

AMENDED IN SENATE JUNE 30, 2016

AMENDED IN ASSEMBLY MAY 27, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 1730**

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**Introduced by Assembly Members Atkins and Eggman  
(Principal coauthors: Assembly Members Olsen and Quirk)  
(Coauthors: Assembly Members Burke, Campos, Chiu, Dodd,  
Cristina Garcia, Eduardo Garcia, Gonzalez, and Mark Stone)**

January 28, 2016

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An act to add *and repeal* Section 893.5–~~to~~ of the Welfare and Institutions Code, relating to human trafficking.

### LEGISLATIVE COUNSEL’S DIGEST

AB 1730, as amended, Atkins. Human trafficking: minors.

Existing law proscribes the crime of human trafficking, as defined. 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 effect or maintain a violation of any of specified sex offenses, is guilty of human trafficking. Existing law also proscribes the crime of prostitution.

Existing law authorizes or requires, as specified, the probation officer of a county to exercise various duties with respect to a minor who has been found to be within the jurisdiction of the juvenile court on the ground that he or she has violated a law or statute, or that he or she has suffered, or there is a substantial risk that he or she will suffer, abuse or neglect.

Existing law establishes the Board of State and Community Corrections to provide statewide leadership, coordination, and technical

assistance to promote effective state and local efforts and partnerships in California's adult and juvenile criminal justice system.

This bill ~~would~~ *would, only until January 1, 2022*, require the Board of State and Community Corrections to establish a pilot project in each of the Counties of Sacramento, San Diego, and Santa Clara, in which, if the county elects to participate in the pilot project, the chief probation officer of the county would be required to create a program to provide services to youth within his or her jurisdiction that address the need for services relating to the commercial sexual exploitation of youth. *The bill would state that the purpose of the pilot project is to test a service model that would produce improved outcomes for youth victims of human trafficking. The bill would authorize the participating county to determine whether the probation department, the county child welfare agency, or both the probation department and the county child welfare agency would participate in the pilot project. The bill would also require a county that establishes a pilot program pursuant to these provisions to conduct at least one evaluation of the program's impact and effectiveness and to submit that evaluation to the board.* The bill would provide that the pilot projects established pursuant to these provisions would be funded contingent upon an appropriation in the annual Budget Act. The bill would provide that funds appropriated for these purposes shall be administered by the Board of State and Community Corrections.

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

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

1     ~~SECTION 1. The Legislature finds and declares all of the~~  
2     ~~following:~~  
3     ~~(a) Worldwide, human trafficking is a \$32,000,000,000 per year~~  
4     ~~industry.~~  
5     ~~(b) After drug trafficking and counterfeiting, it is the world's~~  
6     ~~most profitable criminal activity.~~  
7     ~~(c) Although this issue was previously believed to be an~~  
8     ~~international problem, current statistics show that human trafficking~~  
9     ~~is increasingly a domestic issue.~~  
10    ~~(d) According to estimates by the Federal Bureau of~~  
11    ~~Investigation (FBI), human trafficking or the commercial sexual~~  
12    ~~exploitation of children in the United States currently involves~~  
13    ~~over 100,000 children. The San Francisco Bay area, Los Angeles,~~

1 and San Diego metropolitan areas comprise three of the nation's  
2 13 areas of "high intensity" child exploitation in this country, as  
3 defined by the FBI.

4 (e) Studies have estimated that anywhere from 50 percent to 80  
5 percent of victims of commercial sexual exploitation are, or  
6 previously were, involved with the child welfare system.

7 (f) Law enforcement, probation, education, mental health, and  
8 public health systems, as well as nonprofit organizations, currently  
9 serve these victims, but often lack coordination in providing  
10 services. These systems do not yet consistently recognize these  
11 young people as victims who are subject to the cycle of commercial  
12 sexual exploitation. Although they are learning to identify victims,  
13 they do not yet have adequate service design, nor capacity, to  
14 provide specialized services. Integrated strategies are necessary  
15 in order to help child victims of sexual exploitation in California  
16 and to ascertain the service models and strategies that are effective  
17 in the recovery of the child and the child's future.

18 (g) According to the California Child Welfare Council, there is  
19 a dearth of specialized placements and services to help youth and  
20 their families when commercial sexual exploitation occurs.  
21 Although legislation has recently been enacted to permit these  
22 victims to enter the child welfare system in order to facilitate  
23 placements and the provision of other essential services to these  
24 victims, and other important implementation efforts are underway,  
25 specially attuned services do not yet exist.

26 **SEC. 2.**

27 **SECTION 1.** Section 893.5 is added to the Welfare and  
28 Institutions Code, to read:

29 893.5. (a) The Board of State and Community Corrections  
30 shall establish a pilot project in each of the Counties of Sacramento,  
31 San Diego, and Santa Clara, in which, if the county elects to  
32 participate in the pilot project, the chief probation officer of the  
33 county shall create a program to provide services to youth within  
34 his or her jurisdiction that addresses the need for services relating  
35 to the commercial sexual exploitation of youth. *The purpose of*  
36 *the pilot project is to test a service model that would produce*  
37 *improved outcomes for youth victims of human trafficking. The*  
38 *participating county may determine whether the probation*  
39 *department, the county child welfare agency, or both the probation*

1 *department and the county child welfare agency shall participate*  
2 *in the pilot project.*

3 (b) Programs that receive funding pursuant to this section shall  
4 be licensed by the State Department of Social Services and may  
5 include, but shall not be limited to, programs that do the following:

6 (1) Assess the youth victim's condition, including a review of  
7 the extent of trauma suffered, physical and mental health, and the  
8 status of age-appropriate developmental factors, such as educational  
9 status.

10 (2) Serve exploited youth in a services-rich environment,  
11 including trauma-informed counseling services.

12 (3) Research options, make recommendations, and work to find  
13 solutions to provide specialized services and permanent placement  
14 solutions for the youth.

15 (4) Provide staff who are trained to work with, and experienced  
16 in working with, child sex trafficking victims.

17 (5) Include peer mentors in the design and provision of service  
18 delivery.

19 (6) Provide a plan for how to structure a protective setting  
20 secluded from the victim's trafficking environment, which could  
21 include strategies such as a geographically remote location, staff  
22 protective presence, delayed egress, or any combination of  
23 strategies intended to protect the victim.

24 (c) *A county that establishes a pilot program pursuant to this*  
25 *section shall conduct at least one evaluation of the program's*  
26 *impact and effectiveness. The evaluation shall include, but not be*  
27 *limited to, monitoring the program's effect on youth being served,*  
28 *if any, and its effectiveness with respect to program participants,*  
29 *including outcome-related data for program participants compared*  
30 *to youth who do not participate in the pilot. The county shall submit*  
31 *the evaluation to the board.*

32 (e)

33 (d) The pilot projects established pursuant to this section shall  
34 be funded contingent upon an appropriation in the annual Budget  
35 Act. Funds appropriated for these purposes shall be administered  
36 by the Board of State and Community Corrections.

1     *(e) This section shall remain in effect only until January 1, 2022,*  
2     *and as of that date is repealed, unless a later enacted statute, that*  
3     *is enacted before January 1, 2022, deletes or extends that date.*

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