

6834--B

2017-2018 Regular Sessions

I N A S S E M B L Y

March 21, 2017

Introduced by M. of A. PAULIN, TITONE, HUNTER, RICHARDSON, DE LA ROSA, CRESPO, SIMON, JAFFEE, GALEF, D'URSO, BLAKE, MOSLEY, GOTTFRIED, ABBATE, ORTIZ, RIVERA, CROUCH, GIGLIO, McDONOUGH, SEPULVEDA, QUART, BICHOTTE -- Multi-Sponsored by -- M. of A. COOK, HOOPER, JEAN-PIERRE, MORINELLO, WALSH -- read once and referred to the Committee on Economic Development -- recommitted to the Committee on Economic Development in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to human trafficking awareness and training for certain lodging facility employees

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The general business law is amended by adding a new section
2 205 to read as follows:
3 § 205. HUMAN TRAFFICKING AWARENESS AND TRAINING. 1. HUMAN TRAFFICKING
4 RECOGNITION TRAINING PROGRAM. A. FOR PURPOSES OF THIS SECTION, "LODGING
5 FACILITY" SHALL MEAN ANY INN, HOTEL, MOTEL, MOTOR COURT OR OTHER ESTAB-
6 LISHMENT THAT PROVIDES LODGING TO TRANSIENT GUESTS. SUCH TERM SHALL NOT
7 INCLUDE AN ESTABLISHMENT TREATED AS A DWELLING UNIT FOR THE PURPOSES OF
8 ANY STATE OR LOCAL LAW OR REGULATION OR AN ESTABLISHMENT LOCATED WITHIN
9 A BUILDING THAT HAS FIVE OR LESS ROOMS FOR RENT OR HIRE AND THAT IS
10 ACTUALLY OCCUPIED AS A RESIDENCE BY THE PROPRIETOR OF SUCH ESTABLISH-
11 MENT.
12 B. EVERY LODGING FACILITY SHALL REQUIRE ALL EMPLOYEES WHO ARE LIKELY
13 TO INTERACT OR COME INTO CONTACT WITH GUESTS TO UNDERGO A HUMAN TRAF-
14 FICKING RECOGNITION TRAINING PROGRAM TO PROVIDE TRAINING IN THE RECOGNI-
15 TION OF A HUMAN TRAFFICKING VICTIM AS DEFINED IN SECTION FOUR HUNDRED
16 EIGHTY-THREE-AA OF THE SOCIAL SERVICES LAW. SUCH TRAINING PROGRAM SHALL

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

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1 BE ESTABLISHED OR APPROVED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES
2 AND THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE IN CONSULTATION
3 WITH THE NEW YORK STATE INTERAGENCY TASK FORCE ON HUMAN TRAFFICKING. THE
4 TRAINING PROGRAM MAY BE DEVELOPED BY A FEDERAL, STATE, OR NON-PROFIT
5 ORGANIZATION, AND MAY BE INCORPORATED AS PART OF THE LODGING FACILITY'S
6 EXISTING TRAINING PROGRAMS OR MAY BE PROVIDED BY ORGANIZATIONS OR
7 PROVIDERS IDENTIFIED BY THE COMMISSIONER OF THE DIVISION OF CRIMINAL
8 JUSTICE SERVICES OR THE COMMISSIONER OF THE OFFICE OF TEMPORARY AND
9 DISABILITY ASSISTANCE, PROVIDED THAT THE TRAINING INCLUDES ALL OF THE
10 REQUIREMENTS OF THIS SECTION. ESTABLISHED OR APPROVED TRAINING PROGRAMS
11 MAY BE MADE AVAILABLE THROUGH METHODS INCLUDING, BUT NOT LIMITED TO,
12 IN-PERSON INSTRUCTION, ELECTRONIC AND VIDEO COMMUNICATION, OR ONLINE
13 PROGRAMS.

14 C. ANY HUMAN TRAFFICKING RECOGNITION TRAINING PROGRAM ESTABLISHED OR
15 APPROVED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES AND THE OFFICE OF
16 TEMPORARY AND DISABILITY ASSISTANCE IN CONSULTATION WITH THE NEW YORK
17 STATE INTERAGENCY TASK FORCE ON HUMAN TRAFFICKING AS REQUIRED IN THIS
18 SECTION SHALL ADDRESS NO LESS THAN THE FOLLOWING ISSUES:

- 19 (I) THE NATURE OF HUMAN TRAFFICKING;
20 (II) HOW HUMAN TRAFFICKING IS DEFINED IN LAW;
21 (III) HOW TO IDENTIFY VICTIMS OF HUMAN TRAFFICKING;
22 (IV) RELIEF AND RECOVERY OPTIONS FOR SURVIVORS; AND
23 (V) SOCIAL AND LEGAL SERVICES AVAILABLE TO VICTIMS.

24 D. THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES AND
25 THE COMMISSIONER OF THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
26 SHALL MAKE AVAILABLE A LIST OF ESTABLISHED OR APPROVED HUMAN TRAFFICKING
27 RECOGNITION PROGRAMS FOR USE BY A LODGING FACILITY.

28 E. ALL NEW EMPLOYEES REQUIRED TO RECEIVE HUMAN TRAFFICKING RECOGNITION
29 TRAINING SHALL RECEIVE SUCH TRAINING WITHIN THEIR FIRST MONTH OF EMPLOY-
30 MENT.

31 F. THE TRAINING SHALL TAKE PLACE ON THE PREMISES OF THE LODGING FACIL-
32 ITY AND SHALL BE CONSIDERED COMPENSABLE TIME.

33 2. RECORD KEEPING REQUIREMENTS OF HUMAN TRAFFICKING RECOGNITION TRAIN-
34 ING. EVERY KEEPER OF EACH LODGING FACILITY SHALL MAINTAIN RECORDS INDI-
35 CATING THAT EACH EMPLOYEE REQUIRED TO UNDERGO AN ESTABLISHED OR APPROVED
36 HUMAN TRAFFICKING RECOGNITION TRAINING PROGRAM PURSUANT TO THIS SECTION
37 HAS COMPLETED SUCH TRAINING. SUCH RECORDS SHALL BE KEPT ON FILE BY THE
38 LODGING FACILITY FOR THE PERIOD DURING WHICH THE EMPLOYEE IS EMPLOYED BY
39 THE LODGING FACILITY AND FOR ONE YEAR AFTER SUCH EMPLOYMENT ENDS.

40 § 2. This act shall take effect on the sixtieth day after it shall
41 have become a law; provided however, paragraph d of subdivision 1 of
42 section 205 of the general business law, as added by section one of this
43 act shall take effect immediately; provided further that all applicable
44 current employees of a lodging facility on the effective date of this
45 act shall receive human trafficking recognition training within four
46 months of the effective date of this act.