

Introduced by Senator HancockFebruary 16, 2016

An act to amend Sections 18259 and 18259.3 of, to amend the heading of Chapter 4.3 (commencing with Section 18259) of Part 6 of Division 9 of, and to repeal Sections 18259.1 and 18259.5 of, the Welfare and Institutions Code, relating to sexually exploited minors.

LEGISLATIVE COUNSEL'S DIGEST

SB 1064, as introduced, Hancock. Sexually exploited minors.

Existing law, until January 1, 2017, authorizes the Counties of Alameda and Los Angeles respectively, to create a pilot project, contingent upon local funding, for the purposes of developing a comprehensive, replicative, multidisciplinary model to address the needs and effective treatment of commercially sexually exploited minors, as specified.

This bill would extend the operation of this project indefinitely and expand its application to all counties. The bill would also expand the definition of a "commercially sexually exploited minor" to include, among others, a minor who has been adjudged a dependent of the juvenile court because he or she is a commercially sexually exploited child, and would create a presumption that, if a minor has been arrested for engaging in prostitution, or is the subject of a petition to adjudge him or her a dependent of the juvenile court because he or she is a commercially sexually exploited child, he or she is a commercially sexually exploited minor for the purposes of that definition.

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. The heading of Chapter 4.3 (commencing with
2 Section 18259) of Part 6 of Division 9 of the Welfare and
3 Institutions Code is amended to read:

4
5 CHAPTER 4.3. SEXUALLY EXPLOITED MINORS ~~PILOT~~ PROJECT
6

7 SEC. 2. Section 18259 of the Welfare and Institutions Code is
8 amended to read:

9 18259. (a) ~~The County of Alameda, Each county,~~ contingent
10 upon local funding, may establish a ~~pilot~~ project consistent with
11 this chapter to develop a comprehensive, replicative,
12 multidisciplinary model to address the needs and effective
13 treatment of commercially sexually exploited minors who have
14 been arrested or detained by local law enforcement for a violation
15 of subdivision (a) or (b) of Section 647 or subdivision (a) of Section
16 653.22 of the Penal ~~Code. Code, or who have been adjudged a~~
17 *dependent of the juvenile court pursuant to paragraph (2) of*
18 *subdivision (b) of Section 300.*

19 (b) ~~The District Attorney of the County of Alameda, district~~
20 *attorney of each county,* in collaboration with *the respective* county
21 and community-based agencies, may develop, as a component of
22 the ~~pilot~~ project described in this chapter, protocols for identifying
23 and assessing minors, upon arrest or detention by law enforcement,
24 who may be victims of commercial sexual exploitation.

25 (c) ~~The District Attorney of the County of Alameda, district~~
26 *attorney of each county,* in collaboration with *the respective* county
27 and community-based agencies that serve commercially sexually
28 exploited minors, may develop, as a component of the ~~pilot~~ project
29 described in this chapter, a diversion program reflecting the best
30 practices to address the needs and requirements of ~~arrested or~~
31 ~~detained~~ minors who have been determined to be victims of
32 commercial sexual exploitation.

33 (d) ~~The District Attorney of the County of Alameda, district~~
34 *attorney of each county,* in collaboration with *the respective* county
35 and community-based agencies, may form, as a component of the
36 ~~pilot~~ project described in this chapter, a multidisciplinary team
37 including, but not limited to, city police departments, the county
38 sheriff's department, the public defender's office, the probation

1 department, child protection services, and community-based
2 organizations that work with or advocate for commercially sexually
3 exploited minors, to do both of the following:

4 (1) Develop a training curriculum reflecting the best practices
5 for identifying and assessing minors who may be victims of
6 commercial sexual exploitation.

7 (2) Offer and provide this training curriculum through
8 multidisciplinary teams to law enforcement, child protective
9 services, and others who are required to respond to arrested or
10 detained minors who may be victims of commercial sexual
11 exploitation.

12 SEC. 3. Section 18259.1 of the Welfare and Institutions Code
13 is repealed.

14 ~~18259.1. The District Attorney for the County of Alameda~~
15 ~~shall, on or before April 1, 2016, submit a report to the Legislature~~
16 ~~that summarizes the activities performed by the district attorney~~
17 ~~pursuant to this section, so that the Legislature may determine~~
18 ~~whether the pilot project should be extended or expanded to other~~
19 ~~counties prior to the repeal of this chapter pursuant to Section~~
20 ~~18259.5. The report shall, at a minimum, include the number of~~
21 ~~sexually exploited minors, if any, diverted by the program~~
22 ~~authorized in subdivision (c) of Section 18259, and a summary of~~
23 ~~the types of services and alternate treatments provided to those~~
24 ~~minors. This report shall be contingent upon local funding, and~~
25 ~~shall be required only if the County of Alameda establishes a pilot~~
26 ~~project and the district attorney performs any of the activities of~~
27 ~~the pilot project authorized by this chapter. The report shall not~~
28 ~~include any information that would reveal the identity of a specific~~
29 ~~sexually exploited minor.~~

30 SEC. 4. Section 18259.3 of the Welfare and Institutions Code
31 is amended to read:

32 18259.3. (a) For purposes of this chapter, “commercially
33 sexually exploited minor” means a person under 18 years of age
34 who ~~has~~ *is described by one or more of the following:*

35 (1) *Has* been abused in the manner described in paragraph (2)
36 of subdivision (c) of Section 11165.1 of the Penal Code, and who
37 has been detained for a violation of the law or placed in civil
38 protective custody on a safety hold based only on a violation of
39 subdivision (a) or (b) of Section 647 or subdivision (a) of Section
40 653.22 of the Penal Code.

1 (2) *Has been adjudged a dependent of the juvenile court*
2 *pursuant to paragraph (2) of subdivision (b) of Section 300.*

3 (3) *Has been the victim of abduction, as described in Section*
4 *267 of the Penal Code.*

5 (4) *Meets the definition of a victim of a severe form of*
6 *trafficking, as defined in Section 7105 of Title 22 of the United*
7 *States Code.*

8 (b) *If a minor is arrested or detained for an alleged violation*
9 *of subdivision (a) or (b) of Section 647 of the Penal Code or of*
10 *subdivision (a) of Section 653.22 of the Penal Code, or if a minor*
11 *is the subject of a petition to adjudge him or her a dependent of*
12 *the juvenile court pursuant to paragraph (2) of subdivision (b) of*
13 *Section 300, he or she shall be presumed to be a commercially*
14 *sexually exploited minor, as defined in subdivision (a).*

15 SEC. 5. Section 18259.5 of the Welfare and Institutions Code
16 is repealed.

17 ~~18259.5. This chapter shall remain in effect only until January~~
18 ~~1, 2017, and as of that date is repealed, unless a later enacted~~
19 ~~statute, that is enacted before January 1, 2017, deletes or extends~~
20 ~~that date.~~