

**2019 DRAFTING REQUEST**

**Bill**

For: **Kalan Haywood (608) 266-3786** Drafter: **kpaczusk**  
 By: **Kalan** Secondary Drafters:  
 Date: **5/23/2019** May Contact:

Same as LRB:

Submit via email: **YES**  
 Requester's email: **Rep.Haywood@legis.wisconsin.gov**  
 Carbon copy (CC) to: **mary.pfotenhauer@legis.wisconsin.gov**  
**konrad.paczuski@legis.wisconsin.gov**

**Pre Topic:**

No specific pre topic given

**Topic:**

Requiring hotels to provide human trafficking awareness training to employees

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kpaczusk 6/7/2019	csicilia 6/7/2019			
/P1	kpaczusk 6/10/2019	swinder 6/10/2019	lparisi 6/7/2019		State
/P2	kpaczusk 6/10/2019	swinder 6/10/2019	dwalker 6/10/2019		State
/P3	kpaczusk 7/11/2019	csicilia 7/12/2019	lparisi 6/10/2019		State
/P4	kpaczusk	csicilia	mbarman		State

*→ Per KP*

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P5	2/4/2020	2/5/2020	lparisi 2/5/2020		State
/1			dwalker 3/3/2020	dwalker 3/3/2020	State

FE Sent For:

<END>

→ At  
Intro



Phone call with Rep. Haywood's office 5/23:

### Drafting Instructions:

- Draft a bill that requires hotels & motels in order to be granted a license, to provide training to each employee about human trafficking awareness
- DATCP, DOJ, DOC, and Dept. of Tourism should develop requirements that the training must satisfy
- Hotel & motel employees should receive initial training when they begin working and periodic ongoing training
- should maintain records of the training received by employees



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-3386/ep1  
KP...

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN: 6/7  
OUT: Today, please

Ger Cat

gjs

1 AN ACT ...; relating to: requiring hotel operators to provide human trafficking  
2 awareness training to employees and granting rule-making authority.

***Analysis by the Legislative Reference Bureau***

This bill requires operators of hotels, motels, and inns to provide training to each employee on recognizing and preventing human trafficking in order to obtain a license from the Department of Agriculture, Trade and Consumer Protection or a local health department acting as DATCP's agent. Current law requires all operators of a hotel, motel, or inn to hold a license granted by DATCP or a local health department agent.

Also, under the bill, DATCP collaborates with the Department of Justice, the Department of Corrections, and the Department of Tourism to develop criteria for the human trafficking training required by the bill.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

3 SECTION 1. 97.605 (1) (cm) of the statutes is created to read:  
4 97.605 (1) (cm) 1. The department and a local health department granted agent  
5 status under s. 97.615 (2) may not issue a license under this section to an operator

**SECTION 1**

1 of a hotel unless the hotel operator provides training to each employee near the time  
2 of hire and periodically thereafter on recognizing and preventing human trafficking.

3 2. The department shall collaborate with the department of justice, the  
4 department of corrections, and the department of tourism to develop criteria for the  
5 training required under this paragraph. The department shall promulgate rules  
6 establishing requirements for the training provided under this paragraph based on  
7 the criteria developed with the department of justice, the department of corrections,  
8 and the department of tourism.

9 3. The department may promulgate rules for obtaining verification that a hotel  
10 operator has satisfied the requirements of this paragraph.

11 **SECTION 2. Effective date.**

12 (1) This act takes effect on the first day of the 10th month beginning after  
13 publication.

\*\*\*\*NOTE: As a placeholder, this provision delays the effective date of the requirements for 9 months, in order for the agencies to develop the training requirements and for hotels to implement training programs. If you would like to change the timing of when the draft takes effect, please let me know.

14 (END)



Phone call with Rep. Haywood's office 6/10:

Additional Instructions:

Remove the Dept. of Corrections from collaborating to develop criteria for the human trafficking awareness training and replace that agency with the Dept. of Children and Families.



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-3386/PT *rep2*  
KP:cjs  
skw

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

*Out ASAP, Please*

1 **AN ACT to create** 97.605 (1) (cm) of the statutes; **relating to:** requiring hotel  
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*Children and Families*

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6 department of *children and families* ~~corrections~~, and the department of tourism to develop criteria for the  
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State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-3386/P2 <sup>deB</sup>  
KP:cjs&skw

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10 department of ~~corrections~~ <sup>e-children and families</sup>, and the department of tourism.

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16           **(END)**

## Paczuski, Konrad

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**From:** Haywood, Kalan <Kalan.Haywood@legis.wisconsin.gov>

**Sent:** Tuesday, July 09, 2019 1:44 PM

**To:** Paczuski, Konrad <Konrad.Paczuski@legis.wisconsin.gov>

**Subject:** LRB 3386

Edits for bill.



- Employees must be trained within 6 months of the passage of the law or from when first hired. Employees must then have training once every two years if still employed by the lodging facility.
- A lodging facility can use its own human trafficking awareness training program or a third party training program if it meets the following requirements:
  - o A definition of human trafficking and commercial exploitation of children.
  - o Guidance on how to identify individuals who are most at risk for human trafficking.
  - o The difference between human trafficking for purposes of labor and for purposes of sex specific to the lodging industry.
  - o Guidance on the role of lodging facility's employees in reporting and responding to the issue.
  - o Contact information for appropriate agencies, such as a national hotline and local law enforcement agencies.
- The training should be at least 20 minutes in duration and can be classroom or other effective interactive training and education regarding human trafficking awareness.
- Employers must provide a form to employees to sign and return to the employer. The form would serve as an acknowledgement of the employee being trained. The lodging facility must keep the form to provide to the Department upon request. Department of Justice will be that department.
- The employer or employee of the lodging facility may not be deemed liable for any harm resulting from the failure of an employee to prevent, detect or report suspected human trafficking if the lodging facility is in compliance with the training law.
  - Define "employer".
  - Effective date should be Jan 1, 2020.
  - It is the intent of the Legislature in enacting this section to establish a minimum threshold for human trafficking awareness training and education. This section shall not be construed to discourage or relieve an employer from providing for longer, more frequent, or more elaborate training and education regarding human trafficking awareness. It is further the intent of the Legislature to encourage employers to take all reasonable steps necessary to lead to the rescue of human trafficking victims and prevent any kind of human trafficking in their establishments.
  - (g) If an employer violates this section, the department may seek an order requiring the employer to comply with these requirements.
  - [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201720180SB970](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB970)
  - <https://legiscan.com/IL/text/SB1890/2019>
  - Also, the mandate would not be linked to their license, so their will need to be no need for DATCAP involvement.

Yours in service,

Representative Kalan Haywood  
Wisconsin's Sensational 16th District



**SB-970 Employment: human trafficking awareness. (2017-2018)**

SHARE THIS:  

Date Published: 09/27/2018 09:00 PM

**Senate Bill No. 970**

**CHAPTER 842**

An act to add Section 12950.3 to the Government Code, relating to employment.

[ Approved by Governor September 27, 2018. Filed with Secretary of State  
September 27, 2018. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 970, Atkins. Employment: human trafficking awareness.

Existing law requires specified businesses and other establishments to post a notice, as developed by the Department of Justice, that contains information relating to slavery and human trafficking, including information regarding specified nonprofit organizations that a person can call for services or support in the elimination of slavery and human trafficking.

The California Fair Employment and Housing Act (FEHA) makes specified employment practices unlawful, including the harassment of an employee directly by the employer or indirectly by agents of the employer with the employer's knowledge. FEHA requires employers with 50 or more employees to provide at least 2 hours of prescribed training and education regarding sexual harassment to all supervisory employees within 6 months of their assumption of a supervisory position and once every 2 years, as specified.

This bill would amend FEHA to require specified employers to provide at least 20 minutes of prescribed training and education regarding human trafficking awareness to employees who are likely to interact or come into contact with victims of human trafficking, as defined. The bill would establish a schedule for compliance commencing January 1, 2020. The bill would authorize the Department of Fair Employment and Housing, in the case of an employer violation of the bill's requirements, to seek an order requiring compliance.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 12950.3 is added to the Government Code, to read:

**12950.3.** (a) For purposes of this section, "employer" means a hotel or motel. "Employer" does not mean a bed and breakfast inn, as that term is defined in subdivision (b) of Section 24045.12 of the Business and Professions Code.

(b) (1) By January 1, 2020, an employer shall provide at least 20 minutes of classroom or other effective interactive training and education regarding human trafficking awareness to each employee who is likely to interact or come into contact with victims of human trafficking and who is employed as of July 1, 2019, and, within six months of his or her employment in that role, to each new employee who is likely to interact or come into contact with victims of human trafficking. An employer who has provided this training and education to an employee on or before January 1, 2019, shall not be required to provide additional training to that employee to meet the requirements of this subparagraph.

(2) After January 1, 2020, an employer shall, once every two years, provide human trafficking awareness training and education to each employee who is likely to interact or come into contact with victims of human trafficking and, within six months of his or her employment in that role, to each new employee who is likely to interact or come into contact with victims of human trafficking.

(3) As used in this subdivision, "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, helps customers in moving their possessions, or drives customers.

(c) The human trafficking awareness training and education required by subdivision (b) shall include, but is not limited to, the following:

(1) The definition of human trafficking and commercial exploitation of children.

(2) Guidance on how to identify individuals who are most at risk for human trafficking.

(3) The difference between labor and sex trafficking specific to the hotel sector.

(4) Guidance on the role of hospitality employees in reporting and responding to this issue.

(5) The contact information of appropriate agencies, including, but not limited to, the National Human Trafficking Hotline toll-free telephone number, 1-888-373-7888, and text line, 233733, and the telephone numbers of the appropriate local law enforcement agencies.

(d) The human trafficking awareness training and education required by subdivision (b) may also include, but is not limited to, materials and information provided by the Department of Justice, the Blue Campaign of the federal Department of Homeland Security, and private nonprofit organizations that represent the interests of victims of human trafficking.

(e) The lack of reporting of a human trafficking case that occurs in a hotel, motel, or bed and breakfast inn by an employee of that establishment, shall not, by itself, result in the liability of any employer or employee of that establishment to the human trafficking victim or victims in the case in question or to any other legal party.

(f) It is the intent of the Legislature in enacting this section to establish a minimum threshold for human trafficking awareness training and education. This section shall not be construed to discourage or relieve an employer from providing for longer, more frequent, or more elaborate training and education regarding human trafficking awareness. It is further the intent of the Legislature to encourage employers to take all reasonable steps necessary to lead to the rescue of human trafficking victims and prevent any kind of human trafficking in their establishments.

(g) If an employer violates this section, the department may seek an order requiring the employer to comply with these requirements.



Phone call from Rep. Haywood's office 7/10:

Additional Instructions:

- Instead of requiring hotels to provide the training, require DOJ to certify lodging establishments that voluntarily provide training that meets the requirements to employees.
- The certification should apply to hotels, motels, bed and breakfasts, and tourist rooming houses.
- Require DOJ to maintain, keep up to date, and make public on the Internet a database of the lodging establishments that are certified as providing human trafficking awareness training.



De P4  
skays

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

INSERT

IN: 7/11/2019  
OUT: 7/12/2019

Gerlat

a certification for lodging establishment operators that

1 AN ACT to create 97.605 (1) (cm) of the statutes; relating to: requiring hotel  
2 operators to provide human trafficking awareness training to employees and  
3 granting rule-making authority.

**Analysis by the Legislative Reference Bureau**

INS  
A

This bill requires operators of hotels, motels, and inns to provide training to each employee on recognizing and preventing human trafficking in order to obtain a license from the Department of Agriculture, Trade and Consumer Protection or a local health department acting as DATCP's agent. Current law requires all operators of a hotel, motel, or inn to hold a license granted by DATCP or a local health department agent.

Also, under the bill, DATCP collaborates with the Department of Justice, the Department of Children and Families, and the Department of Tourism to develop criteria for the human trafficking training required by the bill.

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**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

INS 1-3 1

4 SECTION 1. 97.605 (1) (cm) of the statutes is created to read:

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2 status under s. 97.615 (2) may not issue a license under this section to an operator  
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4 of hire and periodically thereafter on recognizing and preventing human trafficking.

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6 department of children and families, and the department of tourism to develop  
7 criteria for the training required under this paragraph. The department shall  
8 promulgate rules establishing requirements for the training provided under this  
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10 department of children and families, and the department of tourism.

11           3. The department may promulgate rules for obtaining verification that a hotel  
12 operator has satisfied the requirements of this paragraph.

13           **SECTION 2. Effective date.**

14           (1) This act takes effect on the first day of the 10th month beginning after  
15 publication.

\*\*\*\*NOTE: As a placeholder, this provision delays the effective date of the requirements for 9 months, in order for the agencies to develop the training requirements and for hotels to implement training programs. If you would like to change the timing of when the draft takes effect, please let me know.

16           **(END)**



1 INS A

Under this bill, the Department of Justice is required to certify an operator of a lodging establishment as providing human trafficking awareness training if the operator provides training on human trafficking awareness that satisfies requirements specified in the bill to certain employees. The bill defines a "lodging establishment" as a hotel, motel, inn, bed and breakfast establishment, or tourist rooming house.

The bill also requires DOJ to develop, maintain, keep current, and make available to the public on the Internet a computer database of lodging establishments in the state that are certified as providing human trafficking awareness training to employees.

2

3 END INS A

4 INS 1-3

5 SECTION 1. 165.705 of the statutes is created to read:

6 **165.705 Certifying lodging establishments for human trafficking**  
7 **awareness training. (1)** In this section:

8 (a) "Lodging establishment" means any of the following:

9 1. A bed and breakfast establishment, as defined in s. 97.01 (1g).

10 2. A hotel, as defined in s. 97.01 (7).

11 3. A tourist rooming house, as defined in s. 97.01 (15k).

12 (b) "Lodging establishment worker" means a person employed by an operator  
13 of a lodging establishment who has recurring interactions with the public, including  
14 an employee who works in the reception area, performs housekeeping duties, helps  
15 customers in moving their possessions, or transports by vehicle customers of the  
16 lodging establishment.

17 (2) The department <sup>of justice</sup> shall certify as providing human trafficking awareness  
18 training a lodging establishment operator that applies to the department if the

1 lodging establishment operator provides training to lodging establishment workers  
2 that satisfies all of the following:

3 (a) The training consists of all of the following:

4 1. A presentation of the definition of human trafficking and commercial  
5 exploitation of children.

6 2. Guidance on how to identify individuals who are most at risk for human  
7 trafficking.

8 3. A description specific to the lodging industry of the differences between  
9 human trafficking for purposes of labor and for purposes of sex.

10 4. Guidance on the role of lodging establishment workers in reporting and  
11 responding to human trafficking.

12 5. The contact information of appropriate agencies, including local law  
13 enforcement agencies and telephone hotlines.

14 (b) The training is at least 20 minutes in duration and provided in a classroom  
15 or another effective and interactive setting.

16 (c) The training is provided <sup>to each lodging establishment worker</sup> within 6 months of the date that <sup>the</sup> a lodging  
17 establishment worker begins to be employed by the lodging establishment operator  
18 and during every 2-year period thereafter.

19 (3) The department <sup>of justice</sup> shall develop, maintain, keep current, and make available  
20 to the public on the Internet a computer database of lodging establishments in the  
21 state that are certified under sub. (2)

22 **SECTION 2. Nonstatutory provisions.**

23 (1) CURRENT LODGING ESTABLISHMENT WORKERS. Notwithstanding s. 165.705 (2)  
24 (c), an operator of a lodging establishment may be certified under s. 165.705 (2), if  
25 within 6 months after the effective date of this subsection the operator provides

1 human trafficking awareness training that satisfies s. 165.705 (2) (a) and (b) to  
2 persons who (are) on the effective date of this subsection lodging establishment  
3 workers, as defined in s. 165.705 (1) (b), and remain employed by the operator.

4 **SECTION 3. Effective date.**

5 (1) This act takes effect on January 1, 2020.

6 END INS 1-3



Meeting with Rep. Haywood's office 2/4:

### Additional instructions:

- Specify that operators of a bed and breakfast establishment or tourist rooming house are "lodging establishment workers" so that they are covered by the training provisions.
- Eliminate the language requiring DOJ to make the computer database of certified establishments public on the Internet.
- Require DOJ to design a logotype for use by lodging establishments that are certified and to prohibit use of the logotype by establishments that aren't certified.
- The requirements for obtaining a certification should be:
  - pay \$100 fee.
  - provide training to lodging establishment workers.
  - submit description of content of training.
  - display poster DOJ designates under current law in conspicuous location to workers.
  - implement procedures for workers to report suspected human trafficking to appropriate agencies.
- Specify that certification expires annually at the same time as hotel licenses.
- Authorize DOJ to revoke certification if DOJ determines that an establishment does not satisfy the requirements.
- Provide that receipts from the certification fee should be used for human trafficking investigations.
- Include a provision based on the printed materials that makes owners, operators, and employees of certified establishments not liable for damages related to human trafficking carried out by a 3rd party unless the owner, operator, or employee knowingly assists the human trafficking.
- Remove the effective date provision.

## **DRAFT LEGISLATION – HUMAN TRAFFICKING AWARENESS TRAINING AND OTHER PURPOSES**

### **Training**

*Effective [DATE], every operator of a public lodging establishment [state laws will dictate the definitions of what constitutes a public lodging establishment or operator of] shall provide human trafficking awareness training. Training shall occur for every hotel employee within 180 days of employment or within 180 days of enactment of this act.*

*Human Trafficking Awareness Training shall include, but not be limited to, the following components:*

- 1. The definition of human trafficking and commercial exploitation of children;*
- 2. Guidance on how to identify individuals at risk for trafficking;*
- 3. Guidance on how to identify the signs of trafficking and individuals potentially engaged in the act of trafficking;*
- 4. Differences between labor and sex trafficking, specific to the hotel sector;*
- 5. Guidance on the role of hospitality employees in reporting and responding to this issue; and*
- 6. The contact information for the National Human Trafficking Hotline tollfree number and text line or contact information for the local law enforcement [agency].*

*Any person who owns or operates a public lodging establishment within the state shall annually certify no later than December 31 of each year that all employees employed by the public lodging establishment more than 180 days have completed the training required by this section.*

### **Signage**

*By [DATE], every operator of a public lodging establishment [state laws will dictate the definitions of what constitutes a public lodging establishment or operator of] shall post in a location conspicuous to employees human trafficking awareness signage, printed in an easily legible font in English and any other language spoken by at least ten percent of the employees.*

### **Policies and procedures for identifying and reporting**

*By [DATE], every operator of a public lodging establishment [state laws will dictate the definitions of what constitutes a public lodging establishment or operator of] shall implement procedures for the reporting of suspected human trafficking to the National Human Trafficking Hotline or to a local law enforcement [agency] and shall implement a human trafficking prevention policy which shall apply to all employees.*

### **Recognizes trafficking prevention efforts**

*An owner, operator or employee of a public lodging establishment who complies in good faith with this section shall not be liable for any act or omission arising out of or related to human trafficking committed by a third-party unless the owner, operator or employee of the public lodging establishment knowingly assists the commission of human trafficking.*

### **Penalties**

*The [agency] shall maintain a list available to other state agencies of public lodging establishments that have been deemed to be out of compliance with this chapter. The [agency] shall provide public lodging establishments 90 days to cure violations of this chapter prior to inclusion on the out of compliance list.*

*For the purpose of making payments under this chapter for lodging expenses, each state [agency] shall ensure that, to the extent practicable, commercial lodging room nights for employees of that [agency] are booked in a public lodging establishment that has not been deemed out of compliance with this chapter by the [agency].*

*The [agency] shall determine through rulemaking a fine schedule in accordance with existing fine schedules for public lodging establishment regulations.*

DRAFT

Requested changes to LRB 3386/P4

✓ On page 2, somewhere in lines 7 through 11, add to the definition of lodging establishment worker the owner and/or operator of a bed and breakfast establishment and tourist rooming house.

On page 3, lines 1 and 2 – remove all of #5, which is the requirement that the training include the contact information of appropriate agencies, including local law enforcement agencies and telephone hotlines.

✓ On page 3, lines 8 and 9 – remove “and make available to the public on the Internet.”

We also would like to better understand the process for lodging establishments to become certified:

- What type of information or proof do you envision the lodging establishment submitting to the Department for certification? Does the lodging establishment have to submit the training to the department to prove it meets the training requirements? Does the lodging establishment submit some type of proof of completed training by the required employees?
- How often does the lodging establishment submit the information to the Department? Once? Annually? Biennially?

Legislative Assistant, Rep. Kalan Haywood  
Email: [Danielle.McClendon@legis.wisconsin.gov](mailto:Danielle.McClendon@legis.wisconsin.gov)  
Phone: (608) 237-9402  
Capitol Office Location: 16 West

---

**From:** Zimmerman, Danielle <[Danielle.Zimmerman@legis.wisconsin.gov](mailto:Danielle.Zimmerman@legis.wisconsin.gov)>  
**Sent:** Tuesday, July 23, 2019 3:07 PM  
**To:** McClendon, Danielle <[Danielle.McClendon@legis.wisconsin.gov](mailto:Danielle.McClendon@legis.wisconsin.gov)>  
**Subject:** FW: HT bill with Rep. Haywood

---

**From:** Loudenbeck, Amy <[Amy.Loudenbeck@legis.wisconsin.gov](mailto:Amy.Loudenbeck@legis.wisconsin.gov)>  
**Sent:** Tuesday, July 16, 2019 12:00 PM  
**To:** Zimmerman, Danielle <[Danielle.Zimmerman@legis.wisconsin.gov](mailto:Danielle.Zimmerman@legis.wisconsin.gov)>  
**Cc:** Loudenbeck, Amy <[Amy.Loudenbeck@legis.wisconsin.gov](mailto:Amy.Loudenbeck@legis.wisconsin.gov)>  
**Subject:** HT bill with Rep. Haywood

I like the bill and am interested in being a co-author/co-sponsor. I do have a few questions . . . .

#### ADDING THE LANGUAGE TO CREATE AN "OFFICIAL LOGOTYPE"

The veterans biz bill I was thinking of required the department of veterans affairs to create a logotype to show certification of a certification program that was already in place. Having said that, I do think it is prudent to add it to the bill. You will note in Goyke's testimony in the ROCP that the current law certification is a joint efforts between DOA and DVA. I don't know where that is in statute but might be worth looking into

<https://legis.wisconsin.gov/senate/republicans/media/2023/1016goykeveteranlogo.pdf>  
<https://docs.legis.wisconsin.gov/2015/proposals/SB575>

#### WHO IS RESPONSIBLE FOR THE CERTIFICATION

DATCP already does the licensing, but tourism would presumably be doing the promoting (like travel green)? Does DOJ want to be the primary on this. That would create a whole new database to set up and maintain over there. Not sure if it is easier to have either DATCP or Tourism take the lead and require them to consult with DOJ on the certification piece?

I wonder does the "task force" with co-chaired by DOJ have representatives from DATCP or Tourism on it? if so that might give us an indication of how they are already involved in these types of efforts.

#### WHAT DOES HOTEL & LODGING ASSOCIATION THINK?

Just wondering if they have been provided the new draft and if they like it?4

Rep. Amy Loudenbeck  
608 266-9967  
[Rep.loudenbeck@legis.wi.gov](mailto:Rep.loudenbeck@legis.wi.gov)





State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-3386/P4 *DEPS*  
KP:cjs

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

*INSERT*

*IN: 2/4  
OUT: 2/5*

*human trafficking awareness certifications for lodging establishments and making an appropriation*

1 **AN ACT to create** 165.705 of the statutes; **relating to:** a certification for lodging  
2 establishment operators that provide human trafficking awareness training to  
3 employees.

***Analysis by the Legislative Reference Bureau***

INS A *q*  
Under this bill, the Department of Justice is required to certify an operator of a lodging establishment as providing human trafficking awareness training if the operator provides training on human trafficking awareness that satisfies requirements specified in the bill to certain employees. The bill defines a "lodging establishment" as a hotel, motel, inn, bed and breakfast establishment, or tourist rooming house.

The bill also requires DOJ to develop, maintain, keep current, and make available to the public on the Internet a computer database of lodging establishments in the state that are certified as providing human trafficking awareness training to employees.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

*INS 1-3 1*

4 **SECTION 1.** 165.705 of the statutes is created to read:

*Human trafficking awareness certification; lodging establishments*

**165.705 Certifying lodging establishments for human trafficking**

**awareness training.** (1) In this section:

(a) "Lodging establishment" means any of the following:

- 1. A bed and breakfast establishment, as defined in s. 97.01 (1g).
- 2. A hotel, as defined in s. 97.01 (7).
- 3. A tourist rooming house, as defined in s. 97.01 (15k).

(b) "Lodging establishment worker" means *any of the following:* a person employed by an operator of a lodging establishment who has recurring interactions with the public, including an employee who works in the reception area, performs housekeeping duties, helps customers in moving their possessions, or transports by vehicle customers of the lodging establishment.

(2) The department of justice shall certify as providing human trafficking awareness training a lodging establishment operator that applies to the department if the lodging establishment operator provides training to lodging establishment workers that satisfies all of the following:

- 1. *a.* (a) The training consists of all of the following:
  - a.* (1) A presentation of the definition of human trafficking and commercial exploitation of children.
  - b.* (2) Guidance on how to identify individuals who are most at risk for human trafficking.
  - c.* (3) A description specific to the lodging industry of the differences between human trafficking for purposes of labor and for purposes of sex.
  - d.* (4) Guidance on the role of lodging establishment workers in reporting and responding to human trafficking.

*INS 2-11 1*

1 <sup>e. 2</sup> (5) The contact information of appropriate agencies, including local law  
2 enforcement agencies and telephone hotlines.

3 <sup>2. 2</sup> (b) The training is at least 20 minutes in duration and provided in a classroom  
4 or another effective and interactive setting.

5 <sup>3. 2</sup> (c) The training is provided to each lodging establishment worker within 6  
6 months of the date that the worker begins <sup>working at</sup> to be employed by the lodging  
7 establishment operator and during every 2-year period thereafter.

INS 3-7

8 <sup>5. 2</sup> (3) The department of justice shall develop, maintain, <sup>and</sup> keep current, and make  
9 available to the public on the Internet a computer database of lodging  
10 establishments in the state that are certified under sub. (2).

INS 3-10

11 **SECTION 2. Nonstatutory provisions.**

12 (1) CURRENT LODGING ESTABLISHMENT WORKERS. Notwithstanding s. 165.705 (2)  
13 <sup>De B/3.</sup> (c), an operator of a lodging establishment may be <sup>granted a certification</sup> certified under s. 165.705 (2), if  
14 within 6 months after the effective date of this subsection the operator provides  
15 human trafficking awareness training that satisfies s. 165.705 (2) <sup>(b) 1. and 2.</sup> (a) and (b) to  
16 persons who on the effective date of this subsection are lodging establishment  
17 workers, as defined in s. 165.705 (1) (b), and remain employed by the operator.

18 **SECTION 3. Effective date.**

19 (1) This act takes effect on January 1, 2020.

*continue to work at the lodging establishment*

20 (END)

**2019-2020 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3386/P5ins  
KP:...

1           INS A

This bill requires the Department of Justice to grant annual human trafficking awareness certifications to the operators of lodging establishments that provide human trafficking awareness training to certain employees, display a human trafficking awareness poster, and implement procedures for the reporting of suspected human trafficking. The bill defines a “lodging establishment” as a hotel, motel, inn, bed and breakfast establishment, or tourist rooming house.

The bill also requires DOJ to design a logotype to be used by lodging establishments granted the human trafficking awareness certification under the bill. Additionally, DOJ must use the receipts from the fees for obtaining a certification to investigate human trafficking crimes.

Under the bill, an owner, operator, or employee of a lodging establishment granted a certification is not liable for damages related to human trafficking carried out by a third party unless the owner, operator, or employee knowingly assists the human trafficking.

2

3           END INS A

4           INS 1-3

5           **SECTION 1.** 20.455 (2) (hm) of the statutes is created to read:

6           20.455 (2) (hm) *Human trafficking investigations*. All moneys received from  
7 fees paid under s. 165.705 (2), to be used to investigate human trafficking crimes, as  
8 defined in s. 165.505 (1) (am).

9           END INS 1-3

10          INS 2-11

11          2. An operator of a bed and breakfast establishment, as defined in s. 97.01 (1g),  
12 or a tourist rooming house, as defined in s. 97.01 (15k).

13          (2) The department of justice shall grant a human trafficking awareness  
14 certification to a lodging establishment operator that submits an application on a  
15 form provided by the department of justice and does all of the following:

16          (a) Pays a fee of \$100.

1 (b) Provides training to lodging establishment workers that satisfies all of the  
2 following:

3 END INS 2-11

4 INS 3-7

5 (c) Submits a description of the content of the human trafficking awareness  
6 training provided under par. (b).

7 (d) Conspicuously displays the poster under s. 165.71 (1) to lodging  
8 establishment workers.

9 (e) Implements procedures for lodging establishment workers to report  
10 suspected human trafficking to appropriate agencies, including local law  
11 enforcement agencies and telephone hotlines.

12 (3) (a) A certification granted under sub. (2) expires on June 30, except that a  
13 certification initially granted during the period beginning on April 1 and ending on  
14 June 30 expires on June 30 of the following year.

15 (b) The department of justice may revoke the certification of a lodging  
16 establishment operator granted under sub. (2) if the department of justice  
17 determines <sup>that</sup> the lodging establishment operator does not satisfy the requirements  
18 under sub. (2).

19 (4) The department of justice shall design an official logotype appropriate for  
20 use by lodging establishment operators certified under sub. (2), and shall prohibit  
21 the use of the logotype by persons other than persons certified under sub. (2).

22 END INS 3-7

23 INS 3-10

24 (6) An owner, operator, or employee of a lodging establishment certified under  
25 sub. (2) shall not be liable for any claim for damages arising out of any act or omission

1 related to human trafficking carried out by a 3rd party unless the owner, operator,  
2 or employee knowingly assists the human trafficking.

3 END INS 3-10



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-3386/P5

KP:cjs

NO  
Changes

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1     **AN ACT** *to create* 20.455 (2) (hm) and 165.705 of the statutes; **relating to:** human  
2             trafficking awareness certifications for lodging establishments and making an  
3             appropriation.

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***Analysis by the Legislative Reference Bureau***

This bill requires the Department of Justice to grant annual human trafficking awareness certifications to the operators of lodging establishments that provide human trafficking awareness training to certain employees, display a human trafficking awareness poster, and implement procedures for the reporting of suspected human trafficking. The bill defines a “lodging establishment” as a hotel, motel, inn, bed and breakfast establishment, or tourist rooming house.

The bill also requires DOJ to design a logotype to be used by lodging establishments granted the human trafficking awareness certification under the bill. Additionally, DOJ must use the receipts from the fees for obtaining a certification to investigate human trafficking crimes.

Under the bill, an owner, operator, or employee of a lodging establishment granted a certification is not liable for damages related to human trafficking carried out by a third party unless the owner, operator, or employee knowingly assists the human trafficking.

1 persons who on the effective date of this subsection are lodging establishment  
2 workers, as defined in s. 165.705 (1) (b), and continue to work at the lodging  
3 establishment.

4 (END)



**Walker, Dan**

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**From:** LRB.Legal  
**To:** Rep.Haywood@legis.wisconsin.gov  
**Subject:** Draft review: LRB -3386/1  
**Attachments:** 19-3386/1

**State of Wisconsin - Legislative Reference Bureau  
One East Main Street - Suite 200 - Madison**

**The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent.** If you have any questions concerning the draft or would like to have it redrafted, please contact Konrad Paczuski, Legislative Attorney, at (608) 504-5814, at [Konrad.Paczuski@legis.wisconsin.gov](mailto:Konrad.Paczuski@legis.wisconsin.gov), or at One East Main Street, Suite 200.

**We will jacket this draft for introduction in the Assembly.**

**If a jacket is needed immediately, please let us know in your response e-mail so we know to immediately jacket the proposal for you.**

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at [LRB.Legal@legis.wisconsin.gov](mailto:LRB.Legal@legis.wisconsin.gov) or at (608) 266-3561. If you requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on the current version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

**Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.**