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## SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair  
2025 - 2026 Regular

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**Bill No:** AB 379                      **Hearing Date:** June 10, 2025  
**Author:** Schultz  
**Version:** May 8, 2025  
**Urgency:** No                                      **Fiscal:** Yes  
**Consultant:** CA

**Subject:** *Crimes: prostitution*

### HISTORY

**Source:** Author

**Prior Legislation:** AB 2432 (Gabriel), Ch. 651, Stats. of 2024  
SB 1219 (Seyarto), failed passage in Senate Public Safety, 2024  
AB 2034 (Rodriguez), not heard in Assembly Public Safety, 2024  
AB 2382 (B. Rubio), held in Assembly Appropriations, 2024  
SB 1414 (Grove), Ch. 617, Stats. of 2024  
SB 357 (Wiener), Ch. 86, Stats. of 2022  
AB 1970 (Boerner Horvath), not heard in Assembly Public Safety, 2022  
AB 1193 (B. Rubio), not heard in Assembly Public Safety, 2022  
AB 2862 (B. Rubio) not heard in Assembly Public Safety, 2020  
AB 629 (Smith), Ch. 575, Stats. of 2019  
SB 303 (Morrell), not heard in Senate Public Safety, 2018  
SB 982 (Huff), held in Senate Appropriations, 2014

**Support:** Sacramento County Sheriff Jim Cooper (Co-Sponsor); San Diego County District Attorney's Office (Co-Sponsor); Bilateral Safety Corridor Coalition; California Civil Liberties Union; California District Attorneys Association; League of California Cities; Sacramento County Young Democrats; Special Operations Finding Kids; Survivor Leader Network of San Diego; 3 Individuals

**Opposition:** ACLU California Action; Artists Revolt; Black Women for Wellness Action Project; California Attorneys for Criminal Justice; California Public Defenders Association; Center on Reproductive Rights and Justice At Berkeley Law; Choose Your Path (CYP) Foundation; Cruise Los Angeles; Decrimsexworkca; Drug Policy Alliance; Ella Baker Center for Human Rights; Equality New York; Erotic Service Providers Legal, Education, and Research Project; Harvey Milk LGBTQ Democratic Club; Initiate Justice; Justice At Last; LA Defensa; Local 148 LA County Public Defenders Union; San Francisco Public Defender; Sex Worker's Outreach Project Los Angeles; Smart Justice California, a Project of Tides Advocacy; Stripper Worker Center; Survivor Policy Coalition; Swop Behind Bars; Unique Woman's Coalition; The Sidewalk Project; Woodhull Freedom Foundation: 2 individuals

**Assembly Floor Vote:**

74 - 0

## PURPOSE

***The purpose of this bill is to increase the penalty for solicitation of a minor in specified circumstances; make it a misdemeanor for any person to loiter in any public place with the intent to purchase commercial sex, as specified; create the Survivor Support Fund to fund grant programs to community-based organizations (CBOs) that provide direct services and outreach to victims of sex trafficking and exploitation; create the human trafficking vertical prosecution grant program; and increase civil penalties for specified human trafficking-related violations by businesses.***

*Existing law* makes it a misdemeanor to solicit anyone to engage in, or engage in, lewd or dissolute conduct in any public place or in any place open to the public or exposed to public view. (Pen. Code, § 647, subd. (a).)

*Existing law* makes it a misdemeanor, except as specified, to solicit, agree to engage in, or engage in any act of prostitution with the intent to receive compensation, money, or anything of value from another person. (Pen. Code, § 647, subd. (b)(1).)

*Existing law* makes it a misdemeanor, except as specified, to solicit, agree to engage in, or engage in, any act of prostitution with another person who is 18 years of age or older in exchange for the individual providing compensation, money, or anything of value to the other person. (Pen. Code § 647, subd. (b)(2).)

*Existing law* makes it a misdemeanor, except as specified, to solicit, or agree to engage in, or engage in, any act of prostitution with another person who is a minor in exchange for the individual providing compensation, money, or anything of value to the minor. (Pen. Code § 647, subd. (b)(3).)

*Existing law* makes the aforementioned prostitution offenses inapplicable to a child under 18 years of age who is alleged to have engaged in conduct to receive money or other consideration that would, if committed by an adult, be a violation of these provisions. (Pen. Code § 647, subd. (b)(5).)

*Existing law* provides that if the crime of solicitation of a minor is committed and the defendant is 18 years of age or older and knew or should have known that the person solicited was a minor at the time of the offense, the violation is a misdemeanor, except as specified, punishable by imprisonment in a county jail for not less than two days and not more than one year, or by a fine not exceeding \$10,000, or by both that fine and imprisonment. Allows the court, in unusual cases, when the interests of justice are best served, to reduce or eliminate the mandatory two days of imprisonment in a county jail. (Pen. Code § 647, subd. (l)(1).)

*Existing law* makes solicitation of a minor by an adult an alternate felony-misdemeanor (“wobbler”) in the following circumstances:

- The minor solicited was under 16 years old at the time of the offense; or,
- The solicited minor was under 18 years of age at the time of the offense and was a victim of human trafficking. (Pen. Code § 647, subd. (l)(2).)

*This bill* expands the aforementioned circumstances to make solicitation of a minor by an adult punishable as an alternate felony-misdemeanor (“wobbler”) where the solicited minor was more than three years younger than the defendant at the time of the offense.

*Existing law* makes a defendant’s first violation of solicitation of a minor by an adult punishable as either a misdemeanor by imprisonment in the county jail for not more than one year and a fine not exceeding \$10,000 or as a felony by imprisonment in the county jail for 16 months, two years, or three years. (Pen. Code § 647, subd. (1)(2)(A).)

*This bill* makes a defendant’s first violation of this wobbler offense punishable either as a misdemeanor by imprisonment in the county jail for at least two days and not more than one year, a fine of up to \$10,000, or both a fine and county jail, or as a felony, by 16 months, two years, or three years in county jail.

*Existing law* makes a second or subsequent violation punishable as a straight felony by imprisonment in the county jail for 16 months, two years, or three years. (Pen. Code § 647, subd. (1)(2)(B).)

*This bill* provides that if a defendant is granted probation for the above wobbler offense, the court is required to order the defendant to successfully complete an education program on human trafficking and the exploitation of children, and prohibits imposition of a fee for the program.

*Former law* made it a misdemeanor to loiter in a public place with the intent to commit prostitution. (Former Pen. Code § 653.22 [repealed] and Pen. Code, § 653.26.)

*This bill* makes it misdemeanor for any person to loiter in a public place with the intent to purchase commercial sex.

*Former law* stated that among the circumstances that may be considered in determining whether a person loiters with intent to commit prostitution are that the person:

- Repeatedly beckons to, stops, engages in conversations with, or attempts to stop or engage in conversations with passersby, indicative of soliciting for prostitution;
- Repeatedly stops or attempts to stop motor vehicles by hailing the drivers, waving arms, or making any other bodily gestures, or engages or attempts to engage the drivers or passengers of the motor vehicles in conversation, indicative of soliciting for prostitution;
- Has been convicted of loitering in a public place with the intent to commit prostitution, or other offenses related or involving prostitution, within five years of the current arrest;
- Circles an area in a motor vehicle and repeatedly beckons to, contacts, or attempts to contact or stop pedestrians or other motorists, indicative of soliciting for prostitution;
- Has engaged, within six months prior to the current arrest, in any behavior described in this subdivision or any other behavior indicative of prostitution activity. (Pen. Code, § 653.22, subd. (b), repealed.)

*Former law* stated that the circumstances set forth above are not exclusive. These circumstances should be considered particularly salient if they occur in an area that is known for prostitution activity. Any other relevant circumstances may be considered in determining whether a person has the requisite intent. Moreover, no one circumstance or combination of circumstances is in itself determinative of intent. Intent must be determined based on an evaluation of the particular circumstances of each case. (Pen. Code, § 653.22, subd. (c), repealed.)

*This bill* specifies that the intent to purchase commercial sex is evidenced by acting in a manner and under circumstances that openly demonstrate the purpose of inducing, enticing, or soliciting prostitution, or procuring another to commit prostitution such as circling an area in a motor vehicle and repeatedly beckoning to, contacting, or attempting to contact or stop pedestrians or other motorists, making unauthorized stops along known prostitution tracks, or engaging in other conduct indicative of soliciting to procure another to engage in commercial sex.

*Existing law* states that a person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services is guilty of human trafficking and shall be punished by imprisonment in the state prison for 5, 8, or 12 years and a fine of not more than \$500,000. (Pen. Code, § 236.1, subd. (a).)

*Existing law* states that a person who deprives or violates the personal liberty of another with the intent to commit specified sex crimes including pimping, pandering, or child pornography, is guilty of human trafficking and shall be punished by imprisonment in the state prison for 8, 14, or 20 years and a fine of not more than \$500,000. (Pen. Code, § 236.1, subd. (b).)

*Existing law* specifies that a person who causes, induces, or persuades, or attempts to cause, induce, or persuade, a person who is a minor at the time of commission of the offense to engage in a commercial sex act, with the intent to commit specified crimes including pimping, pandering, or child pornography, is guilty of human trafficking. A violation is punishable by imprisonment in the state prison as follows:

- Five, 8, or 12 years and a fine of not more than \$500,000; or,
- Fifteen-years-to-life and a fine of not more than \$500,000 when the offense involves force, fear, fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person. (Pen. Code, § 236.1, subd. (c).)

*Existing law* provides that cases involving minor victims of human trafficking shall be provided with assistance from the local county Victim Witness Assistance Center, if the minor so desires. However, this does not require local agencies to operate a Victim Witness Assistance Center. (Pen. Code, § 236.13.)

*Existing law* establishes in the State Treasury the Human Trafficking Victims Assistance Fund. Moneys in the fund shall only be expended to support programs for victims of human trafficking. (Gov. Code § 8590.7 (a).)

*Existing law* requires the Office of Emergency Services (CalOES) to publish procedures for organizations applying for grants from the Human Trafficking Victims Assistance Fund, and to award grants based on all of the following:

- The capability of the qualified nonprofit organization to provide comprehensive services;
- The stated goals and objectives of the qualified nonprofit organization;
- The number of people served and needs of the community;
- Evidence of community support; and,
- Any other criteria deemed appropriate. (Gov. Code, § 8590.7, subd. (b).)

*Existing law* authorizes a court to impose an additional fine of up to \$1,000,000 on a person convicted of human trafficking. The fine shall be deposited in the Victim-Witness Assistance Fund, to be administered by the California Emergency Management Agency (CalEMA), to fund grants for services for victims of human trafficking. (Pen. Code, § 236.4.)

*Existing law* establishes the California Victim Compensation Claims Board (“CalVCB”) to operate the California Victim Compensation Program. (Gov. Code, §§ 13950 et. seq.)

*Existing law* provides that an application for compensation shall be filed with the board in the manner determined by the board. (Gov. Code, § 13952, subd. (a).)

*Existing law* authorizes the board to reimburse for victim pecuniary loss, as specified, when it determines it will best aid the person seeking compensation. (Gov. Code, § 13957, subd. (a).)

*Existing law* states that upon conviction for a violation of human trafficking, the court shall, in addition to any other penalty or restitution, order the defendant to pay restitution to the victim in a case in which a victim has suffered economic loss as a result of the defendant’s conduct. The court shall require that the defendant make restitution to the victim or victims in an amount established by court order, based on the amount of loss claimed by the victim or victims or another showing to the court, as specified. (Pen. Code, § 1202.4, subd. (p).)

*This bill* requires CalVCB to establish a grant program to provide grants to community-based organizations (CBOs) that provide direct services and outreach to victims of sex trafficking and exploitation.

*This bill* states that CalVCB shall, in a manner determined by the board, award grants to CBOs that are led by survivors of sex trafficking or that are guided by substantial survivor input and that provide direct services to vulnerable individuals in areas with a high concentration of sex trafficking.

*This bill* creates the Survivor Support Fund within the State Treasury. Moneys in the Survivor Support Fund shall, upon appropriation by the Legislature, be available for the grant program.

*This bill* mandates an additional \$1,000 fine on top of any other punishment imposed on a person who violates the laws prohibiting solicitation or prostitution where the person provides compensation for the act and requires the collected fines to be deposited in the Survivors Support Fund.

*This bill* mandates an additional fine of \$1,000, to be deposited in the Survivor Support Fund, in addition to any other punishment for loitering in a public place with the intent to purchase commercial sex.

*This bill* creates within the CalOES a program of financial and technical assistance for county district attorney offices for the prosecution of human trafficking crimes.

*This bill* requires CalOES, to the extent funds are available, to allocate and award funds (“vertical prosecution grants”) to up to 11 district attorney offices that employ vertical prosecution methodology for human trafficking crimes and meet other minimum criteria, as specified.

*This bill* requires CalOES to submit, on or before January 1, 2028, a report to the Legislature and the Governor’s office that describes the counties that received vertical prosecution grants, the number of prosecutions for human trafficking cases filed by the counties, the number of human trafficking convictions obtained, and the sentences imposed for human trafficking crimes.

*This bill* requires CalOES to retain no more than 10% of funds appropriated for the vertical prosecution grant program for its administrative costs, including technical assistance, training, and the cost of producing the report.

*This bill* increases existing civil penalties for a business or establishment, as specified, which fails to comply with requirements to post public notices and conduct employee trainings regarding human trafficking, from \$500 to \$1,000 for a first offense, and from \$1,000 to \$2,000 for each subsequent offense.

*This bill* authorizes the Attorney General (AG) to enforce violations of the notice and employee training requirements. Requires any fines collected for violations of the requirements to be deposited into the Survivors Support Fund.

*This bill* increases existing civil penalties, as specified, for a hotel in which sex trafficking activity occurred and a supervisor failed to inform law enforcement or an appropriate victim service organization within 24 hours, or an employee of the hotel knowingly benefited by participating in a venture that the employee knew or acted in reckless disregard of the activity constituting sex trafficking within the hotel, as follows:

- Increases, from \$1,000 to \$3,000, the penalty for a hotel’s first violation;
- Increases, from \$3,000 to \$10,000, the penalty for a hotel’s second violation within a 24-month period of time;
- Increases, from \$5,000 to \$15,000, the penalty for a hotel’s third and any subsequent violation within a 24-month period; and,
- Increases, from \$10,000 to \$25,000, the amount to which a court may, in its discretion, increase the penalty for a hotel’s fourth or subsequent violation.

*This bill* authorizes the AG to enforce the aforementioned hotel sex trafficking violations. Requires any fines collected for violations to be deposited into the Survivors Support Fund.

*This bill* expresses legislative intent to include adopting the strongest laws to protect 16- and 17-year old victims and strengthen protections in support of survivors of human trafficking.

## COMMENTS

### 1. Need for This Bill

According to the author:

California has some of the strongest laws in the nation to protect children and combat human trafficking. AB 379 takes a more comprehensive approach to strengthen existing protections. Not only does the bill authorize felony punishment for solicitation of any minor by an adult more than three years older than the minor, as well as a misdemeanor for loitering with intent to purchase commercial sex, AB 379 also provides new tools for prosecutors, establishes a Survivor Support Fund to aid victims and the critical work being done by community-based organizations, and tougher penalties for those who deliberately look the other way on trafficking. Together, these changes will help communities working to end trafficking and protect our vulnerable youth.

### 2. Solicitation of a Minor

In California, acts of prostitution and solicitation for prostitution are crimes. Prostitution is engaging in sexual intercourse or a lewd act in exchange for money or other compensation. Solicitation for prostitution is communicating or accepting a request for sexual intercourse or a lewd act in exchange for money or other compensation. (Pen. Code, § 647, subdivision (b).) However, a minor cannot legally consent to sex and is not criminally liable for participating in a commercial sex transaction. (Pen. Code, § 647, subd. (b)(5).)

Currently, a prosecutor may charge a defendant with solicitation of a minor, as follows:

- Solicitation of a minor who was under 16 years of age at the time of the offense is a wobbler.
- Solicitation of a minor who was 16 or 17 years old at the time of the offense and was a victim of human trafficking is a wobbler.
- Solicitation of a minor who was 16 or 17 years old at the time of the offense, where the solicited minor was not a victim of human trafficking, is a misdemeanor. (Pen. Code, § 647, subds. (b) & (l).)

A wobbler is an offense that may be charged as a misdemeanor or a felony at the discretion of a prosecutor. This bill additionally makes solicitation of a minor a wobbler if the solicited minor was more than three years younger than the defendant at the time of the offense.

A number of other crimes, including crimes with felony penalties, already exist relating to solicitation of a minor. Soliciting (arranging a meeting with) a minor for lewd purposes is punishable as a misdemeanor, or as a state prison felony under some circumstances (if the defendant goes to the arranged meeting or is required to register as a sex offender). (Pen. Code, § 288.4.) Contacting or communicating with a minor with the intent to commit a specified sex offense is punishable in state prison. (Pen. Code, § 288.3.) To be guilty of this offense, the defendant must have known or should have known the person is a minor. (*Ibid.*) “Sexting” a minor is a wobbler punishable as a misdemeanor or state prison felony. (Pen. Code, § 288.2.) To be guilty of this offense, the defendant must have known, or should have known, or believed that

the person is a minor. (*Ibid.*) Luring or attempting to lure a minor under the age of 14 is punishable as an infraction or misdemeanor. (Pen. Code, § 272, subd. (b)(1).) To be guilty of this offense, the defendant must have known or reasonably should have known that the minor is under 14 years of age. (*Ibid.*)

Offenses involving sexual contact with a minor are distinct from solicitation. Under current law, sexual intercourse with a minor is criminalized under California's statutory rape law. Depending on the difference in age between the defendant and the victim, statutory rape is punishable as a misdemeanor or a county jail felony. (Pen. Code, § 261.5.) Lewd acts with a minor 14 or 15 years of age and under is usually punished as a felony. The sentence, which can be up to life in state prison, depends on the age of the child and the circumstances of the offense. (Pen. Code, § 288.)

### 3. Loitering Offense

Until 2022, it was a misdemeanor offense to loiter in a public place for the purpose of engaging in prostitution, meaning loitering with the intent to participate in a commercial sex transaction as a sex buyer or a sex worker. (See former Pen. Code, § 653.22.) The law specified non-exclusive circumstances that *could* be considered in determining whether a person was loitering with intent to commit prostitution (former Pen. Code, § 653.22, subd. (b)):

- Repeatedly beckons to, stops, engages in conversations with, or attempts to stop or engage in conversations with passersby, indicative of soliciting for prostitution;
- Repeatedly stops, or attempts to stop, motor vehicles by hailing the drivers, waving arms, or making any other bodily gestures, or engages or attempts to engage the drivers or passengers of the motor vehicles in conversation, indicative of soliciting for prostitution;
- Has been convicted of violating this section, or other offenses related or involving prostitution, within five years of the arrest under this section;
- Circles an area in a motor vehicle and repeatedly beckons to, contacts, or attempts to contact or stop pedestrians or other motorists, indicative of soliciting for prostitution; and,
- Has engaged, within six months prior to the arrest for loitering, in loitering behavior, or any other behavior indicative of prostitution activity.

A study conducted in 2019 through the Los Angeles County Public Defender's office compiled data from all of the charges of violations of Penal Code section 653.22 reported from the Compton Branch of the Public Defender's office. During a one-week period of time, a total of 48 cases were reported. (<https://www.zefflawfirm.com/wp-content/uploads/2021/11/Sex-Work-in-Compton-Report-Derek-Demeri.pdf> ("Sex Work in Compton") [as of May 28, 2025].)

The study found that the majority of arrests were made up of young Black women. 42.6 percent of arrests were for people aged 21-24 with the next highest rate being 23.4 percent for people aged 18-20. As for race, 72.3 percent were Black with the next highest rate being 17 percent for Hispanic. (Sex Work in Compton, *supra*, at pp. 2-4.)



Probable cause was most commonly established by the arrestee's presence in an area known for sex work, their clothing, and motioning in a flirtatious manner to vehicles. (Sex Work in Compton, *supra*, at p. 14.) In 26.1 percent of the arrests for loitering, the person arrested had no prior sex work-related convictions. (*Id.* at p. 11.) In 76.7 percent of cases, alleged suspects were characterized as wearing revealing clothing as evidence in support of intent to solicit a sex act. (*Id.* at p. 12.) Finally, in 45 out of 48 cases, the suspect's state of dress was the stated basis for probable cause to arrest. Other stated reasons for establishing probable cause for the arrest include possession of a cellphone, possession of cash, reacting to presence of police, giving conflicting information about activities, among many other stated reasons. (*Id.* at p. 14.)

According to the Yale Global Health Partnership in June 2020, arrest and conviction records for prostitution-related crimes make it harder for sex workers, and those cited for unlawful sex work, to find alternative employment - holding them in street economies and economic hardships -- "exacerbating ongoing race and gender discrimination."

([https://law.yale.edu/sites/default/files/area/center/ghjp/documents/consequences\\_of\\_criminalization\\_v2.pdf](https://law.yale.edu/sites/default/files/area/center/ghjp/documents/consequences_of_criminalization_v2.pdf) [as of May 28, 2025].) "Criminalization exacerbates the barriers to housing, public benefits, and other social supports especially needed by street-based sex workers." (*Ibid.*) "Criminalization of sex work disproportionately affects women, trans and gender nonconforming people, people of color, and immigrant communities." (*Ibid.*)

Three years ago, the Legislature passed and Governor Newsom signed SB 357 (Wiener), Chapter 86, Statutes of 2022, which repealed the loitering offense. This bill reestablishes the crime of loitering with intent to purchase commercial sex. The crime is punishable as a misdemeanor with up to 6 month imprisonment and a fine of up to \$1,000. (Pen. Code, §§ 19, 653.26.)

This bill also largely reenacts the circumstances that can be used to prove a person's intent, including being in a public place known for prostitution (former Pen. Code, § 653.22, subd. (c)), circling an area in a motor vehicle (former Pen. Code, § 653.22, subd. (b)(4)) and repeatedly beckoning to, contacting, or attempting to contact or stop pedestrians or other motorists or making unauthorized stops (former Pen. Code, § 653.22, subd. (b)(1)-(2)). *However, this bill is unlike the repealed loitering law in a significant manner.*

The former loitering law stated that the requisite "intent is evidenced by acting in a manner and under circumstances that openly demonstrate the purpose of inducing, enticing, or soliciting prostitution or procuring another to commit prostitution" and included the above as circumstances the jury "may" consider in determining whether a person was loitering with the intent to commit prostitution. The former loitering law also provided that "[i]ntent must be determined based on an evaluation of the particular circumstances of each case.

This bill, on the other hand, states: "*This intent is evidenced by acting in a manner and under circumstances that openly demonstrate the purpose of inducing, enticing, or soliciting prostitution, or procuring another to commit prostitution such as circling an area in a motor vehicle and repeatedly beckoning to, contacting, or attempting to contact or stop pedestrians or other motorists, making unauthorized stops along known prostitution tracks, or engaging in other conduct indicative of soliciting to procure another to engage in commercial sex.*" (Italics added.)

Unlike the former loitering statute, this bill appears to state that the presence of any of the aforementioned circumstances necessarily evidences an intent to commit prostitution, rather than providing these as circumstances for the jurors' consideration in determining whether a person loitered with the requisite intent (as the former loitering law did). As such, the language of this bill may be unconstitutionally overbroad. For example, in a given case, an individual could be repeatedly beckoning to, contacting, or attempting to contact or stop pedestrians or other motorists because they are having car trouble. They could be circling an area looking for a friend or a parking spot. They could be present in an area known for prostitution simply because they live there, work there, are meeting a friend, etc. (*Zwickler v. Koota* (1967) 389 U.S. 241, 249-250 [A statute is overbroad if it attempts to achieve a governmental purpose to control or prevent activities constitutionally subject to state regulation by means which sweep unnecessarily broadly and thereby invade the area of protected freedoms.]; *Papachristou v. City of Jacksonville* (1972) 405 U.S. 156, 164-66 [the right to walk, stroll, or wander aimlessly is a liberty within "the sensitive First Amendment area" that is protected by the Fourteenth Amendment]; see also *Kolender v. Lawson* (1983) 461 U.S. 352, 358 [loitering statute implicates First Amendment liberties and "constitutional right to freedom of movement"].)

#### 4. Human Trafficking Funds

Existing law authorizes a court to order a person convicted of human trafficking pursuant to Penal Code section 236.1 to pay an additional fine not to exceed \$1,000,000. (Penal Code section 236.4.) This fine is in addition to any other penalty, fine, or restitution imposed. A conviction of a violation of human trafficking separately authorizes fines of up to \$500,000. (Pen. Code, § 236.1, subds. (a)-(c).)

All fines imposed and collected pursuant to Penal Code sections 236.1 and 236.4 are to be deposited in the Victim-Witness Assistance Fund to be administered by the California Office of Emergency Services (CalOES) to fund grants for services for victims of human trafficking. (Pen. Code, § 236.4, subd. (d).) Seventy percent of the fines collected and deposited shall be granted to public agencies and nonprofit corporations that provide shelter, counseling, or other direct services for trafficked victims. (*Ibid.*) Thirty percent of the fines collected and deposited shall be granted to law enforcement and prosecution agencies in the jurisdiction in which the charges were filed to fund human trafficking prevention, witness protection, and rescue operations. (*Ibid.*) Additionally, CalOES administers the Human Trafficking Victim Assistance Program which was created in the 2015 Budget Act to fund human trafficking victim service organization to provide comprehensive services to victims/survivors of human trafficking, including sex and labor.

(<https://www.caloes.ca.gov/wp-content/uploads/Grants/Documents/RFA/2023-24-Human-Trafficking-Victim-Assistance-HV-Program-RFA.pdf> [as of May 28, 2025].)

In 2024, the Legislature enacted the Crime Victims Fund within the State Treasury to provide additional funding for survivors of sexual violence, domestic violence, child abuse, elder abuse, human trafficking, and more. (AB 2432 (Gabriel), Ch. 651, Stats. 2024.) It provides for a separate and additional restitution fine for corporations, as specified. The court is to determine the amount of the fine but it shall be commensurate with the seriousness of the offenses and not more than \$100,000 for a felony or more than \$1,000 for a misdemeanor. (Pen. Code, § 1202.4, subd. (r)(2).) Seventy-five percent of the fine shall be deposited into the Crime Victims Fund. The funds deposited into the fund are continuously appropriated, without regard to fiscal years, to CalOES to support crime victims that have traditionally

been funded with federal Victims of Crime Act (VOCA) grant funding. (Pen. Code, § 13839.) Under VOCA, the federal government provides grants for qualifying state victim compensation and victim assistance programs. (34 U.S. Code § 20101 *et. seq.*) California funds are distributed through CalOES, which provides financial assistance and reimbursement to victims. (See <https://ovc.ojp.gov/states/california> ([as of May 28, 2025].))

This bill creates the Survivor Support Fund, to be administered by the Victim's Compensation Board "to provide grants to community-based organizations that provide direct services and outreach to victims of sex trafficking and exploitation." This new funding would come from the additional fine of \$1,000 that the court would be required to impose on defendants who are convicted of loitering with intent to purchase a commercial sex act or a person who engages in prostitution as a purchaser. As discussed above, CalOES already administers grants for services for victims of human trafficking.

To the extent this bill states this fine is to be imposed "in addition to any other punishment," it will be constrained by Penal Code section 654. Penal Code section 654 provides that "[a]n act or omission that is punishable in different ways by different provisions of law may be punished under either of such provisions, but in no case shall the act or omission be punished under more than one provision." (See Pen. Code, § 15, subd. 3 ["fine" is "punishment"]; *Ralph's Grocery Co. v. Department of Food & Agriculture* (2003) 110 Cal.App.4th 694, 700-701 [fine is punishment subject to section 654].)

## 5. Vertical Prosecution Grant Program

Criminal cases are typically prosecuted horizontally or vertically. In horizontal prosecution, each stage in the case is handled by a different prosecutor, so different attorneys may handle the arraignment, preliminary hearings, and trial for a single case. In vertical prosecution, a single prosecutor handles a case from beginning to end. Proponents of vertical prosecution argue that vertical prosecution is preferable because if one prosecutor follows a case from charging to sentencing, that prosecutor can become more knowledgeable about the details of the case, develop a comprehensive legal strategy for the matter, and establish a rapport with the victims. For these reasons, vertical prosecution is sometimes favored for cases involving particularly sensitive crimes like sexual offenses, hate crimes, and domestic violence crimes.

This bill requires CalOES to establish a grant program to provide funding and technical support to county district attorney offices that employ vertical prosecution for human trafficking cases and meet other specified requirements.

## 6. Related Legislation

AB 63 (M. Rodriguez) would reenact the crime of loitering with intent to commit prostitution. AB 63 was heard in the Assembly Public Safety Committee on April 29, 2025, for testimony only, and is currently pending in that Committee.

## 7. Argument in Support

According to the San Diego District Attorney's Office, a co-sponsor of this bill:

Human trafficking is a \$150 billion global industry and is one of the fastest growing criminal enterprises in the world. California has the highest number of human trafficking incidents reported by the National Human Trafficking Hotline. Point Loma

Nazarene University and the University of San Diego released a joint study that estimates more than 3,500 victims are trafficked each year in San Diego County, earning their traffickers an estimated 810 million dollars. The study also found that 16 years was the average age of adolescents entering into a life of prostitution. In addition, each of the high schools studied had evidence of recruitment on their campuses, and 90 percent of those high schools had documented cases of human trafficking.

The data indicates that our youth are being exploited, with even more at risk of becoming victims. Our cases show that child victims are often so closely tied to their traffickers that they struggle to recognize the abuse they are enduring. Traffickers take advantage of the emotional vulnerability of children, particularly those who are runaways, in foster care, or have experienced previous abuse. The trafficker manipulates the victim into believing they are part of a family and that they will always be together. Vulnerable children deeply desire this sense of belonging, leading them to remain loyal to their trafficker even in the face of violence and exploitation.

In 2022, California lawmakers passed Senate Bill 357, which repealed the crime of loitering with intent to commit prostitution. Shortly after the passage of SB 357, the illicit sex trade became increasingly visible on our public streets, where transactions are openly occurring in front of law enforcement. As a result, more exploitation of trafficked women and girls is happening in our communities. Several news outlets have shared accounts of concerned community members seeing brazen acts of pimping on public roads and even near school grounds. The people who profit from the human trafficking trade feel emboldened to commit these acts and not only recruit more victims and dehumanize them, but also further control those already in the industry.

As District Attorney for San Diego County, the second largest county in California, I have devoted my life to protecting the most vulnerable and leading the fight against human trafficking. AB 379 will protect the most vulnerable among us. AB 379 would allow police officers to, once again, contact individuals loitering for prostitution in public places near children. As a result, officers can identify, intervene, and offer resources to victims who need them and prevent further exploitation by enforcing laws violated by traffickers and illicit sex purchasers. When Governor Gavin Newsom signed SB 357 into law, he did so with clear trepidation – promising to monitor for unintended consequences and pledged to act if he saw them. We have seen the devastating consequences of SB 357 – the proliferation of commercial sex transactions occurring openly on our public streets, schools, and parks near our children. Now is the time to act. This bill will fight to protect victims, strengthen prevention, and increase the prosecution of those who buy and sell human beings.

This bill focuses on two crucial areas to combat human trafficking: 1) it enables law enforcement to intervene and prevent buyers from purchasing individuals for sex, and 2) it allocates essential resources, at no cost to taxpayers, to offer shelter and mental health support for victims of human trafficking.

Our laws must unequivocally assert that human beings are not commodities. We must equip law enforcement with the necessary tools to protect victims from traffickers and exploitative buyers, while also expanding resources to aid victims in their recovery. I am honored to co-sponsor Assembly Bill 379, an essential piece of legislation designed

to enhance our human trafficking laws. By strengthening these laws, we can safeguard our most vulnerable citizens and prevent devastating harm to their lives.

## 8. Argument in Opposition

According to Survivor Policy Coalition:

By criminalizing loitering with intent to purchase sex, these bills would put sex workers, including those who are trafficked, at greater risk of harm, create opportunities for racial profiling, anti-2SLGBTQIA+ biased enforcement, increase the risk of arrest for queer teenagers in consensual relationships, and ignore best practices for funding services for trafficking survivors. While we support meaningful efforts to combat human trafficking and provide resources to survivors, this bill relies on ineffective, harmful, and historically discriminatory approaches that undermine the rights and safety of the very individuals it claims to protect.

### Criminalizing the Purchase of Sex Endangers People Who Sell Sex

AB-379 and AB-63 perpetuate the racist “end demand” approach built on the White Slave Trafficking Act of 1910 around the known myth of white sex slaves, which has consistently resulted in the criminalization of vulnerable people, including trafficking survivors, rather than addressing the systemic conditions that lead to exploitation. The bill acknowledges the harms of criminalizing survivors, while advancing the same failed law enforcement-centered tactics that have historically led to their arrests. California was one of the first states in the nation to authorize Vacatur laws to overturn biased convictions where a victim of trafficking was arrested for these very crimes being reimposed. No place in the US tracks any information on the vacatur cases and how many victims of trafficking have successfully overturned their convictions, so there is no data available as to how many victims of trafficking are arrested, charged, and convicted under loitering with intent. Beth Jacobs spent her life advocating for vacature laws to overturn her 83 convictions obtained whilst being trafficked, she died before she was able to remove those convictions fully from her record. She alone had 27 loitering with intent charges as part of her conviction record. That is one survivor unidentified 27 times under these very laws being reintroduced in the state of California.

When buyers are criminalized, persons who sell sex have less time to screen clients for risks or negotiate safety.<sup>1</sup> Amnesty International reported on sex workers “feeling pressured to visit customers’ homes so that buyers can avoid the police – meaning sex workers have less control and may have to compromise their safety.”<sup>2</sup> The University of Southern California’s International Human Rights Clinic found that public health approaches to trafficking in commercial sex are far more effective than law enforcement operations.<sup>3</sup> The recent police killing of a transgender trafficking victim who called law

<sup>1</sup> Charlotte Alter, *Catching Johns: Inside the National Push to Arrest Men Who Buy Sex*, Time Magazine, available at <http://time.com/sex-buyers-why-cops-across-the-u-s-target-men-who-buy-prostitutes/>.

<sup>2</sup> Amnesty International, *Q&A: Policy to Protect the Human Rights of Sex Workers*, available at <https://www.amnesty.org/en/qa-policy-to-protect-the-human-rights-of-sex-workers/>.

<sup>3</sup> International Human Rights Clinic, USC Gould School of Law, [\*Over-Policing Sex Trafficking: How U.S. Law Enforcement Should Reform Operations\*](#) (2021) at 52.

enforcement for help shows the perils in relying on a criminal justice response to trafficking.<sup>4</sup>

### California's Shameful History of Anti-Loitering Laws & Selective Use of Solicitation Laws

Anti-loitering and solicitation statutes, like the one at issue in AB-379, have been used disproportionately against people of color, 2SLGBTQIA+ individuals, and those experiencing poverty, under the pretext of public safety. California's initial loitering law, enacted by the first California Legislature in 1850, was written to arrest and indenture Indigenous people.<sup>5</sup> Loitering with intent was officially codified into California law in 1871. Vague and discriminatory laws like AB 379 that broadly criminalize a wide range of otherwise lawful behaviors have led to arbitrary and biased policing, where individuals—particularly Black and Brown women, transgender people, and those perceived to be engaging in sex work—are stopped, harassed, and arrested based on profiling rather than evidence of any criminal activity.

Solicitation laws have also been used for decades to police gay men's sexual activity, from Comptons Cafeteria raids in 1966, the New Year's Eve of 1964 raids on the drag ball at California Hall, and many other raids by police along Polk and the Tenderloin districts.<sup>6</sup> Raids on the gay community are still happening in the US today, on May 6th 2025 a raid was held in Pittsburgh at P-Town a well known gay bar in the US.<sup>7</sup> Even after *Lawrence v. Texas* (the U.S. Supreme Court case finding unconstitutional a Texas law that banned homosexual adults from engaging in consensual sexual acts), police departments in California continue to regularly target and arrest gay men on charges of solicitation and other offenses such as lewdness.<sup>8</sup> 2SLGBTQIA+ people in many communities are also simply more frequently stopped by police than non-2SLGBTQIA+ people.<sup>9</sup> Disproportionate enforcement is often fueled by purposeful or implicit bias on the part of law enforcement.<sup>10</sup> AB-379 will only exacerbate this issue. Existing on a

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<sup>4</sup> Libor Janey, [\*A trans sex worker called 911 to ireported being kidnapped. LAPD officers shot and killed her\*](#) Los Angeles Times (Mar. 9, 2025).

<sup>5</sup> Kimberly Johnson-Dodds, *Early California Laws and Policies Related to California Indians* (California Research Bureau: 2002) 8 at [https://www.csus.edu/college/education/engagement/\\_internal/\\_documents/indian\\_early\\_california\\_laws\\_and\\_policies\\_related\\_to\\_california\\_indians.pdf](https://www.csus.edu/college/education/engagement/_internal/_documents/indian_early_california_laws_and_policies_related_to_california_indians.pdf).

<sup>6</sup> [Brief of the American Civil Liberties Union Foundation of Southern California](#), et al as Amicus Curiae In Support of Plaintiffs-Appellants, Erotic Service Provider Legal, et al. v. George Gascon, No. 4:15-cv-01007 (9th Cir. October 7, 2016) at 17-20.

<sup>7</sup> PinkNews: [Pittsburgh police raid LGBTQ+ bar during Amanda Lepore show](#)

<sup>8</sup> *Id.*

<sup>9</sup> Dustin Gardiner, *Police Much More Likely to Stop Transgender People in California for 'Reasonable Suspicion'*, San Francisco Chronicle (July 31, 2022), available at <https://www.sfchronicle.com/politics/article/Transgender-California-police-LGBTQ-stop-report-17337333.php>; Winston Luhur et al., *Policing LGBTQ People*, UCLA School of Law Williams Institute (May 2021), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Policing-LGBTQ-People-May-2021.pdf>.

<sup>10</sup> [Brief of the American Civil Liberties Union Foundation of Southern California](#), et al as Amicus Curiae In Support of Plaintiffs-Appellants, Erotic Service Provider Legal, et al. v. George Gascon, No. 4:15-cv-01007 (9th Cir. October 7, 2016) at 20.



street in a community historically overpoliced and knowing your community to engage in conversations with your own community can be perceived, by law enforcement, as the intention to commit this crime. Having a previous conviction for existing within your own community—or an unidentified victim of trafficking is a crime as defined. Being lost in an area and seeking assistance from people to find your way is a potential indication of intent to solicit. Policing the thoughts and intentions of someone on the streets has for 175-years of Californian history been directly imposed upon those communities most marginalized and most in need of services. This coupled with the corrected language in AB-63 where being 2SLGBTQIA+ attempting poorly to ensure this community is not “perceived” to be soliciting within the community, is to attempt to offer services, and is to attempt to document their “efforts” to not incarcerate people for existing. The intention of the authors of these bills to create language to be “inclusive” of communities affected by over policing is fascinating when we have such a long and sorted history within the implementation of these laws. Intent-based criminalization has historically been enabling law enforcement to read minds to know the intention of a person on the streets, without the luxury of legislatures writing their intentions into law publicly to be known.

Similarly, data collected by the ACLU in California shows that police and prosecutors are far more likely to arrest or prosecute Black and Hispanic men for purchasing sex.

By relying on vague definitions of “intent,” these laws opens the door for biased policing that will ultimately harm survivors rather than support them. These types of laws have been widely criticized for enabling racial profiling, increasing incarceration rates, and diverting resources away from community-based solutions. Endorsing ineffective and harmful legal tools under the guise of trafficking prevention is a step backward in California’s fight for justice and human rights.

#### Unjust and Unreliable Funding Streams For Vitally Needed Services

AB-379 seeks to create new funding streams for services for survivors of trafficking in commercial sex, but it does so without adequate planning or engagement with current funding mechanisms within California. It ignores the act that the Global Slavery Index report shows seventy-seven percent of trafficking is labor trafficking, this intentional exclusion of labor trafficking and sex trafficking only legislation intentionally ignores over half the known trafficking problem to prioritise the White Slave Traffic Myths of the 1900s as codified into US law with the White Slave Traffic Act of 1910.<sup>11</sup> We support funding for services for sex workers and trafficking survivors – housing, jobs, training, record clearances – but it should be funded in a serious and sustained way, from state or local general funds. Fines are unreliable, as they have to be extracted from low-income defendants. From year to year, public dollars would be spent on debt collection, and each year, programs would be unable to plan their budgets. Furthermore, criminal debt is a burden on the convicted person’s family, robbing them of money for housing, food and other necessities.

Arrest-driven funding structures are fiscally ineffective and unstable sources for critical services. True survivor support requires long-term investments in housing, economic

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<sup>11</sup> Walk Free Global Slave Index Report: [Global findings](#) | [Walk Free](#)

opportunities, and voluntary, trauma-informed services—not an increase in policing and court involvement.

#### Ignoring Best Practices for Funding Organizations That Serve Survivors

California already has a process for funding organizations that provide services to survivors of trafficking through the Office of Emergency Services (OES). OES has developed guidelines to ensure that funding goes to organizations that provide effective, evidence-based services. AB-379 would create a new “Survivor Support Fund” under the California Victim Compensation Board, which would create redundancy and ignore OES funding criteria.

#### Attempts to Override Recent and Carefully Balanced Provisions Related to Minors

The inclusion of provisions related to minors in AB-379 disregards legislation enacted just last year and considerations on this issue. Specifically, AB-379 attempts to undo key amendments made to SB-1414 (Grove - 2024), which ensured that young people would not be subjected to felony prosecutions and punishments for engaging in consensual relationships with other young people. The Legislature passed SB-1414, as amended, in recognition of concerns raised by youth advocates about how parents have used the criminal legal system to target relationships based on racism or anti-2SLGBTQIA+ discrimination. At the same time, the law passed last year recognizes that any case involving an exploited minor aged 16 or 17 should be subject to more serious consequences. This law has been in effect for only six months.

AB-379 removes the careful balance struck by SB-1414, reinstating a broad criminalization approach that will only punish more young people. This is deeply problematic, as we know from public health models that punishment is not an effective strategy for behavior modification of young people. Rather than re-investing in failed criminalization tactics, California should prioritize comprehensive, survivor-centered solutions that address the root causes of trafficking. This includes expanding economic opportunities, increasing access to permanent supportive housing, and ensuring the availability of voluntary, low-barrier services that empower individuals rather than entrenching them in the criminal justice system.

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