

DECEMBER 1, 2022 | STATE & LOCAL TRENDS

CA Laws Take Aim at Sexual Assault and Human Trafficking

Sexual assault and human trafficking was one of the top issues for the California Legislature and Governor Gavin Newsom in the most recent legislative session. At least six (6) bills will go into effect in 2023 that relate in various ways to sexual assault and human trafficking. While some of the new bills apply generally (including to employers), many of them are industry-specific (i.e. hotels, cosmetology, barbering, etc.) Below is a summary of some of the laws that will soon be going into effect.

Human Trafficking

AB 1788

AB 1788 allows for a civil penalty to be imposed against a hotel if a supervisor knew of or acted with reckless disregard of activity constituting sex trafficking within the hotel and failed to inform law enforcement. It would also allow for such penalties if the supervisor was acting within the scope of employment and benefited from participating in a venture that the employee knew or should have known constituted sex trafficking.

The penalties can range from \$1,000 to \$10,000, depending on the number of violations in a calendar year.

AB 2130

AB 2130 requires that, beginning July 1, 2024, newly-licensed EMTs and paramedics to complete at least 20 minutes of training on issues related to human trafficking. It does not require existing EMTs or paramedics to complete the training.

AB 1726

The Safe at Home Program offers victims of domestic violence, stalking, sexual assault, human trafficking & elder and dependent abuse, as well as reproductive health care workers, a substitute mailing address to receive first class, certified, and registered mail. Currently, businesses are prohibited from soliciting, selling, or trading on the internet the home address, home telephone number, or image of a participant in the Safe at Home program for various reasons specified in the statute. AB 1726 expands this prohibition to apply to all public spaces, including but not limited to the internet.

AB 2683

AB 2683 requests independent institutions of higher education and private postsecondary educational institutions to post educational and preventative information on sexual violence on their campus internet sites. It would also require that, beginning September 1, 2024, these institutions provide annual training to students on sexual violence and sexual harassment.

AB 1661

AB 1661 adds barbering and cosmetology businesses to those required to post a notice containing information relating to slavery and human trafficking.

Failure to comply can result in civil penalties ranging from \$500 to \$1,000.

Sexual Assault Claims

AB 2777

Currently, a civil action for sexual assault must be brought within 10 years of the last act or within 3 years from the date the plaintiff discovers an injury or illness resulted from the act. AB 2777, until December 31, 2026, revives claims for sexual assault under the following circumstances:

1. When the sexual assault occurred on or after January 1, 2009 and would otherwise be barred solely because the statute of limitations expired.
2. When the sexual assault occurred on or after the plaintiff's 18th birthday and when one or more entities are legally responsible for damages and the entity or their agents engaged in a cover up (and any related claims) that would otherwise be barred prior to January 1, 2023, solely because the applicable statute of limitations expired.

This bill is important for employers to be aware of because it potentially exposes them to claims brought against current or former employees that otherwise might have been barred by the statute of limitations.

All employers should familiarize themselves with these new laws prior to them going into effect, and should ensure that they are complying with other relevant laws already effect. Employers in specific industries, such as those implicated by the laws discussed in this article, should ensure that they are fully in compliance with any additional laws specific to their industry.