

ASSEMBLY BILL

No. 12

Introduced by Assembly Member Swanson

December 6, 2010

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

LEGISLATIVE COUNSEL'S DIGEST

AB 12, as introduced, Swanson. Abolition of Child Commerce, Exploitation, and Sexual Slavery Act of 2011.

Under existing law, any person who is convicted of pimping or procuring a minor under the age of 16 for prostitution may be ordered by a court to pay an additional fine not to exceed \$5,000 to be deposited in the Victim-Witness Assistance Fund to be available for appropriation to fund child sexual exploitation and child sexual abuse victim counseling centers and prevention programs, as provided.

This bill would enact the Abolition of Child Commerce, Exploitation, and Sexual Slavery Act of 2011, and would require that a person who is convicted of a crime involving substantial sexual conduct, as defined, with a victim who is under 16 years of age, or who seeks to procure or procures the sexual services of a prostitute, if the prostitute is a minor who is under 16 years of age, be ordered to pay an additional fine of \$25,000 to be deposited in the Victim-Witness Assistance Fund to be available for appropriation in the same manner as specified above.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited, as the
2 Abolition of Child Commerce, Exploitation, and Sexual Slavery
3 Act of 2011 or ACCESS Act of 2011.

4 SEC. 2. (a) The Legislature finds and declares all of the
5 following:

6 (1) Sexual slavery of minors through human trafficking is one
7 of the most sophisticated forms of organized crime in the country
8 and is now globally recognized as a modern day form of slavery.

9 (2) Human trafficking and sexual exploitation involve the
10 recruitment, transportation, and sale of people, primarily women
11 and children, to work in the sex trade. California has become a
12 major hub of international and domestic interstate human
13 trafficking.

14 (3) A United States Department of Justice study estimates that
15 over 300,000 American children are at risk of being forced into
16 prostitution. Human trafficking and child sexual exploitation are
17 not phenomena exclusive to countries outside the United States or
18 to states other than California. It is a universal crisis that is
19 occurring in our own backyards and in our city streets in broad
20 daylight.

21 (4) Children are not safe from trafficking and exploitation in
22 California. Some of the children trafficked are as young as four
23 years old, but many more are only 11 or 12 years of age.

24 (5) Researchers agree that internationally the median age for
25 the entrance of girls into prostitution is 14 years of age. In the
26 United States, the ages vary from state to state, and in California
27 the average age is about 12 years old.

28 (6) The business of the trafficking of children would not exist
29 without the demand for the services of those children by the men
30 and women who purchase those services on the streets. California
31 needs to increase the fines against persons who engage children
32 in these illicit activities.

33 (b) It is the intent of the Legislature in enacting the Abolition
34 of Child Commerce, Exploitation, and Sexual Slavery Act of 2011
35 to recast the state's laws relating to human trafficking and child
36 sex slavery to treat the trafficked children as victims, rather than
37 prostitutes. It is also the intent of the Legislature that the ACCESS
38 Act of 2011 will ensure that persons funding the illicit activities

1 of human traffickers and paying for the services of child sex slaves
2 are treated as severely under the law as an adult engaging in a sex
3 act with a minor. The predator should be dealt with the same,
4 regardless of whether that person is paying for the sexual services
5 of the minor he or she is abusing.

6 (c) It is the intent of the Legislature that the ACCESS Act of
7 2011 further these purposes and also ensure that these victimized
8 children are given access to proper treatment and the resources
9 they need to be safe from the men and women who exploit them
10 commercially.

11 SEC. 3. Section 261.9 is added to the Penal Code, to read:

12 261.9. (a) Any person who is convicted of a crime involving
13 substantial sexual conduct, as defined by subdivision (b) of Section
14 1203.066, if the victim is under 16 years of age, shall be ordered
15 by the court, in addition to any other penalty or fine imposed, to
16 pay an additional fine of twenty-five thousand dollars (\$25,000).

17 (b) Any person convicted of seeking to procure or procuring
18 the sexual services of a prostitute in violation of subdivision (b)
19 of Section 647, if the prostitute is under 16 years of age, shall be
20 ordered by the court, in addition to any other penalty or fine
21 imposed, to pay an additional fine of twenty-five thousand dollars
22 (\$25,000).

23 (c) Every fine imposed and collected pursuant to this section
24 shall be deposited in the Victim-Witness Assistance Fund to be
25 available for appropriation to fund child sexual exploitation and
26 child sexual abuse victim counseling centers and prevention
27 programs pursuant to Section 13837.