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**SUBSTITUTE HOUSE BILL 2644**

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**State of Washington**

**63rd Legislature**

**2014 Regular Session**

**By** House Public Safety (originally sponsored by Representatives Ryu, Nealey, Moscoso, Sells, Appleton, Kagi, Haler, Gregerson, Orwall, Wylie, Roberts, Reykdal, Senn, Robinson, Farrell, Tarleton, Tharinger, Freeman, Walkinshaw, Jinkins, Morrell, Clibborn, Haigh, Pettigrew, Rodne, Moeller, Pollet, Bergquist, S. Hunt, Sawyer, Green, Stanford, Ormsby, and Santos)

READ FIRST TIME 02/05/14.

1       AN ACT Relating to coercion of involuntary servitude; reenacting  
2 and amending RCW 9A.40.010; adding a new section to chapter 9A.40 RCW;  
3 and prescribing penalties.

4       BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5       NEW SECTION.   **Sec. 1.** A new section is added to chapter 9A.40 RCW  
6 to read as follows:

7       (1) A person is guilty of coercion of involuntary servitude if he  
8 or she coerces, as defined in RCW 9A.36.070, another person to perform  
9 labor or services by:

10       (a) Withholding or threatening to withhold or destroy documents  
11 relating to a person's immigration status; or

12       (b) Threatening to notify law enforcement officials that a person  
13 is present in the United States in violation of federal immigration  
14 laws.

15       (2) Reporting to law enforcement that a person is present in the  
16 United States in violation of federal immigration laws is not a threat  
17 for the purposes of this section.

18       (3) A person may commit coercion of involuntary servitude

1 regardless of whether the person provides any sort of compensation or  
2 benefits to the person who is coerced.

3 (4) Coercion of involuntary servitude is a class C felony.

4 **Sec. 2.** RCW 9A.40.010 and 2011 c 336 s 363 and 2011 c 111 s 2 are  
5 each reenacted and amended to read as follows:

6 The following definitions apply in this chapter:

7 (1) "Abduct" means to restrain a person by either (a) secreting or  
8 holding him or her in a place where he or she is not likely to be  
9 found, or (b) using or threatening to use deadly force.

10 (2) "Commercial sex act" means any act of sexual contact or sexual  
11 intercourse for which something of value is given or received.

12 (3) "Forced labor" means knowingly providing or obtaining labor or  
13 services of a person by: (a) Threats of serious harm to, or physical  
14 restraint against, that person or another person; or (b) means of any  
15 scheme, plan, or pattern intended to cause the person to believe that,  
16 if the person did not perform such labor or services, that person or  
17 another person would suffer serious harm or physical restraint.

18 (4) "Involuntary servitude" means a condition of servitude in which  
19 the victim was forced to work by the use or threat of physical  
20 restraint or physical injury, ~~((or))~~ by the use of threat of coercion  
21 through law or legal process, or as set forth in section 1 of this act.  
22 For the purposes of this subsection, "coercion" has the same meaning as  
23 provided in RCW 9A.36.070.

24 (5) "Relative" means an ancestor, descendant, or sibling, including  
25 a relative of the same degree through marriage or adoption, or a  
26 spouse.

27 (6) "Restrain" means to restrict a person's movements without  
28 consent and without legal authority in a manner which interferes  
29 substantially with his or her liberty. Restraint is "without consent"  
30 if it is accomplished by (a) physical force, intimidation, or  
31 deception, or (b) any means including acquiescence of the victim, if he  
32 or she is a child less than sixteen years old or an incompetent person  
33 and if the parent, guardian, or other person or institution having  
34 lawful control or custody of him or her has not acquiesced.

35 (7) "Serious harm" means any harm, whether physical or nonphysical,  
36 including psychological, financial, or reputational harm, that is  
37 sufficiently serious, under all the surrounding circumstances, to

1 compel a reasonable person of the same background and in the same  
2 circumstances to perform or to continue performing labor, services, or  
3 a commercial sex act in order to avoid incurring that harm.

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