

AMENDED IN SENATE MAY 31, 2016

SENATE BILL

No. 1064

Introduced by Senator Hancock

February 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 amended, 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.~~ *indefinitely in the Counties of Alameda and Los Angeles.* 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:

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5 CHAPTER 4.3. SEXUALLY EXPLOITED MINORS PROJECT

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

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

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

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

34 (d) ~~The district attorney of each county,~~ *attorneys of the*
35 *Counties of Alameda and Los Angeles*, in collaboration with the

1 respective county and community-based agencies, may *each* form,
2 as a component of the project described in this chapter, a
3 multidisciplinary team including, but not limited to, city police
4 departments, the county sheriff’s department, the public defender’s
5 office, the probation department, child protection services, and
6 community-based organizations that work with or advocate for
7 commercially sexually exploited minors, to do both of the
8 following:

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

12 (2) Offer and provide this training curriculum through
13 multidisciplinary teams to law enforcement, child protective
14 services, and others who are required to respond to arrested or
15 detained minors who may be victims of commercial sexual
16 exploitation.

17 SEC. 3. Section 18259.1 of the Welfare and Institutions Code
18 is repealed.

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

21 18259.3. (a) For purposes of this chapter, “commercially
22 sexually exploited minor” means a person under 18 years of age
23 who is described by one or more of the following:

24 (1) Has been abused in the manner described in paragraph (2)
25 of subdivision (c) of Section 11165.1 of the Penal Code, and who
26 has been detained for a violation of the law or placed in civil
27 protective custody on a safety hold based only on a violation of
28 subdivision (a) or (b) of Section 647 or subdivision (a) of Section
29 653.22 of the Penal Code.

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

32 (3) Has been the victim of abduction, as described in Section
33 267 of the Penal Code.

34 (4) Meets the definition of a victim of a severe form of
35 trafficking, as defined in Section 7105 of Title 22 of the United
36 States Code.

37 (b) If a minor is arrested or detained for an alleged violation of
38 subdivision (a) or (b) of Section 647 of the Penal Code or of
39 subdivision (a) of Section 653.22 of the Penal Code, or if a minor
40 is the subject of a petition to adjudge him or her a dependent of

1 the juvenile court pursuant to paragraph (2) of subdivision (b) of
2 Section 300, he or she shall be presumed to be a commercially
3 sexually exploited minor, as defined in subdivision (a).
4 SEC. 5. Section 18259.5 of the Welfare and Institutions Code
5 is repealed.

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