



Emily M. Murase, PhD
Executive Director

City and County of San Francisco
Department on the Status of Women



Edwin M. Lee
Mayor

California Human Trafficking Laws Enacted in 2014

AB 1147 (Bonilla) Massage Therapy -- Amending Business and Professions Code § 460; adding and repealing Chapter 10.5 (commencing with Section 4600) of Division 2 of the Business and Professions Code, and amending Government Code § 51034

Permits localities to regulate massage establishments. Revises the composition of the Board of Directors for the Massage Therapy Council to include more representation from state government, law enforcement, and anti-trafficking organizations. Authorizes the Council to deny an application, discipline certificate holders and prohibits a city, county, or city and county from enacting or enforcing an ordinance that conflicts with code provisions. Requires massage businesses to apply for a business license to operate a massage business and provide relevant information regarding the business operations when applying, as specified. Requires the development of policies and procedures for the approval of schools providing education for certification.

AB 1585 (Alejo) Expungement of Prostitution Records for Human Trafficking Victims -- Amending Family Code §§ 8712, 8811, and 8908; Penal Code § 11105 and adding Penal Code § 1203.49

Permits persons convicted of solicitation or prostitution who have completed probation to petition the court for relief if they can establish by clear and convincing evidence that the conviction was the result of his or her status as a victim of human trafficking. Prevents the Department of Justice from providing conviction records of persons who have had their record expunged in this manner during screening for employment, licensing, certification, or adoption purposes. Authorizes a court to issue an order that (1) Sets forth a finding that the defendant was a victim of human trafficking. (2) Dismisses the accusation or information against the defendant, or orders other relief. (3) Notifies the Department of Justice that the defendant was a victim of human trafficking when he or she committed the crime and of the relief that has been ordered by the court.

AB 1610 (Bonta) Conditional Examination of Human Trafficking Witnesses -- Amending Penal Code §§1335 and 1337

In a criminal human trafficking case, permits a Court allow the conditional examination of a witness or victim in certain cases if they have been intimidated from testifying, or if they are under the control of the defendant who is preventing them from testifying.

AB 1623 (Atkins) Family Justice Centers -- Adding Penal Code Title 5.3 (commencing with §13750)

Authorizes any city, county, or community-based nonprofit organization to establish a multiagency, multidisciplinary family justice center to assist victims of domestic violence, sexual assault, elder or dependent adult abuse, and human trafficking. Specifies additional confidentiality provisions relating to information disclosed by a victim in a family justice center. Requires each center to maintain mandatory training for all staff members, volunteers, and agency professionals and to consult with community-based crime victim agencies, survivors of violence and abuse, and their advocates in the operations process of the family justice center. To goal of this bill is to develop a procedure for input, feedback, and evaluation of family justice centers.

AB 1791 (Maienschein) Increased Penalties for Purchasing Sex From Minors -- Amending Penal Code § 647

Strengthens penalties for sex trafficking involving minors. Makes purchasing sex from a minor a separate misdemeanor punishable by imprisonment in a county jail up to one year, or by a fine not exceeding \$2,000, or by both a fine and imprisonment.

SB 477 (Steinberg) Foreign labor contractors: registration -- Amending Business and Professions Code §§ 9998.1, 9998.6, and 9998.8; adding §§ 9998.1.5, 9998.2.5, 9998.10, and 9998.11; and repealing and adding § 9998.2

Requires foreign labor contractors to register with the Labor Commissioner and penalizes intimidation, discrimination and other violations to prevent the exploitation of foreign workers. The contractors must fully disclose employment terms and conditions in writing, and are prohibited from charging workers recruitment fees or other costs not normally associated with similarly situated workers. Requires foreign labor contractors to post a surety bond and they can be subject to civil fines from \$1,000 to \$25,000 for violations of the measure.

SB 855 (Committee on Budget and Fiscal Review) Addressing Child Sex Trafficking in the Child Welfare System – Amending (in relevant part) Welfare and Institutions Code § 300, and adding chapter 5.2 (commencing with § 16524.6)

Provides funding to the Department of Social Services to assist child welfare agencies with addressing the issue of commercial sexual exploitation of minors, including funding for training of child welfare workers and foster care providers and for specialized services. Clarifies that a child who is sexually trafficked can be served through the dependency system. Requires counties that wish to access funds under this program to develop interagency protocols for addressing sexually trafficked minors.

SB 939 (Block) Criminal Jurisdiction in Human Trafficking Cases -- Amending Penal Code § 784.7 and repealing § 784.8

When human trafficking, pimping, and pandering violations occur in more than one jurisdiction, permits all offenses to be tried in any jurisdiction where at least one of the offenses occurred if all district attorneys in counties with jurisdiction of the offenses agree to the venue.

SB 955 (Mitchell) Wiretapping in Human Trafficking Cases -- Amending Penal Code §§ 629.52.

Adds human trafficking to the list of offenses for which the interception of electronic communications may be ordered.

SB 1087 (Monning) Farm Labor Contractors & Sexual Harassment -- Amending Labor Code §§ 1684, 1685, 1690, 1690.1, 1694, 1695, 1695.55, 1696.2, 1696.5, and 1697

Modifies the requirements for obtaining and maintaining a Farm Labor Contractor's License. Prevents any person who within the preceding 3 years has been found to have committed sexual harassment of an employee from obtaining a license. Increases the license fee from \$500 to \$600. Requires applicants to provide the names and addresses of all persons who performed specified services in the previous year. Requires the licensure exam to cover laws and regulations concerning sexual harassment in the workplace. Increases the annual education requirement from 8 to 16 hours and includes required sexual harassment prevention training. Increases the penalty for engaging in farm labor contracting activities

without a license to a fine of not less than \$10,000 or imprisonment for not less than 6 months and not more than one year, or both.

SB 1165 (Mitchell) Sex Trafficking Education in Public Schools. Adding Education Code § 33545 and Article 7 (commencing with § 49380), and Chapter 5.8 (commencing with § 51950)

Permits sex trafficking prevention education in school districts and ensures it will be considered for inclusion in the Health Framework for California Public Schools. Encourages school districts to collaborate with outside consultants with expertise in such education in order to create school safety plans to address these issues.

SB 1388 (Lieu) Increased Penalties for Knowingly Purchasing Sex from a Minor -- Amending Penal Code §§ 266k and 647

Increases penalties for persons who know or should have known that they purchased sex from a minor: at least 2 days and up to one year county jail and/or a fine of up to ten thousand dollars (\$10,000).

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