

Assembly Bill No. 2040

Passed the Assembly May 31, 2012

Chief Clerk of the Assembly

Passed the Senate August 9, 2012

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2012, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL’S DIGEST

AB 2040, Swanson. Prostitution: human trafficking: expungement.

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 as these records pertain to the prostitution offenses 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, as provided. The bill would specify that the relief provided by the bill would not apply to a person who paid money, or attempted to pay money, to any person for the purposes of prostitution, and would also specify that the provisions of the bill apply to convictions and adjudications that occurred before and after the effective date of the bill.

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

SECTION 1. Section 1203.47 is added to the Penal Code, to read:

1203.47. (a) A person who was found to be a person described in Section 602 of the Welfare and Institutions Code by reason of the commission of an offense described in subdivision (b) of Section 647 or in Section 653.22 may, upon reaching 18 years of age, petition the court to have his or her record sealed, as provided in Section 781 of the Welfare and Institutions Code, except that, as pertaining to any records regarding the commission of an offense

described in subdivision (b) of Section 647 or in Section 653.22, it shall not be a requirement in granting the petition for the person to show that he or she has not been convicted of a felony or of any misdemeanor involving moral turpitude, or that rehabilitation has been attained to the satisfaction of the court. Upon granting the petition, all records relating to the violation or violations of subdivision (b) of Section 647 or of Section 653.22, or both, shall be sealed pursuant to Section 781 of the Welfare and Institutions Code.

(b) The relief provided by this section does not apply to a person convicted pursuant to subdivision (b) of Section 647 or of Section 653.22 who paid money or any other valuable thing, or attempted to pay money or any other valuable thing, to any person for the purpose of prostitution as defined in subdivision (b) of Section 647.

(c) This section applies to convictions and adjudications that occurred before, as well as those that occur after, the effective date of this section.

(d) A petition granted pursuant to this section does not authorize the sealing of any part of a person's record that is unrelated to a violation of subdivision (b) of Section 647, Section 653.22, or both.

Approved _____, 2012

Governor