



MODERN-DAY SLAVERY

It Ends With Us



CAST

California Legislation Enacted in 2016 Impacting Survivors of Human Trafficking

AB 1761 (Weber) Human trafficking: victims: affirmative defense

An act to add Section 1107.5 to the Evidence Code, and to add Section 236.23 to the Penal Code

Many trafficking survivors are arrested for crimes their traffickers force them to commit. AB 1761 creates an affirmative defense based on the crime being directly related to the trafficking for all non-violent, non-serious, non-trafficking offenses. It also creates a standard to ensure that expert testimony is admissible in trafficking cases.

SB 1322 (Mitchell) Commercial sex acts: minors

An act to amend Sections 647 and 653.22 of the Penal Code

Although there have been previous attempts to identify and help child victims of sexual exploitation, minors are charged with prostitution and are forced to navigate criminal proceedings despite the fact that they are vulnerable victims. SB 1322 officially decriminalizes prostitution charges for minors in California. Instead of arresting minors, SB 1322 requires law enforcement to report any potentially commercial sexual exploitation to the county child welfare department when they suspect that a person soliciting prostitution is under 18 years old.

SB 823 (Block) Criminal Procedure: human trafficking

An act to add Section 236.14 to the Penal Code

Existing laws allow a victim of human trafficking to clear solicitation and prostitution charges off of their records. However, SB 823 allows a survivor of human trafficking to confidentially erase nonviolent arrests and convictions that came on their record during the time that they were a victim of human trafficking. SB 823 allows survivors of human trafficking to begin rebuilding their lives by allowing them to erase not just the prostitution charges, but all other nonviolent associated charges.

AB 2027 (Quirk) Victims of crime: nonimmigrant status

An act to add Section 679.11 to the Penal Code

Immigrant victims of human trafficking are able to submit forms that certify they are eligible to receive temporary benefits if a law enforcement officer agrees in handwriting that they have been cooperative in human trafficking investigations. AB 2027 creates a presumption that a victim of human trafficking has cooperated with law enforcement if the victim has not

refused to help them investigate potential human trafficking cases. It also requires law enforcement to respond to requests for these declarations within 90 days, so that victims of trafficking can apply for temporary benefits faster than they have previously been able to.

AB 2498 (Bonta) Human trafficking

An act to amend Section 6254 of the Government Code, and to amend Sections 293 and 293.5 of, and to add Section 1048.2 to, the Penal Code

Currently, victims of human trafficking are able to keep their names private in public records. AB 2498 expands the privacy provisions, allowing victims and their families to request to keep their personal information (name, address, pictures, etc) confidential from public requests. Additionally, AB 2498 allows courts to prioritize human trafficking cases that come before them, so they can be addressed as quickly as possible.

AB 1276 (Santiago) Child witnesses: human trafficking

An act to add Section 1347.1 to the Penal Code

Minors who are supposed to give testimony in court about violent crimes that have been committed against them are allowed to avoid sitting in court if the prosecutor on a case requests that they instead record the testimony of the child and use a closed-circuit television to broadcast to the courtroom. AB 1276 allows a prosecutor to file a motion requesting a child of sex or labor trafficking who is 15 years old or younger to avoid sitting in a courtroom if their cross examination or testimony will require them to recite facts about an experience of human trafficking.

AB 1684 (Stone) Civil actions: human trafficking

An act to amend Section 12930 of the Government Code

The Department of Fair Employment and Housing currently has power to investigate, complaints by people who claim to have experienced certain crimes. Additionally, victims of human trafficking are allowed to bring civil actions against their traffickers, so that they can recover the full spectrum of potential damages. AB 1648 includes human trafficking claims under the umbrella of claims that the Department of Fair Employment and Housing may consider for its applicants.

SB 1064 (Hancock) Sexually exploited minors

An act to amend Sections 18259 and 18259.3 of, to amend the heading of Chapter 4.3 (commencing with Section 18259) of Part 6 of Division 9 of, and to repeal Sections 18259.1 and 18259.5 of, the Welfare and Institutions Code

Los Angeles and Alameda counties currently have funds to build a pilot program that comprehensively responds to the needs of commercially sexually exploited minors. SB 1064 extends funds indefinitely to Alameda County. The bill also establishes that if a child is arrested for engaging in prostitution, Alameda County may presume that they are victims of sexual exploitation, thus making them eligible for benefits under the pilot program.

AB 2221 (Garcia) Criminal Procedure: human trafficking witnesses

An act to add Section 236.13 to the Penal Code

AB 2221 requires that minors who are victims of human trafficking are given support from the county's Victim Witness Assistance Center if they are involved in a case that has a

human trafficking charge. However, only children who want to receive assistance will receive it from the Center if they are eligible for help.

AB 1678 (Santiago) Provision of incident reports to victims

An act to amend Section 6228 of the Family Code

Victims of domestic violence are currently entitled to a free copy of an incident report of domestic violence when they request one. Victims of sexual assault, stalking, human trafficking, and elder abuse may also get a free incident report under AB 1678 if they are over 12 years old, and if they make the request up to two years after the crime. This bill gives victims access to the details of their criminal reports without a fee.

AB 1702 (Stone) Juveniles: dependent children: reunification services

An act to amend Section 361.5 of the Welfare and Institutions Code

When children are taken from their parents in dependency hearings, current law usually requires that reunification services are given to parents. Under AB 1702, however, parents who knowingly participate in or permit sexual exploitation of their child are not necessarily entitled to reunification services. If a court does not order reunification services for that reason, the court must decide what the most appropriate plan for the child is at another hearing.

SB 1129 (Monning) Prostitution: sanctions

An act to amend Section 647 of the Penal Code

Prostitution is a misdemeanor crime. A person who is convicted of prostitution twice is required to go to county jail for at least 45 days. If that person is convicted of prostitution for a third time, they are required to go to county jail for at least 90 days. SB 1129 gets rid of the minimum required jail times for people who are convicted of prostitution multiple times.

SB 420 (Huff) Prostitution

An act to amend Section 647 of the Penal Code

The law currently makes no distinction between people who agree to buy sex and people who agree to buy sex from minors or adults, or those engaging in prostitution. SB 420 makes a distinction between people who purchase sex, those who purchase sex with minors, and those selling sex to provide better data in this area.

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Coalition to Abolish Slavery and Trafficking

Systemic change is at the core of CAST's mission. Taking a survivor-centered approach to ending modern slavery, CAST has a proven track record of working directly with survivors of human trafficking which builds an important bridge between practice and policy to inform effective policy initiatives. . By developing broad-based partnerships, CAST effectively advocates for policies that work to end human trafficking and help survivors rebuild their lives.

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