

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1491

Introduced by Assembly Member O'Donnell

February 27, 2015

An act ~~relating to career technical education~~, to amend Section 653.23 of the Penal Code, relating to prostitution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1491, as amended, O'Donnell. ~~Career technical education.~~
Prostitution.

Existing law provides that a person who directs, supervises, recruits, or otherwise aids another person in the commission of an act of prostitution, or who collects or receives all or part of the proceeds earned from an act of prostitution committed by another person, is guilty of a misdemeanor, punishable by imprisonment in the county jail for no more than 6 months, by a fine not exceeding \$1,000, or by both that fine and imprisonment. Existing law specifies certain circumstances that may be used to determine if a person has committed the offense, including repeatedly speaking or communicating with another person, or repeatedly or continuously monitoring or watching another person, who is loitering in a public place with the intent to commit prostitution.

This bill would provide additional circumstances that may be used to determine if a person has committed that offense also include, but are not limited to, repeatedly speaking or communicating with, or repeatedly or continuously monitoring or watching, another person who solicits or agrees to engage in any act of prostitution. The bill would also provide that a person who commits that offense in association with, for the benefit of, or at the direction of, a criminal

street gang, is guilty of a misdemeanor or a felony, punishable by imprisonment in a county jail not to exceed one year, or by imprisonment in a state prison for one, 2, or 3 years, as specified. By changing the definition of, and punishment for, an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law establishes various career technical education programs, including, but not limited to, regional occupational centers or programs, linked learning, partnership academies, and career pathways programs.~~

~~This bill would state the intent of the Legislature to enact legislation relating to career technical education.~~

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

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

1 SECTION 1. Section 653.23 of the Penal Code is amended to
2 read:

3 653.23. (a) It is unlawful for any person to do either of the
4 following:

5 (1) Direct, supervise, recruit, or otherwise aid another person
6 in the commission of a violation of subdivision (b) of Section 647
7 or subdivision (a) of Section 653.22.

8 (2) Collect or receive all or part of the proceeds earned from an
9 act or acts of prostitution committed by another person in violation
10 of subdivision (b) of Section 647.

11 (b) Among the circumstances that may be considered in
12 determining whether a person is in violation of subdivision (a) are
13 that the person does the following:

14 (1) Repeatedly speaks or communicates with another person
15 who is acting in violation of *subdivision (b) of Section 647 or*
16 subdivision (a) of Section 653.22.

17 (2) Repeatedly or continuously monitors or watches another
18 person who is acting in violation of *subdivision (b) of Section 647*
19 or subdivision (a) of Section 653.22.

1 (3) Repeatedly engages or attempts to engage in conversation
2 with pedestrians or motorists to solicit, arrange, or facilitate an act
3 of prostitution between the pedestrians or motorists and another
4 person who is acting in violation of subdivision (a) of Section
5 653.22.

6 (4) Repeatedly stops or attempts to stop pedestrians or motorists
7 to solicit, arrange, or facilitate an act of prostitution between
8 pedestrians or motorists and another person who is acting in
9 violation of subdivision (a) of Section 653.22.

10 (5) Circles an area in a motor vehicle and repeatedly beckons
11 to, contacts, or attempts to contact or stop pedestrians or other
12 motorists to solicit, arrange, or facilitate an act of prostitution
13 between the pedestrians or motorists and another person who is
14 acting in violation of subdivision (a) of Section 653.22.

15 (6) Receives or appears to receive money from another person
16 who is acting in violation of *subdivision (b) of Section 647 or*
17 *subdivision (a) of Section 653.22.*

18 (7) Engages in any of the behavior described in paragraphs (1)
19 to (6), inclusive, in regard to or on behalf of two or more persons
20 who are in violation of subdivision (a) of Section 653.22.

21 (8) Has been convicted of violating this section, subdivision (a)
22 or (b) of Section 647, subdivision (a) of Section 653.22, Section
23 266h, or 266i, or any other offense relating to or involving
24 prostitution within five years of the arrest under this section.

25 (9) Has engaged, within six months prior to the arrest under
26 subdivision (a), in any behavior described in this subdivision, with
27 the exception of paragraph (8), or in any other behavior indicative
28 of prostitution activity.

29 (c) The list of circumstances set forth in subdivision (b) is not
30 exclusive. The circumstances set forth in subdivision (b) should
31 be considered particularly salient if they occur in an area that is
32 known for prostitution activity. Any other relevant circumstances
33 may be considered. Moreover, no one circumstance or combination
34 of circumstances is in itself determinative. A violation of
35 subdivision (a) shall be determined based on an evaluation of the
36 particular circumstances of each case.

37 (d) Nothing in this section shall preclude the prosecution of a
38 suspect for a violation of Section 266h or 266i or for any other
39 offense, or for a violation of this section in conjunction with a
40 violation of Section 266h or 266i or any other offense.

1 (e) A violation of subdivision (a) committed for the benefit of,
2 at the direction of, or in association with, a criminal street gang,
3 as defined in subdivision (f) of Section 186.22, with the specific
4 intent to promote, further, or assist in any criminal conduct by
5 gang members, is a misdemeanor or a felony, and is punishable
6 pursuant to subdivision (d) of Section 186.22.

7 SEC. 2. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.

16 ~~SECTION 1. It is the intent of the Legislature to enact~~
17 ~~legislation relating to career technical education.~~