</sup> The human trafficking awareness signage is required to state substantially the following:

If you or someone you know is being forced to engage in an activity and cannot leave —whether it is prostitution, housework, restaurant work, janitorial work, factory work, retail work, or any other activity— call the National Human Trafficking Resource Center Hotline at 1-888-373-7888 or text INFO or HELP to 233-733 to access help and services. The hotline is available 24 hours a day, 7 days a week, toll-free, anonymous and confidential, and accessible in 170 languages. You may also call the Anchorage Police Department at 786-8900 or the local FBI office at 276-4441 for assistance. Victims of slavery and human trafficking are protected under United States and Alaska law. Posted pursuant to AO 2016-115(S).

The ordinance specifies that the posters must be at least 8½ x 11 inches in size, and requires that they be printed in the five most commonly spoken languages of the municipality. Lodging establishments can be fined \$100 for every week that they fail to display the required sign.<sup>208</sup>

### **Training Ordinance**

Anchorage does not currently have an ordinance that requires training employees of lodging facilities concerning human trafficking.

### **Civil Liability Ordinance**

Anchorage does not currently have an ordinance concerning the civil liability of lodging facilities where human trafficking occurs.

### **Criminal Liability Ordinance**

Anchorage does not currently have an ordinance concerning the criminal liability of lodging facilities where human trafficking occurs.

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## Lancaster, California

### Signage Ordinance

Lancaster does not currently have an ordinance concerning human trafficking awareness signage in lodging facilities..

### Training Ordinance

Lancaster does not currently have an ordinance that requires training employees of lodging facilities concerning human trafficking.

### Civil Liability Ordinance

Lancaster does not currently have an ordinance concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Ordinance

The Lancaster Municipal Code provides that “every owner, operator, manager and/or employee shall be responsible for preventing the use of the motel for human trafficking” and must notify the designated authorities if they suspect human trafficking.<sup>209</sup> The Lancaster local ordinance: (i) provides that it is an unlawful public nuisance to directly or indirectly maintain or permit the use of a motel for human trafficking or sex trafficking;<sup>210</sup> (ii) prohibits renting a room on an hourly basis or more than once within a calendar day;<sup>211</sup> (iii) and imposes strict registration requirements for the purpose of verifying the identify of motel guests.<sup>212</sup> Violation the relevant Lancaster ordinances constitutes a misdemeanor, in respect of which a maximum fine of \$1,000 may be imposed, and a motel at which the city council finds an unlawful public nuisance connected with human trafficking has occurred may be designated a “nuisance motel” and be subject to abatement.<sup>213</sup>



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## San Antonio, Texas

### Signage Ordinance

The City of San Antonio does not currently have an ordinance concerning human trafficking awareness signage in lodging facilities.

### Training Ordinance

The City of San Antonio does not currently have an ordinance that requires training employees of lodging facilities concerning human trafficking. However, on the City of San Antonio's website, there are videos in several languages (French, Arabic, Tagalog-Filipino, Spanish, Russian, and German) describing the dangers of human trafficking.<sup>214</sup> The website provides an e-mail address and two telephone numbers for the San Antonio Police Department to report human trafficking.

### Civil Liability Ordinance

San Antonio does not currently have an ordinance concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Ordinance

San Antonio does not currently have an ordinance concerning the criminal liability of lodging facilities where human trafficking occurs.

## San Diego, California

### Signage Ordinance

San Diego does not currently have an ordinance concerning human trafficking awareness signage in lodging facilities, but the San Diego City Human Relations Commission initiated a countywide effort to implement section 52.6 of the California Civil Code, which requires the posting of certain information about human trafficking and the human trafficking hotline at required establishments.<sup>215</sup>

### Training Ordinance

San Diego does not currently have an ordinance that requires training employees of lodging facilities concerning human trafficking.

### Civil Liability Ordinance

San Diego does not currently have an ordinance concerning the civil liability of lodging facilities where human trafficking occurs.

### Criminal Liability Ordinance

San Diego does not currently have an ordinance concerning the criminal liability of lodging facilities where human trafficking occurs.

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## FOOTNOTES

<sup>1</sup> As defined in Sections 13A-12-110 to 13A-12-122, inclusive, of the Alabama Code.

<sup>2</sup> 2012 AL. SB 50; Codified as Code of Ala. § 13A-6-170.

<sup>3</sup> See Code of Ala. §13-A-6-170(f). In April 2019, a Bill was introduced in the Alabama House of Representatives to increase the fine for violating the signage laws to \$250 on the first violation, and \$2,500 for each subsequent violation, however, this amendment was not approved by the Senate Judiciary Committee. See 2019 AL H.B. 264.

<sup>4</sup> “Person” means “a human being, and where appropriate, a public or private corporation, an unincorporated association, a partnership, a government, or a governmental instrumentality.” Code of Ala. § 13A-1-2(11).

<sup>5</sup> *Id.* § 13A-6-152.

<sup>6</sup> *Id.* § 13A-6-153.

<sup>7</sup> *Id.* § 13A-6-152(c); § 13A-6-153(c).

<sup>8</sup> *Id.* § 13A-5-11.

<sup>9</sup> *Id.* § 13A-6-156.

<sup>10</sup> “Person” includes a corporation, company, partnership, firm, association, organization, business trust, or society, as well as a natural person. Alaska Stat. § 01.10.060(8).

<sup>11</sup> *Id.* § 11.41.365. A person commits the crime of human trafficking in the first degree if the person compels or induces another person to engage in sexual conduct, adult entertainment, or labor in the state by force or threat of force against any person, or by deception. *Id.* § 11.41.360.

<sup>12</sup> *Id.* § 12.55.035.

<sup>13</sup> “Person” means a human being and, as the context requires, an enterprise, a public or private corporation, an unincorporated association, a partnership, a firm, a society, a government, a governmental authority or an individual or entity capable of holding a legal or beneficial interest in property. *Id.* § 13-105(30).

<sup>14</sup> “Enterprise” includes any corporation, association, labor union or other legal entity. *Id.* § 13-105 (17).

<sup>15</sup> *Id.* §§ 13-1308 (trafficking of persons for forced labor or services); 13-3212 (child sex trafficking); 13- 1307 (sex trafficking); 13-1306 (unlawfully obtaining labor or services).

<sup>16</sup> *Id.* § 13-803 (fines against enterprises).

<sup>17</sup> Ariz. Rev. Stat. §§ 13-823 (dangerous and repeat enterprise offenders); 13-803 (fines against enterprises).

<sup>18</sup> A.C.A. § 12-19-102.

<sup>19</sup> “Person”, “actor”, “defendant”, “he”, “she”, “her”, or “him” includes, any natural person; and when appropriate, an organization”. *Id.* § 5-1-102(13).

<sup>20</sup> “Organization” is defined as “a corporation, company, association, firm, partnership, or joint-stock company; a foundation, institution, society, union, club, or church; or any other group of persons organized for any purpose”. *Id.* § 5-2-501.

<sup>21</sup> *Id.* § 5-18-103.

<sup>22</sup> *Id.* § 5-4-201.

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## FOOTNOTES

<sup>23</sup> *Id.* § 5-18-105.

<sup>24</sup> 2018 Cal AB 2034, codified as Cal Civ Code § 52.6.

<sup>25</sup> As defined in subdivision (b) of Section 24045.12 of the Business and Professional Code, not including personal residences.

<sup>26</sup> 2019, CA S.B. 630.

<sup>27</sup> Senate Bill (SB) 970.

<sup>28</sup> “An employee who is likely to interact or come into contact with victims of human trafficking’ includes, but is not limited to, an employee who has reoccurring interactions with the public, including, but not limited to, an employee who works in a reception area, performs housekeeping duties, help customers in moving their possession, or drives customers.” California Government Code § 12950.3(3).

<sup>29</sup> Cal. Pen Code §§ 236.3; 11225.

<sup>30</sup> *Id.* § 236.7.

<sup>31</sup> Conn. Gen. Stat. §§ 54-222, 54-234a.

<sup>32</sup> *Id.* § 54-234a(c).

<sup>33</sup> *Id.* § 44-5.

<sup>34</sup> 11 Del. C. § 787(k)(2)(e).

<sup>35</sup> *Id.* § 787(l)(2).

<sup>36</sup> *Id.*

<sup>37</sup> *Id.* § 787(l)(3).

<sup>38</sup> *Id.* § 787(i)(1).

<sup>39</sup> *Id.* § 787(c)(1); 11 Del. C. § 281. There is some ambiguity in the statute as civil liability is only specified for a “person” and not an “organization.” §302 of Title 1 of the Delaware Code defines “person” to include (among other things) corporations, companies, and partnerships “unless the context requires a different meaning.”

<sup>40</sup> *Id.* § 787(i)(1).

<sup>41</sup> *Id.* § 787(i)(2).

<sup>42</sup> *Id.* § 787(i)(3).

<sup>43</sup> *Id.* § 787(i)(4-5).

<sup>44</sup> *Id.* §§ 281, 787(c)(1).

<sup>45</sup> *Id.* § 787(c)(2).

<sup>46</sup> Fla. Stat. § 509.096(1)(c).

<sup>47</sup> *Id.*

<sup>48</sup> *Id.* § 509.096(3).

<sup>49</sup> *Id.* § 509.096(1)(a).

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Id.* § 509.096(1)(b).

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## FOOTNOTES

<sup>53</sup> *Id.* § 509.096(2).

<sup>54</sup> O.C.G.A. § 16-5-47.

<sup>55</sup> <https://gbi.georgia.gov/documents/human-trafficking-notice>.

<sup>56</sup> O.C.G.A § 16-5-46.

<sup>57</sup> On January 22, 2018, HB 1955 was introduced to the House Health and Human Services Committee. If passed, it would require the Hawaii Tourism Authority to “develop, establish, and make available to hotel owners, operators, and employees a course of training on appropriate handling and response procedures for suspected human trafficking activities.” The bill was scheduled to be heard by the Committee on Feb. 1, 2018, but on such date the Committee recommended that it be deferred. In any event, as currently worded, the training course would be voluntary, not mandatory.

<sup>58</sup> A “lodging establishment” is defined as an establishment classified as a hotel or motel in the 2017 North American Industry Classification System under code 721110, and an establishment classified as a casino hotel in the 2017 North American Industry Classification System under code 721120. *Id.* §5.

<sup>59</sup> 2019 Ill. SB (1890) (Public Act 101-18).

<sup>60</sup> *Id.* §10.

<sup>61</sup> *Id.* §15.

<sup>62</sup> “Company” means any sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity of business association, including all wholly owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of those entities or business associations, that exist for the purpose of making profit. 720 ILCS 5/10-9.

<sup>63</sup> On February 20, 2019, HF 455 was introduced and was most recently the subject of a subcommittee meeting on March 5, 2019. The bill provides that, by no later than December 31, 2021, the commissioner of public safety will approve a human trafficking prevention training program or programs that are developed for lodging providers and to specify the mode or modes of delivery of the training. In addition, it is proposed that, effective on or after January 1, 2022, a public employee and a public employer will be prohibited from using public funds to procure lodging at a site owned or operated by a lodging provider that has not completed such training.

<sup>64</sup> *Id.* S. 510.

<sup>65</sup> K.S.A. § 75-759(a)-(c).

<sup>66</sup> *Id.* § 75-759(d).

<sup>67</sup> *Id.* § 21-5105.

<sup>68</sup> *Id.* § 21-5111(t) (defining “person” has “an individual, public or private corporation, government, partnership, or unincorporated association.”).

<sup>69</sup> *Id.* § 21-5426(a)(2).

<sup>70</sup> *Id.* § 21-5426(c)(4).

<sup>71</sup> S. Res. 149, 2018 Leg., Reg. Sess. (Ky. 2018).

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## FOOTNOTES

<sup>72</sup> “Person” means “a human being, and where appropriate a public or private corporation, an unincorporated association, a partnership, a government, or a governmental authority.” KRS § 500.080(12).

<sup>73</sup> KRS § 529.110.

<sup>74</sup> *Id.* § 534.050(1).

<sup>75</sup> “Hotel” is defined in the statute as “any establishment, both public and private, engaged in the business of furnishing or providing rooms and overnight camping facilities intended or designed for dwelling, lodging, or sleeping purposes to transient guests and does not encompass any hospital, convalescent or nursing home or sanitarium, or any hotel-like facility operated by or in connection with a hospital or medical clinic providing rooms exclusively for patients and their families.” The term “hotel” does not include bed and breakfast or camp and retreat facilities owned and operated by nonprofit organizations. La. R.S. § 15:541.1(A)(5).

<sup>76</sup> *Id.* In addition, beginning on January 1, 2020, hotels must affix a flyer to the inside door to each bathroom stall at the establishment. Such flyer shall be designed by the Greater New Orleans Human Trafficking Task Force, with the approval of the Commissioner of the Office of Alcohol and Tobacco Control, and shall be no larger than 8-1/2 by 11 inches. No later than December 1, 2019, the Greater New Orleans Human Trafficking Task Force shall transfer the flyer in an electronic format to the Commissioner for posting on the website for the Office of Alcohol and Tobacco Control. *Id.*

<sup>77</sup> *Id.* § 26.96.

<sup>78</sup> *Id.* § 46:2161(A)(4).

<sup>79</sup> La. R.S. §§ 14:2 (2) (7), 14:46.2 (A)(2).

<sup>80</sup> 26 M.R.S. § 879.

<sup>81</sup> 5 M.R.S. § 4701(2).

<sup>82</sup> *Id.* at § 4701(3).

<sup>83</sup> Md. Business Regulation Code Ann. § 15-207.

<sup>84</sup> *Id.*

<sup>85</sup> There are laws which appear to apply only to natural persons for human trafficking violations. Under Maryland law, a person could be guilty of human trafficking if, such hotel knowingly benefitted financially or by receiving anything of value from participation in human trafficking. Md. Criminal Law Code Ann. § 11-303.

<sup>86</sup> Human Trafficking Division Resources, <https://www.mass.gov/service-details/human-trafficking-division-resources>.

<sup>87</sup> ALM GL ch. 265, §§ 50(c); 51(c).

<sup>88</sup> MCLS § 752.1033(4)(a).

<sup>89</sup> *Id.* § 752.1034.

<sup>90</sup> *Id.* § 752.1035.

<sup>91</sup> *Id.*

<sup>92</sup> *Id.* § 752.1039.

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## FOOTNOTES

<sup>93</sup> <https://www.michigan.gov/lara>.

<sup>94</sup> Human Trafficking Red Flags for Hospitality Industry, [https://www.michigan.gov/documents/ag/Red\\_Flags\\_-\\_Hospitality\\_598574\\_7.pdf](https://www.michigan.gov/documents/ag/Red_Flags_-_Hospitality_598574_7.pdf).

<sup>95</sup> Minn. Stat. § 157.177(2)(d).

<sup>96</sup> *Id.* at (2)(a)-(c).

<sup>97</sup> *Id.* at (5).

<sup>98</sup> Minn. Stat. § 157.177(4).

<sup>99</sup> Miss. Code Ann. § 97-3-54.1(3).

<sup>100</sup> *Id.*

<sup>101</sup> *Id.*

<sup>102</sup> *Id.*

<sup>103</sup> *Id.*

<sup>104</sup> R.S. Mo. § 595.120. A copy of the poster can be found at <http://dps.mo.gov/human-trafficking/pdf/stop-human-trafficking-poster.pdf>.

<sup>105</sup> *Id.* § 4.

<sup>106</sup> Business Council Against Human Trafficking Training Videos, <http://ago.mo.gov/home/human-trafficking/business-council-members/training-videos>.

<sup>107</sup> 44-4-1501, MCA.

<sup>108</sup> *Id.*

<sup>109</sup> *Id.*

<sup>110</sup> 45-5-702, MCA.

<sup>111</sup> 1-1-201(1)(b), MCA.

<sup>112</sup> R.R.S. Neb. § 81-1430.

<sup>113</sup> *Id.* §§ 28-830, 28-831.

<sup>114</sup> *Id.* § 28-807(12).

<sup>115</sup> N.H. Rev. Stat. § 633:7.

<sup>116</sup> See N.H. Rev. Stat. § 625:11.

<sup>117</sup> N.J. Stat. § 52:17B-237.

<sup>118</sup> <https://www.nj.gov/oag/dcj/humantrafficking/awareness-posters.html>.

<sup>119</sup> N.J.A.C. § 5:10-29.1. A copy of the poster is available at <http://www.nj.gov/dca/divisions/codes/resources/humantrafficking.html>.

<sup>120</sup> N.J. Stat. § 2C:13-12.

<sup>121</sup> *Id.* § 2C:13-12.

<sup>122</sup> *Id.*

<sup>123</sup> N.J.A.C. § 5:10-29.1.

<sup>124</sup> *Id.* The video is available in English and Spanish at <http://www.nj.gov/dca/divisions/codes/resources/humantrafficking.html>.

<sup>125</sup> *Id.*

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## FOOTNOTES

<sup>126</sup> N.J. Stat. § 2C:13-8.

<sup>127</sup> *Id.* § 2C:13-9.

<sup>128</sup> *Id.*

<sup>129</sup> *Id.* § 2C:1-14(g) (defining “person” as “any natural person and, where relevant, a corporation or an unincorporated association.”).

<sup>130</sup> NM Stat. Ann. § 30-52-2.1. Lodging facilities appear to generally be covered by the Minimum Wage Act. See *id.* § 50-4-21 (defining “employer” as “any individual, partnership, association, corporation, business trust, legal representative or any organized group of persons employing one or more employees are any one time, acting directly or indirectly in the interest of an employer in relation to an employee....”).

<sup>131</sup> NY CLS Gen Bus § 206-f. The statute defines a lodging facility as “any inn, hotel, motel, motor court or other establishment that provides lodging to transient guests” but excludes bed and breakfasts.

<sup>132</sup> <https://www.jdsupra.com/legalnews/new-york-law-requires-human-trafficking-75839>.

<sup>133</sup> N.C. Gen Stat. § 18B-1003.

<sup>134</sup> *Id.* § 18B-104.

<sup>135</sup> <https://www.nccourts.gov/commissions/human-trafficking-commission>.

<sup>136</sup> A detailed definition of “hotel” is set forth in ORC Ann. 3731.01.

<sup>137</sup> ORC Ann. § 5502.63(B).

<sup>138</sup> Under Oklahoma law, however, it is unlawful to knowingly (i) harbor a victim of human trafficking or benefit, financially or by receiving anything of value, from participating in a venture that has engaged in an act of trafficking. 21 Okl. St. § 748.

<sup>139</sup> <https://www.doj.state.or.us/crime-victims/victim-resources/victims-services/trafficking-intervention-program>.

<sup>140</sup> ORS § 163.266.

<sup>141</sup> *Id.* § 161.015(5) (defining “person” as “a human being and, where appropriate, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality.”).

<sup>142</sup> P.L. 1618, No. 197, Cl. 43; see also 43 Pa. Stat. Ann. §§ 1492, 1493.

<sup>143</sup> 43 Pa. Stat. Ann. § 1493.

<sup>144</sup> *Id.*

<sup>145</sup> *Id.* § 1497.

<sup>146</sup> *Id.* § 1498.

<sup>147</sup> 18 Pa. C.S. § 3031.

<sup>148</sup> *Id.* § 3017.

<sup>149</sup> R.I. Gen. Laws § 11-67.1-20.

<sup>150</sup> *Id.*

<sup>151</sup> *Id.*

<sup>152</sup> *Id.* § 11-67.1-19.

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## FOOTNOTES

<sup>153</sup> *Id.* § 11-67.1-8.

<sup>154</sup> *Id.*

<sup>155</sup> S.C. Code Ann. § 16-3-2100.

<sup>156</sup> *Id.* § 16-3-2020(D).

<sup>157</sup> *Id.* § 16-3-2020(A).

<sup>158</sup> S.D. Codified Laws § 22-49-01.

<sup>159</sup> *Id.* § 22-1-2(31) (defining “person” as “any natural person, unborn child, association, limited liability company, corporation, firm, organization, partnership, or society.”).

<sup>160</sup> Tennessee Code Ann. § 39-13-313.

<sup>161</sup> *Id.* § 39-13-314(b).

<sup>162</sup> Under Tennessee law, a person who (x) knowingly commits the offense of trafficking a person for purposes of sexual servitude or (y) knowingly harbors or attempts to harbor a victim of human trafficking for forced labor or services or benefits, financially or by receiving anything of value, from participation in a venture that has engaged in an act of human trafficking for purposes of forced labor or services or for a commercial sex act, in each case, can be held criminally liable. *Id.* §§ 39-13-308, 39-13-309.

<sup>163</sup> *Id.* § 39-13-311.

<sup>164</sup> *Id.* § 40-35-111(c)(1).

<sup>165</sup> Tex. Alco. Bev. Code, § 104.07.

<sup>166</sup> <https://gov.texas.gov/organization/women/preventing-human-trafficking>.

<sup>167</sup> <https://www.houstonhotels.org/human-trafficking-prevention>.

<sup>168</sup> Texas Civil Practices and Remedies Code, § 98.002(a).

<sup>169</sup> *Id.* § 98.0025(b).

<sup>170</sup> Texas Penal Code § 20A.02.

<sup>171</sup> *Id.* § 1.07(38) (defining “person” as “an individual, corporation, or association” and, as of September 1, 2019, limited liability companies and other entities and organizations governed by the Business Organizations Code).

<sup>172</sup> Utah Code Ann. § 77-38-15.

<sup>173</sup> *Id.* § 76-5-308.

<sup>174</sup> *Id.* §§ 76-1-601(2) (defining “actor” as “a person whose criminal responsibility is in issue in a criminal action”), 76-1-601(9).

<sup>175</sup> 13 V.S.A. § 2661.

<sup>176</sup> *Id.* § 2661(d).

<sup>177</sup> <https://www.justice.gov/usao-vt/pr/vermont-s-multidisciplinary-human-trafficking-task-force-partnerships-formalized>.

<sup>178</sup> 13 V.S.A. § 2662(a).

<sup>179</sup> *Id.* § 2656.

<sup>180</sup> 13 V.S.A. § 2652.

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## FOOTNOTES

- <sup>181</sup> 1 V.S.A. § 128 (defining “person” as “any natural person, corporation, ...and any partnership, unincorporated association, or other legal entity”).
- <sup>182</sup> Va. Code Ann. § 9.1-116.5.
- <sup>183</sup> Rev. Code Wash. (ARCW) § 43.280.110.
- <sup>184</sup> A bill introduced in 2015 encouraged training hotel workers and other individuals who come into contact with victims of sex trafficking to identify victims of human trafficking. S.B. 5880, 64<sup>th</sup> Leg., Reg. Sess. (Wash. 201). The bill also proposed appointing a task force to recommend training to combat human trafficking, including a one hour online training for hotel workers, but it did not pass.
- <sup>185</sup> <https://www.ahla.com>; <https://www.bestalliance.org>.
- <sup>186</sup> Rev. Code Wash. (ARCW) § 9A.40.100; Rev. Code Wash. § 7.96.020.
- <sup>187</sup> W. Va. Code § 15A-2-5.
- <sup>188</sup> *Id.* § 15A-2-5(b).
- <sup>189</sup> *Id.* § 15A-2-5(c).
- <sup>190</sup> *Id.* § 15A-2-5(d).
- <sup>191</sup> W. Va. Code §§ 61-14-1(6), (11); 61-14-2.
- <sup>192</sup> *Id.* § 61-14-7(f).
- <sup>193</sup> Wis. Stat. § 165.71.
- <sup>194</sup> *Id.* §§ 948.051(3); 990.01(26).
- <sup>195</sup> *Id.* § 948.051.
- <sup>196</sup> *Id.* § 165.505(3j).
- <sup>197</sup> Wyo. Stat. Ann. §§ 6-2-701(a)(xi), 6-2-702, 6-2-703.
- <sup>198</sup> *Id.* § 6-2-711.
- <sup>199</sup> D.C. Code § 22-1840.
- <sup>200</sup> *Id.* § 22-1833.
- <sup>201</sup> *Id.* § 22-1834.
- <sup>202</sup> *Id.* § 22-1836.
- <sup>203</sup> *Id.* §§ 22-1837; 22-3571.01; 22-3571.02(a).
- <sup>204</sup> *Id.* §§ 22-1837, 22-1838.
- <sup>205</sup> 1 L.P.R.A. § 5279(d).
- <sup>206</sup> *Id.* §§ 4780(c); 4642(aa).
- <sup>207</sup> Anchorage, Alaska Code of Ordinances § 16.90.050.
- <sup>208</sup> In November 2016, an amending ordinance reduced the fine from \$100 per day to \$100 per week, notwithstanding that section 16.89.050.D continues to provide that each day that the notice is not properly posted at all times is a separate violation. See AO No. 2016-115(S); Anchorage, Alaska Code of Ordinances § 14.60.030.

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## FOOTNOTES

<sup>209</sup> Lancaster, California Code of Ordinances § 9.50.040. The ordinance provides that indicators of human trafficking may include (i) attempting to rent a room for less than twelve (12) hours, or leaving after only a few hours; (ii) paying with cash to avoid a paper trail; (iii) attempting to rent a room without presenting valid identification; (iv) reserving multiple rooms at once; (v) reserving a room for extended periods of time, but bringing few or no possessions; (vi) a guest who appears malnourished or physically abused; (vii) a guest who is dressed inappropriately for his/her age; and (viii); frequent guests coming and going.

<sup>210</sup> *Id.* § 9.50.030.

<sup>211</sup> *Id.* § 9.50.050.

<sup>212</sup> *Id.* § 9.50.060.

<sup>213</sup> *Id.* §§ 1.12.020; 9.50.070; 9.50.030.

<sup>214</sup> See <https://www.sanantonio.gov/SAPD/Human-Trafficking>.

<sup>215</sup> [https://www.sdcca.org/preventing/human-trafficking/human-trafficking-faqs.html#da\\_efforts](https://www.sdcca.org/preventing/human-trafficking/human-trafficking-faqs.html#da_efforts).

Protecting every child's  
human right to grow up free  
from the threat of sexual  
exploitation and trafficking.



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