

Senate Bill 1322

Decriminalizing Prostitution of Minors

Senator Holly J. Mitchell

SUMMARY

SB 1322 will decriminalize prostitution for minors in California.

BACKGROUND

In the state of California a person under the age of 18 years old is a minor and cannot legally consent to sexual intercourse. Any person who engages in sex with a minor victim, knowingly or not, has committed statutory rape.

California currently allows for criminalization of Commercial Sexual Exploitation of Children (CSEC) victims by charging them with crimes committed while being victimized. Under current law a victim can be detained in juvenile hall and prosecuted for prostitution. This is not an effective or ethical response to this growing epidemic.

In 2014, SB 855, a budget trailer bill, was signed into law by Governor Brown. This bill allocates \$14 million in funding split between 1) CSEC training for county workers and foster care workers and; 2) launching and continuing the "Commercially Sexually Exploited Children Program" which provides counties with funds for prevention, intervention and services for CSEC victims.

Even though SB 855 was directly setup to identify a clear path to the dependency court system for victims, these CSEC victims are still being prosecuted through the delinquency court system when a victim is arrested for prostitution, loitering, or a similar crime as a result of his/her victimization.

Currently, there is little guidance about when and how the decision is made regarding which system will serve the victim.

THIS BILL

SB 1322 will stop the criminalization of CSEC victims by decriminalizing prostitution charges for minors. If it is determined that the person suspected of soliciting prostitution is under the age of 18, law enforcement, as mandated reporters, shall immediately report any allegation of commercial sexual exploitation to the county child welfare department.

IN CONCLUSION

These minors are victims. California has a responsibility as one of the three major human trafficking hubs in the United States to make sure that we do all we can to protect and provide services to CSEC victims instead of criminalizing them for acts they are forced to commit.

SUPPORT

Alameda County District Attorney Nancy O'Malley
Act for Women and Girls
Alliance for Boys and Men of Color
Alliance for Children's Rights
American Civil Liberties Union
Anti-Recidivism Coalition
Bay Area Youth Center
Black Women for Wellness
California Alliance of Child and Family Services
California Welfare Directors Association of California
CAST LA
Children's Law Center
Children Now
County of Los Angeles
Courage Campaign
Crittenton Services for Children and Families
County Welfare Directors Association of California
David and Margaret Youth and Family Services
Family Assistance Program
Friends Committee on Legislation in California
Girls Inc.
Hathaway Sycamores Child and Family Services

John Burton Foundation
Maryvale
National Center for Youth Law
Rights4Girls
San Francisco Women's Political Committee
Summitview Child and Family Services
The Child Abuse Prevention Center
Transgender Law Center
Trinity Youth Services
Westcoast Children's Clinic

OPPOSITION

California District Attorneys Association
Los Angeles District Attorney
San Diego County District Attorney

FOR MORE INFORMATION

Contact John Skoglund at (916) 651-4030
john.skoglund@sen.ca.gov

