

3/27/2024

Testimony in OPPOSITION of HB 3819
House Committee on Judiciary

Members of the Committee,

My name is Sam Guthman and I am the Policy Manager at APANO Communities United Fund (CUF) and APANO Action Fund (AF), sibling, culturally-specific organizations that unites Asians and Pacific Islanders to build power, develop leaders and advance equity through organizing, advocacy, community development and cultural work.

I write to you today in opposition to HB 3819.

I want to be very clear that APANO opposes any criminal activity and especially those around human trafficking. We do not condone the unfair and cruel practices used by human traffickers and believe those being exploited deserve justice.

While we believe this bill is well intentioned, we are concerned that instead of simply making it easier for law enforcement to prosecute human trafficking crimes, it also opens up many innocent small business owners to unfair discrimination at a time where federal immigration raids have many in the Asian American community already living in fear.

Much of the testimony in support of this bill during the public hearing came from white, native English-speaking community members. I'm here today to lift up voices that were not in the room — small Chinese-owned businesses who are deeply concerned that this bill, while well-intentioned, could unintentionally open the door to racial profiling, discrimination, and harm.

We have talked to our communities and now I ask you to truly listen.

Rather than pursuing punitive measures like posting placards that label businesses as non-compliant, we should be focusing on making the licensure process more accessible and equitable. That means ensuring materials are clearly translated, culturally relevant, and easy to navigate for all.

Far too often, non-English-speaking business owners are excluded from the process not because they are unwilling, but because our systems were never built with them in mind. APANO cannot — and will not — support efforts that target small asian-owned businesses while failing to address the deeper systemic barriers they face.

While I understand the appeal of this measure, I urge you to consider the historical consequences of similar policies passed in other states — many of which had devastating outcomes including widespread shut downs of small businesses as well as a mass shooting.

These examples are not from decades ago — they are recent and real:

1. Anti-Asian Raids and Increased Police Surveillance

- New York City (2017-2019): The NYPD carried out a series of sting operations and mass arrests targeting Chinese and Korean-owned massage businesses. These raids disproportionately impacted Asian women, many of whom were arrested and later had charges dropped, but still suffered harm to their businesses and reputations.
- Florida & Georgia (2019-2021): Law enforcement agencies raided multiple Asian massage parlors under the pretense of cracking down on human trafficking, yet many of the businesses and workers affected were not involved in illegal activity. Instead, the women—mostly immigrants—were **humiliated and criminalized**.

2. Ordinances That Restrict or Shut Down Asian-Owned Wellness Businesses

- Seattle’s Massage Parlor Crackdown (1986): City regulations were passed that disproportionately restricted Asian-owned massage parlors while allowing larger spas and wellness chains to continue operating with fewer barriers. This forced many small immigrant-owned businesses to shut down.
- San Francisco’s Anti-Massage Law (2015): A law was passed that restricted the number of massage businesses allowed in the city after a sudden spike in licenses from Chinese immigrants. This policy led to the closure of over 200 mostly Chinese-run businesses, even though many had no record of illegal activity.

3. Policies That Enable Discrimination Against Asian-Owned Businesses

- Atlanta’s Spa Shootings and Prior Police Harassment(2021): Before the tragic murder of six Asian women in Atlanta’s spa businesses, these establishments had been frequent targets of police surveillance and raids. Law enforcement often inspected, fined, and questioned workers under the assumption that illicit activities were taking place, reinforcing harmful stereotypes.
- Oregon’s Own History: From exclusionary laws targeting Chinese laundries to discriminatory land policies against Japanese and Filipino communities, our state has a long and painful record of using vague justifications like “public safety” and “morality”

to marginalize Asian-owned businesses. HB 3819 risks reviving that legacy under a new name.

HB 3819 risks repeating a long and painful history of racialized enforcement by disproportionately targeting Asian and immigrant-owned massage businesses under the guise of regulation.

Let us be clear: labeling businesses as “non-compliant” or increasing surveillance — without addressing the structural barriers to licensure — only deepens the burdens that immigrant communities already carry.

We are especially alarmed by the provision in HB 3819 that elevates operating without a license to a felony — a penalty that is not consistently applied across other regulated industries in Oregon. Criminalizing unlicensed practice at this level is an extreme and punitive response that ignores the reality many immigrant and non-English-speaking small business owners face: licensing systems that are difficult to navigate, poorly translated, and often inaccessible.

Proponents of the bill claim this harsher penalty is necessary to combat human trafficking, asserting that traffickers simply absorb fines as a cost of doing business. This logic is flawed. If law enforcement already knows where trafficking is taking place, they do not need a licensing violation to intervene — because human trafficking is already a felony under Oregon law. Police have the authority and responsibility to investigate and prosecute those crimes directly. **Using license status as a proxy for criminal activity is not only ineffective — it’s dangerous.** It opens the door to profiling, surveillance, and the criminalization of immigrant-owned businesses based on assumption rather than evidence.

The truth is that sweeping, punitive measures like HB 3819 do not dismantle trafficking networks — they entangle survivors and vulnerable workers in the criminal legal system, while allowing larger structural failures to persist. If the goal is to protect workers and hold traffickers accountable, then Oregon must invest in solutions that work: culturally and linguistically appropriate outreach, trauma-informed enforcement, and clear, accessible pathways to licensure and compliance.

We urge you not to repeat the mistakes of the past. Instead of stigmatizing and criminalizing immigrant small business owners, Oregon must lead with equity — by investing in supportive, community-informed policies that advance justice, safety, and opportunity for all.

That is how we build safety and equity for our communities— not through fear, shame, or racialized enforcement.

Please vote ‘no’ on this bill. Work with us to make it better.

Thank you,

Sam Guthman
Policy Manager
APANO