

ASSEMBLY BILL

No. 2202

Introduced by Assembly Member Baker
(Principal coauthor: Assembly Member Cristina Garcia)
(Coauthors: Assembly Members Chávez and Lackey)
(Coauthor: Senator Glazer)

February 18, 2016

An act to add and repeal Chapter 5.8 (commencing with Section 13849) to Title 6 of Part 4 of the Penal Code, relating to crime, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2202, as introduced, Baker. Human trafficking: vertical prosecution program.

Existing law establishes the Office of Emergency Services, which is required to, among other things, allocate and award funds to communities developing and providing ongoing citizen involvement and crime resistance programs.

This bill would require the office, to the extent funds are available for this purpose and until January 1, 2021, to allocate and award funds to up to 11 district attorney offices that employ a vertical prosecution methodology for the prosecution of human trafficking crimes and that meet other specified criteria, including minimum staffing levels for the program. The bill would require the office, on or before January 1, 2019, to submit to the Legislature and the Governor's Office a report that describes the counties that received funding pursuant to this program, the number of prosecutions for human trafficking cases filed by the counties receiving funding, the number of human trafficking convictions obtained by those counties, and the sentences imposed for

human trafficking crimes in those counties. The bill would also appropriate \$2,600,000 from the General Fund to the office for this program.

Vote: 2/3. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Chapter 5.8 (commencing with Section 13849)
2 is added to Title 6 of Part 4 of the Penal Code, to read:

3
4 CHAPTER 5.8. HUMAN TRAFFICKING PREVENTION VERTICAL
5 PROSECUTION PROGRAM
6

7 13849. (a) There is hereby established in the Office of
8 Emergency Services a program of financial and technical assistance
9 for county district attorney offices for the prosecution of human
10 trafficking crimes.

11 (b) The Director of Emergency Services shall, to the extent
12 funds are available for this purpose, allocate and award funds to
13 up to 11 district attorney offices that apply for funding pursuant
14 to this chapter. Each county selected for funding shall meet all of
15 the following minimum requirements:

16 (1) Employ a vertical prosecution methodology for human
17 trafficking crimes.

18 (2) Require that a county selected for funding dedicate at least
19 one-half of the time of one deputy district attorney and one-half
20 of the time of one district attorney investigator solely to the
21 investigation and prosecution of human trafficking crime.

22 (3) Provide the office with annual data on the number of human
23 trafficking cases filed by that county, the number of human
24 trafficking convictions obtained, and the sentences imposed for
25 those convicted of human trafficking in that county.

26 (4) Enter into an agreement, either by contract or a memorandum
27 of understanding, with an advocacy agency funded by the office
28 that provides services, counseling, or both, to victims of human
29 trafficking in order to ensure that victims and witnesses of human
30 trafficking, as appropriate, receive services.

1 (5) Funding received by district attorney offices pursuant to this
2 program shall be used to supplement, and not supplant, existing
3 financial resources.

4 (c) The office shall select applications based upon a competitive
5 process and may establish selection criteria. At a minimum, an
6 applicant shall demonstrate the ability to comply with the criteria
7 in subdivision (b) and include an estimate of the number of
8 potential human trafficking crimes in that county.

9 (d) (1) On or before January 1, 2019, the office shall submit to
10 the Legislature and the Governor's Office a report that describes
11 the counties that received funding pursuant to this program, the
12 number of prosecutions for human trafficking cases filed by the
13 counties receiving funding, the number of human trafficking
14 convictions obtained by those counties, and the sentences imposed
15 for human trafficking crimes in those counties.

16 (2) The report required pursuant to paragraph (1) shall be
17 submitted in compliance with Section 9795 of the Government
18 Code.

19 (e) As used in this section, "human trafficking crimes" means
20 any violation of Section 236.1 or subdivision (m) of Section 647.

21 (f) Not more than 10 percent of funds appropriated for this
22 program shall be retained by the office for administrative costs,
23 including technical assistance, training, and the cost of producing
24 the report required pursuant to subdivision (d).

25 13849.1. This chapter shall remain in effect only until January
26 1, 2021, and as of that date is repealed, unless a later enacted
27 statute, that is enacted before January 1, 2021, deletes or extends
28 that date.

29 SEC. 2. The sum of two million six hundred thousand dollars
30 (\$2,600,000) is hereby appropriated from the General Fund to the
31 Office of Emergency Services for the purpose of funding the
32 Human Trafficking Prevention Vertical Prosecution Program, as
33 described in Chapter 5.8 (commencing with Section 13849) of
34 Title 6 of Part 4 of the Penal Code.