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THIRD READING

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Bill No: AB 1031  
Author: Villapudua (D), et al.  
Amended: 6/30/21 in Senate  
Vote: 21

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SENATE LABOR, PUB. EMP. & RET. COMMITTEE: 5-0, 6/28/21  
AYES: Cortese, Ochoa Bogh, Durazo, Laird, Newman

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 77-0, 5/6/21 (Consent) - See last page for vote

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**SUBJECT:** State agencies: interns and student assistants: hiring preference

**SOURCE:** Author

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**DIGEST:** This bill adds victims of human trafficking to a limited category of applicants to whom state agencies must give preference, as defined, when hiring for internships and student assistant positions.

**ANALYSIS:**

Existing law:

- 1) Requires state agencies, when hiring for internships and student assistant positions, to give preference, as defined, to qualified applicants who are, or have been, dependent children in foster care, homeless youth, or formerly incarcerated youth. (Government Code §18220)
- 2) Requires the agencies to grant the preference to applicants up to 26 years of age. (GC § 18220 (a))
- 3) Defines “Preference” to mean priority over similarly qualified applicants for placement in the position. (GC § 18220 (c) (1) )

- 4) Requires under the constitution that the civil service includes every state officer and employee, except as otherwise provided in the constitution, and that the state make permanent appointments to and promotions in the civil service under a general system based on merit ascertained by competitive examination. (CA CONST. art. VII, § 1)
- 5) Authorizes the Legislature to provide preferences for hiring in the state civil service for veterans and their surviving spouses under the state constitution. (CA CONST. art. VII, § 6)

This bill:

- 1) Requires state agencies, when hiring for internships and student assistant positions, to also give preference, as defined, to qualified applicants who have been a victim of human trafficking.
- 2) Defines “Human trafficking” to mean a violation of Section 236.1 of the Penal Code.<sup>1</sup>
- 3) Defines “Preference” to mean priority over similarly qualified applicants for placement in the position.

## **Background**

State agencies generally must hire permanent employees under the civil service process, which includes examinations and the development of job classification lists. Once the applicant qualifies under that process, the state places the individual on a list and the applicant is eligible for that position classification in various state agencies. According to the State Personnel Board, the state establishes a preference in hiring for veterans. Specifically, veterans receive additional points on their examinations. To the extent that internships and student assistant positions do not establish permanent state employment, existing state policy has not subjected these positions to civil servant requirements and as such, individual state agencies are responsible for hiring for these positions.

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<sup>1</sup> Penal Code § 236.1 provides that a person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services, or for effecting or maintaining other specified felonies, is guilty of the crime of human trafficking.

The state originally adopted a limited hiring preference for internships and student assistant positions for foster youth upon the rationale that foster youth were wards of the state and the state had a specific compelling state interest in transitioning foster youth into adulthood. Recently, the Legislature extended that rationale to homeless and formerly incarcerated youth.

### **Comments**

*Need for this bill?* According to the San Joaquin County District Attorney,

For many trafficking individuals it is difficult to change their circumstance. Many do not seek help due to fear or do not have the resources and support needed to seek employment opportunities that may change their lives and help them from falling back into human trafficking. With the passage of this bill, we can heal the past and provide hope for the future.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: No

**SUPPORT:** (Verified 8/5/21)

Children's Home of Stockton  
Child Abuse Prevention Council  
San Joaquin County District Attorney's Office  
San Joaquin County Family Justice Center

**OPPOSITION:** (Verified 8/5/21)

None received

**ARGUMENTS IN SUPPORT:** According to the San Joaquin County Family Justice Center,

AB 1031 will help survivors of human trafficking seek employment and it is a step toward ending human trafficking.

**ASSEMBLY FLOOR:** 77-0, 5/6/21

**AYES:** Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bigelow, Bloom, Boerner Horvath, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra,

Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty,  
Medina, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris,  
Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca  
Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua,  
Voepel, Waldron, Ward, Akilah Weber, Wicks, Wood, Rendon  
NO VOTE RECORDED: Mullin

Prepared by: Glenn Miles / L., P.E. & R. / (916) 651-1556  
8/18/21 14:27:39

\*\*\*\* **END** \*\*\*\*