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**California Legislation Enacted in 2012**

**Impacting Survivors of Human Trafficking**

**ACR 6 (Donnelly) Human trafficking.**

This resolution recognizes the month of January as National Slavery and Human Trafficking Prevention Month and recognizes February 1, 2011 as California’s Free From Slavery Day.

**AB 12 (Swanson) Abolition of Child Commerce, Exploitation, and Sexual Slavery Act of 2011.**

*An act to add Section 261.9 to the Penal Code, relating to human trafficking.*

The bill enacts the Abolition of child Commerce, Exploitation, and Sexual Slavery Act of 2011. It requires that a person convicted of seeking to procure or procuring the sexual services of a prostitute who is under 18 years of age be fined an additional fine not to exceed $25,000. Those additional fines would be made available to the Legislature to fund programs and services for commercially sexually exploited minors in the counties where the offenses are committed.

**SB 1193 (Steinberg) Human trafficking: public posting requirements.**

*An act to add Section 52.6 to the Civil Code, relating to human trafficking.*

This bill requires specific businesses and other establishments (adult or sexually oriented businesses, airports, intercity passenger rail stations, bus stations, urgent care centers, among others) to post a conspicuous notice that includes information about slavery and human trafficking, along with toll-free numbers that can be confidentially called to report activity or get help.

The bill would provide that a business or establishment that fails to comply with these requirements is liable for a civil penalty of $500 for a first offense and $1,000 for each subsequent offense. The bill would authorize the Attorney General and local prosecutorial agencies to bring an action to impose one of these civil penalties against a business or establishment if a local or state agency with authority to regulate that business or establishment has provided notice of the violation and of the civil penalty if the violation is not corrected within 30 days.

**SB 1091 (Pavley) Witness testimony: support persons.**

*An act to amend Section 868.5 of the Penal Code, relating to witness testimony.*

Current law allows prosecuting witnesses to have up to two (2) support persons at the preliminary hearing, trial, or juvenile court proceedings, during their testimony in cases involving specified crimes.

This bill would expand the list of cases in which a prosecuting witness may have support persons to include, among others, cases involving human trafficking, prostitution, child exploitation, and obscenity.

**SB 1133 (Leno) Human trafficking.**

*An act to amend Section 186.8 of, and to add Sections 236.7, 236.8, 236.9, 236.10, 236.11, and 236.12 to, the Penal Code, relating to human trafficking.*

This bill would amend provisions concerning money obtained through forfeiture proceedings related to human trafficking of minors under the age of 18. The bill would authorize the forfeiture of vehicles, boats, airplanes, money, negotiable instruments, securities, real property, or other thing of value used for the purpose of facilitating the human trafficking involving a commercial sex act where the victim is an individual under 18 years of age at the time of the commission of the crime. In addition, the bill authorizes the forfeiture of property acquired through human trafficking or which was received in exchange for the proceeds of human trafficking of a person under 18 years of age when the crime involved a commercial sex act. The bill would prescribe the distribution of those funds, including to the General Fund of the state or local governmental entity, whichever prosecutes, and to the Victim-Witness Assistance Fund to be used upon appropriation for grants to community-based organizations that serve victims of human trafficking.

**AB 2212 (Block) Human trafficking: civil penalties.**

*An act to amend Section 3496 of the Civil Code, and to amend Sections 11225 and 11230 of the Penal Code, relating to human trafficking.*

This bill would provide that every building or place used for the purpose of human trafficking is a public nuisance. Civil penalties collected through nuisance provisions are to be divided between the Victim Witness Assistance Fund (50%) and the city attorney and city prosecutor/district attorney (50%). Penalties deposited with the Victim Witness Assistance Fund are to be used by the California emergency Management Agency for grants for human trafficking victim services and prevention programs

**AB 1956 (Portantino) Juvenile offenders: tattoo removal.**

*An act to amend Sections 1915 and 1916 of the Welfare and Institutions Code, relating to juveniles.*

This bill would expand the current law on tattoo removal programs to serve sex trafficking victims or individuals engaged in prostitution (who were formerly tattooed for identification purposes) who are 14 -24 years of age and in the custody of the Department of Corrections and Rehabilitation or county probation departments, who are on parole or probation, or who are in specified community-based programs. Candidates for tattoo removal will be screened according to the law, with priority given to candidates who have a job offer that is contingent upon the removal of a tattoo.

A pilot program directed the Division of Juvenile Facilities to purchase 2 medical laser devices for the removal of tattoos from eligible participants who are at-risk youth, ex-offenders, and current or former gang members.

**AB 2466 (Blumenfield) Human trafficking: seizure of assets.**

*An act to add Section 236.6 to the Penal Code, relating to human trafficking.*

Under current law, conviction for the crime of human trafficking is a felony offense, punishable by imprisonment and fines. In addition, the defendant is ordered to pay restitution for the full amount of the victim’s economic loss. This bill would authorize the prosecutor to file a petition for protective relief at the time the complaint or indictment is filed, in order to preserve property or assets that could be used to pay for remedies related to the human trafficking. The bill further sets forth the process by which a preliminary injunction, temporary restraining order, or sale of property or assets may be ordered and processed for distribution should the defendant be convicted.

**AB 2040 (Swanson) Prostitution: human trafficking: expungement.**

*An act to add Section 1203.47 to the Penal Code, relating to prostitution.*

Existing law authorizes the court, upon petition from a person who has reached 18 years of age, to seal all records relating to the person’s case in the custody of a juvenile court if the person has not been subsequently convicted of a felony or misdemeanor involving moral turpitude, and if rehabilitation has been attained to the satisfaction of the court.

This bill would provide that a person who was adjudicated a ward of the court for the commission of a violation of specified provisions prohibiting prostitution may petition a court to have his or her records sealed without showing that he or she has not been subsequently convicted of a felony or misdemeanor involving moral turpitude, or that rehabilitation has been attained. This relief would not apply to a person who paid money, or attempted to pay money, to any person for the purposes of prostitution. These provisions would apply to convictions and adjudications that occurred before and after the effective date of the bill.

The bill would also provide that a person who was 18 years of age or older, or who was under 18 but tried as an adult, may petition a court to withdraw their former guilty or nolo contendere plea and enter a plea of not guilty or set aside the verdict. If petitioner makes a satisfactory showing that petitioner was a victim of human trafficking, the court would grant the petition.

**AB 1899 (Mitchell) Postsecondary education benefits: crime victims.**

*An act to add Sections 68122, 69504.5, and 76301 to the Education Code, relating to postsecondary education*.

Under state law, students who attend high school in California for three years, graduate and meet certain other criteria may qualify for in-state tuition rates and privately-funded scholarships at public colleges and universities. These students will qualify for state financial aid and fee waivers beginning in 2013. However, crime survivors who are granted “T” or “U” status are not covered by these provisions. This bill, authored by Assemblywoman Holly Mitchell, would provide continued access to in-state tuition rates, fee waivers, scholarships and state financial aid to otherwise eligible crime survivors who have been granted a “T” or “U” non-immigrant status

**AB 1817 (Atkins) Child abuse reporting.**

*An act to amend Sections 11165.7, 11166, and 11172 of the Penal Code, relating to child abuse reporting.*

The Child Abuse and Neglect Reporting Act, requires a mandated reporter to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county jail for a period of 6 months, a fine of up to $1,000, or by both that imprisonment and fine.

Existing law requires any commercial film and photographic print processor who has knowledge of or observed in his or her professional capacity or employment any film, photograph, videotape, negative, or slide depicting a child under 16 years of age engaging in an act of sexual conduct to report the instance of suspected child abuse to a law enforcement agency, as specified.

This bill would expand this category of persons specified on the list of mandated reporters to include a commercial computer technician and require that an employer who provides an electronic communications service or a remote computing service to the public would comply with this article by complying with a specified provision of existing federal law.

The bill would expand the above provisions to apply to any representation of information, data, or an image that is retrievable in perceivable form and that is intentionally saved, transmitted, or organized on an electronic medium depicting a child under 16 years of age engaged in an act of sexual conduct, as provided.

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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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