

## SB 5631: Making human trafficking a disqualifying offense for a commercial driver's license and coming into compliance with the requirements of the federal motor carrier safety administration.

A consequence of conviction of 'lifetime' duration perpetuates the harms of the criminal punishment system long after a person has served their time. This is particularly problematic given that the scope of the criminal trafficking statute is very broad and includes as a trafficker anyone who receives anything of value from participating in the venture, regardless of the level of value, level of participation, or whether there are underlying mitigating factors to that participation. That the bill seeks to apply this prohibition only to those who “use a commercial motor vehicle” in the commission of the offense does not alleviate these concerns because ‘use’ is also quite broad and undefined. (It is also of note that “commercial motor vehicle” is defined by RCW 46.25.010 (6) quite broadly as well, including bus drivers or vehicles of any size if it happens to be used to transport a hazardous substance unrelated to the trafficking venture.)

To disqualify a person from a particular occupation, particularly one of relatively few occupations in which persons with criminal convictions may be able to find work, is counterproductive and should not happen automatically without some objective assessment after due process that the particular individual and their particular actions require this sweeping a consequence. While the Senate Bill Report for SB5631 suggests that federal law now requires this change, no comparability analysis is presented in the bill or in the Senate report establishing that WA’s sweeping trafficking statute is not broader than the “felony involving a severe form of human trafficking” as referenced in the report.

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