

AMENDED IN ASSEMBLY AUGUST 4, 2016

AMENDED IN SENATE MAY 31, 2016

AMENDED IN SENATE APRIL 26, 2016

SENATE BILL

No. 1322

Introduced by Senator Mitchell

(Coauthor: Senator Wieckowski)

(Coauthors: Assembly Members Cristina Garcia and Lackey)

February 19, 2016

An act to amend Sections 647 and 653.22 of the Penal Code, relating to minors.

LEGISLATIVE COUNSEL'S DIGEST

SB 1322, as amended, Mitchell. Commercial sex acts: minors.

Existing law makes it a crime to solicit or engage in any act of prostitution. Existing law makes it a crime to loiter in any public place with the intent to commit prostitution.

This bill would make the above provisions inapplicable to a child under 18 years of age who is alleged to have engaged in conduct that would, if committed by an adult, violate the above provisions. The bill would authorize the minor to be taken into temporary custody under limited circumstances.

This bill would incorporate additional changes to Section 647 of the Penal Code, proposed by SB 420, SB 1129, and AB 1708, that would become operative only if this bill and one or more of those other bills are enacted and become effective on or before January 1, 2017, and this bill is chaptered last.

This bill would incorporate additional changes to Section 653.22 of the Penal Code, proposed by AB 1771, that would become operative

only if this bill and AB 1771 are enacted and become effective on or before January 1, 2017, and this bill is chaptered last.

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. Section 647 of the Penal Code is amended to
 2 read:
 3 647. Except as provided in paragraph (2) of subdivision (b)
 4 and subdivision (l), every person who commits any of the following
 5 acts is guilty of disorderly conduct, a misdemeanor:
 6 (a) Who solicits anyone to engage in or who engages in lewd
 7 or dissolute conduct in any public place or in any place open to
 8 the public or exposed to public view.
 9 (b) (1) Who solicits or who agrees to engage in or who engages
 10 in any act of prostitution. A person agrees to engage in an act of
 11 prostitution when, with specific intent to so engage, he or she
 12 manifests an acceptance of an offer or solicitation to so engage,
 13 regardless of whether the offer or solicitation was made by a person
 14 who also possessed the specific intent to engage in prostitution.
 15 No agreement to engage in an act of prostitution shall constitute
 16 a violation of this subdivision unless some act, in addition to the
 17 agreement, is done within this state in furtherance of the
 18 commission of an act of prostitution by the person agreeing to
 19 engage in that act. As used in this subdivision, “prostitution”
 20 includes any lewd act between persons for money or other
 21 consideration.
 22 (2) Notwithstanding paragraph (1), this subdivision does not
 23 apply to a child under 18 years of age who is alleged to have
 24 engaged in conduct to receive money or other consideration that
 25 would, if committed by an adult, violate this subdivision. A
 26 commercially exploited child under this paragraph may be adjudged
 27 a dependent child of the court pursuant to paragraph (2) of
 28 subdivision (b) of Section 300 of the Welfare and Institutions Code
 29 and may be taken into temporary custody pursuant to subdivision
 30 (a) of Section 305 of the Welfare and Institutions Code, if the
 31 conditions allowing temporary custody without warrant are met.

1 (c) Who accosts other persons in any public place or in any
2 place open to the public for the purpose of begging or soliciting
3 alms.

4 (d) Who loiters in or about any toilet open to the public for the
5 purpose of engaging in or soliciting any lewd or lascivious or any
6 unlawful act.

7 (e) Who lodges in any building, structure, vehicle, or place,
8 whether public or private, without the permission of the owner or
9 person entitled to the possession or in control of it.

10 (f) Who is found in any public place under the influence of
11 intoxicating liquor, any drug, controlled substance, toluene, or any
12 combination of any intoxicating liquor, drug, controlled substance,
13 or toluene, in a condition that he or she is unable to exercise care
14 for his or her own safety or the safety of others, or by reason of
15 his or her being under the influence of intoxicating liquor, any
16 drug, controlled substance, toluene, or any combination of any
17 intoxicating liquor, drug, or toluene, interferes with or obstructs
18 or prevents the free use of any street, sidewalk, or other public
19 way.

20 (g) When a person has violated subdivision (f), a peace officer,
21 if he or she is reasonably able to do so, shall place the person, or
22 cause him or her to be placed, in civil protective custody. The
23 person shall be taken to a facility, designated pursuant to Section
24 5170 of the Welfare and Institutions Code, for the 72-hour
25 treatment and evaluation of inebriates. A peace officer may place
26 a person in civil protective custody with that kind and degree of
27 force which would be lawful were he or she effecting an arrest for
28 a misdemeanor without a warrant. A person who has been placed
29 in civil protective custody shall not thereafter be subject to any
30 criminal prosecution or juvenile court proceeding based on the
31 facts giving rise to this placement. This subdivision shall not apply
32 to the following persons:

33 (1) Any person who is under the influence of any drug, or under
34 the combined influence of intoxicating liquor and any drug.

35 (2) Any person who a peace officer has probable cause to believe
36 has committed any felony, or who has committed any misdemeanor
37 in addition to subdivision (f).

38 (3) Any person who a peace officer in good faith believes will
39 attempt escape or will be unreasonably difficult for medical
40 personnel to control.

1 (h) Who loiters, prowls, or wanders upon the private property
2 of another, at any time, without visible or lawful business with the
3 owner or occupant. As used in this subdivision, “loiter” means to
4 delay or linger without a lawful purpose for being on the property
5 and for the purpose of committing a crime as opportunity may be
6 discovered.

7 (i) Who, while loitering, prowling, or wandering upon the private
8 property of another, at any time, peeks in the door or window of
9 any inhabited building or structure, without visible or lawful
10 business with the owner or occupant.

11 (j) (1) Any person who looks through a hole or opening, into,
12 or otherwise views, by means of any instrumentality, including,
13 but not limited to, a periscope, telescope, binoculars, camera,
14 motion picture camera, camcorder, or mobile phone, the interior
15 of a bedroom, bathroom, changing room, fitting room, dressing
16 room, or tanning booth, or the interior of any other area in which
17 the occupant has a reasonable expectation of privacy, with the
18 intent to invade the privacy of a person or persons inside. This
19 subdivision shall not apply to those areas of a private business
20 used to count currency or other negotiable instruments.

21 (2) Any person who uses a concealed camcorder, motion picture
22 camera, or photographic camera of any type, to secretly videotape,
23 film, photograph, or record by electronic means, another,
24 identifiable person under or through the clothing being worn by
25 that other person, for the purpose of viewing the body of, or the
26 undergarments worn by, that other person, without the consent or
27 knowledge of that other person, with the intent to arouse, appeal
28 to, or gratify the lust, passions, or sexual desires of that person and
29 invade the privacy of that other person, under circumstances in
30 which the other person has a reasonable expectation of privacy.

31 (3) (A) Any person who uses a concealed camcorder, motion
32 picture camera, or photographic camera of any type, to secretly
33 videotape, film, photograph, or record by electronic means, another,
34 identifiable person who may be in a state of full or partial undress,
35 for the purpose of viewing the body of, or the undergarments worn
36 by, that other person, without the consent or knowledge of that
37 other person, in the interior of a bedroom, bathroom, changing
38 room, fitting room, dressing room, or tanning booth, or the interior
39 of any other area in which that other person has a reasonable

1 expectation of privacy, with the intent to invade the privacy of that
2 other person.

3 (B) Neither of the following is a defense to the crime specified
4 in this paragraph:

5 (i) The defendant was a cohabitant, landlord, tenant, cotenant,
6 employer, employee, or business partner or associate of the victim,
7 or an agent of any of these.

8 (ii) The victim was not in a state of full or partial undress.

9 (4) (A) Any person who intentionally distributes the image of
10 the intimate body part or parts of another identifiable person, or
11 an image of the person depicted engaged in an act of sexual
12 intercourse, sodomy, oral copulation, sexual penetration, or an
13 image of masturbation by the person depicted or in which the
14 person depicted participates, under circumstances in which the
15 persons agree or understand that the image shall remain private,
16 the person distributing the image knows or should know that
17 distribution of the image will cause serious emotional distress, and
18 the person depicted suffers that distress.

19 (B) A person intentionally distributes an image described in
20 subparagraph (A) when he or she personally distributes the image,
21 or arranges, specifically requests, or intentionally causes another
22 person to distribute that image.

23 (C) As used in this paragraph, “intimate body part” means any
24 portion of the genitals, the anus and in the case of a female, also
25 includes any portion of the breasts below the top of the areola, that
26 is either uncovered or clearly visible through clothing.

27 (D) It shall not be a violation of this paragraph to distribute an
28 image described in subparagraph (A) if any of the following
29 applies:

30 (i) The distribution is made in the course of reporting an
31 unlawful activity.

32 (ii) The distribution is made in compliance with a subpoena or
33 other court order for use in a legal proceeding.

34 (iii) The distribution is made in the course of a lawful public
35 proceeding.

36 (5) This subdivision shall not preclude punishment under any
37 section of law providing for greater punishment.

38 (k) In any accusatory pleading charging a violation of
39 subdivision (b), if the defendant has been once previously convicted
40 of a violation of that subdivision, the previous conviction shall be

1 charged in the accusatory pleading. If the previous conviction is
2 found to be true by the jury, upon a jury trial, or by the court, upon
3 a court trial, or is admitted by the defendant, the defendant shall
4 be imprisoned in a county jail for a period of not less than 45 days
5 and shall not be eligible for release upon completion of sentence,
6 on probation, on parole, on work furlough or work release, or on
7 any other basis until he or she has served a period of not less than
8 45 days in a county jail. In all cases in which probation is granted,
9 the court shall require as a condition thereof that the person be
10 confined in a county jail for at least 45 days. In no event does the
11 court have the power to absolve a person who violates this
12 subdivision from the obligation of spending at least 45 days in
13 confinement in a county jail.

14 In any accusatory pleading charging a violation of subdivision
15 (b), if the defendant has been previously convicted two or more
16 times of a violation of that subdivision, each of these previous
17 convictions shall be charged in the accusatory pleading. If two or
18 more of these previous convictions are found to be true by the jury,
19 upon a jury trial, or by the court, upon a court trial, or are admitted
20 by the defendant, the defendant shall be imprisoned in a county
21 jail for a period of not less than 90 days and shall not be eligible
22 for release upon completion of sentence, on probation, on parole,
23 on work furlough or work release, or on any other basis until he
24 or she has served a period of not less than 90 days in a county jail.
25 In all cases in which probation is granted, the court shall require
26 as a condition thereof that the person be confined in a county jail
27 for at least 90 days. In no event does the court have the power to
28 absolve a person who violates this subdivision from the obligation
29 of spending at least 90 days in confinement in a county jail.

30 In addition to any punishment prescribed by this section, a court
31 may suspend, for not more than 30 days, the privilege of the person
32 to operate a motor vehicle pursuant to Section 13201.5 of the
33 Vehicle Code for any violation of subdivision (b) that was
34 committed within 1,000 feet of a private residence and with the
35 use of a vehicle. In lieu of the suspension, the court may order a
36 person's privilege to operate a motor vehicle restricted, for not
37 more than six months, to necessary travel to and from the person's
38 place of employment or education. If driving a motor vehicle is
39 necessary to perform the duties of the person's employment, the

1 court may also allow the person to drive in that person's scope of
2 employment.

3 (l) (1) A second or subsequent violation of subdivision (j) is
4 punishable by imprisonment in a county jail not exceeding one
5 year, or by a fine not exceeding two thousand dollars (\$2,000), or
6 by both that fine and imprisonment.

7 (2) If the victim of a violation of subdivision (j) was a minor at
8 the time of the offense, the violation is punishable by imprisonment
9 in a county jail not exceeding one year, or by a fine not exceeding
10 two thousand dollars (\$2,000), or by both that fine and
11 imprisonment.

12 (m) (1) If a crime is committed in violation of subdivision (b)
13 and the person who was solicited was a minor at the time of the
14 offense, and if the defendant knew or should have known that the
15 person who was solicited was a minor at the time of the offense,
16 the violation is punishable by imprisonment in a county jail for
17 not less than two days and not more than one year, or by a fine not
18 exceeding ten thousand dollars (\$10,000), or by both that fine and
19 imprisonment.

20 (2) The court may, in unusual cases, when the interests of justice
21 are best served, reduce or eliminate the mandatory two days of
22 imprisonment in a county jail required by this subdivision. If the
23 court reduces or eliminates the mandatory two days' imprisonment,
24 the court shall specify the reason on the record.

25 *SEC. 1.1. Section 647 of the Penal Code is amended to read:*

26 647. Except as provided in *paragraph (5) of subdivision (b)*
27 *and subdivision (l)*, every person who commits any of the following
28 acts is guilty of disorderly conduct, a misdemeanor:

29 (a) ~~Who~~ *An individual who solicits anyone to engage in or who*
30 *engages in lewd or dissolute conduct in any public place or in any*
31 *place open to the public or exposed to public view.*

32 (b) (1) *An individual who solicits, or who agrees to engage in,*
33 *or who engages in, any act of prostitution with the intent to receive*
34 *compensation, money, or anything of value from another person.*
35 *An individual agrees to engage in an act of prostitution when, with*
36 *specific intent to so engage, he or she manifests an acceptance of*
37 *an offer or solicitation by another person to so engage, regardless*
38 *of whether the offer or solicitation was made by a person who also*
39 *possessed the specific intent to engage in an act of prostitution.*

1 (2) *An individual who solicits, or who agrees to engage in, or*
2 *who engages in, any act of prostitution with another person who*
3 *is 18 years of age or older in exchange for the individual providing*
4 *compensation, money, or anything of value to the other person.*
5 *An individual agrees to engage in an act of prostitution when, with*
6 *specific intent to so engage, he or she manifests an acceptance of*
7 *an offer or solicitation by another person who is 18 years of age*
8 *or older to so engage, regardless of whether the offer or solicitation*
9 *was made by a person who also possessed the specific intent to*
10 *engage in an act of prostitution.*

11 (3) *An individual who solicits, or who agrees to engage in, or*
12 *who engages in, any act of prostitution with another person who*
13 *is a minor in exchange for the individual providing compensation,*
14 *money, or anything of value to the minor. An individual agrees to*
15 *engage in an act of prostitution when, with specific intent to so*
16 *engage, he or she manifests an acceptance of an offer or*
17 *solicitation by someone who is a minor to so engage, regardless*
18 *of whether the offer or solicitation was made by a minor who also*
19 *possessed the specific intent to engage in an act of prostitution.*

20 ~~(b) Who solicits or who agrees to engage in or who engages in~~
21 ~~any act of prostitution. A person agrees to engage in an act of~~
22 ~~prostitution when, with specific intent to so engage, he or she~~
23 ~~manifests an~~

24 (4) *A manifestation of acceptance of an offer or solicitation to*
25 *so engage, regardless of whether the offer or solicitation was made*
26 *by a person who also possessed the specific intent to engage in*
27 *prostitution. No agreement to engage in an act of prostitution shall*
28 *does not constitute a violation of this subdivision unless some act,*
29 *in addition to the agreement, manifestation of acceptance is done*
30 *within this state in furtherance of the commission of an the act of*
31 *prostitution by the person agreeing manifesting an acceptance of*
32 *an offer or solicitation to engage in that act. As used in this*
33 *subdivision, “prostitution” includes any lewd act between persons*
34 *for money or other consideration.*

35 (5) *Notwithstanding paragraphs (1) to (3), inclusive, this*
36 *subdivision does not apply to a child under 18 years of age who*
37 *is alleged to have engaged in conduct to receive money or other*
38 *consideration that would, if committed by an adult, violate this*
39 *subdivision. A commercially exploited child under this paragraph*
40 *may be adjudged a dependent child of the court pursuant to*

1 *paragraph (2) of subdivision (b) of Section 300 of the Welfare and*
2 *Institutions Code and may be taken into temporary custody*
3 *pursuant to subdivision (a) of Section 305 of the Welfare and*
4 *Institutions Code, if the conditions allowing temporary custody*
5 *without warrant are met.*

6 (c) Who accosts other persons in any public place or in any
7 place open to the public for the purpose of begging or soliciting
8 alms.

9 (d) Who loiters in or about any toilet open to the public for the
10 purpose of engaging in or soliciting any lewd or lascivious or any
11 unlawful act.

12 (e) Who lodges in any building, structure, vehicle, or place,
13 whether public or private, without the permission of the owner or
14 person entitled to the possession or in control of it.

15 (f) Who is found in any public place under the influence of
16 intoxicating liquor, any drug, controlled substance, toluene, or any
17 combination of any intoxicating liquor, drug, controlled substance,
18 or toluene, in a condition that he or she is unable to exercise care
19 for his or her own safety or the safety of others, or by reason of
20 his or her being under the influence of intoxicating liquor, any
21 drug, controlled substance, toluene, or any combination of any
22 intoxicating liquor, drug, or toluene, interferes with or obstructs
23 or prevents the free use of any street, sidewalk, or other public
24 way.

25 (g) When a person has violated subdivision (f), a peace officer,
26 if he or she is reasonably able to do so, shall place the person, or
27 cause him or her to be placed, in civil protective custody. The
28 person shall be taken to a facility, designated pursuant to Section
29 5170 of the Welfare and Institutions Code, for the 72-hour
30 treatment and evaluation of inebriates. A peace officer may place
31 a person in civil protective custody with that kind and degree of
32 force which would be lawful were he or she effecting an arrest for
33 a misdemeanor without a warrant. A person who has been placed
34 in civil protective custody shall not thereafter be subject to any
35 criminal prosecution or juvenile court proceeding based on the
36 facts giving rise to this placement. This subdivision shall not apply
37 to the following persons:

38 (1) Any person who is under the influence of any drug, or under
39 the combined influence of intoxicating liquor and any drug.

1 (2) Any person who a peace officer has probable cause to believe
2 has committed any felony, or who has committed any misdemeanor
3 in addition to subdivision (f).

4 (3) Any person who a peace officer in good faith believes will
5 attempt escape or will be unreasonably difficult for medical
6 personnel to control.

7 (h) Who loiters, prowls, or wanders upon the private property
8 of another, at any time, without visible or lawful business with the
9 owner or occupant. As used in this subdivision, “loiter” means to
10 delay or linger without a lawful purpose for being on the property
11 and for the purpose of committing a crime as opportunity may be
12 discovered.

13 (i) Who, while loitering, prowling, or wandering upon the private
14 property of another, at any time, peeks in the door or window of
15 any inhabited building or structure, without visible or lawful
16 business with the owner or occupant.

17 (j) (1) Any person who looks through a hole or opening, into,
18 or otherwise views, by means of any instrumentality, including,
19 but not limited to, a periscope, telescope, binoculars, camera,
20 motion picture camera, camcorder, or mobile phone, the interior
21 of a bedroom, bathroom, changing room, fitting room, dressing
22 room, or tanning booth, or the interior of any other area in which
23 the occupant has a reasonable expectation of privacy, with the
24 intent to invade the privacy of a person or persons inside. This
25 subdivision ~~shall~~ *does* not apply to those areas of a private business
26 used to count currency or other negotiable instruments.

27 (2) Any person who uses a concealed camcorder, motion picture
28 camera, or photographic camera of any type, to secretly videotape,
29 film, photograph, or record by electronic means, another,
30 identifiable person under or through the clothing being worn by
31 that other person, for the purpose of viewing the body of, or the
32 undergarments worn by, that other person, without the consent or
33 knowledge of that other person, with the intent to arouse, appeal
34 to, or gratify the lust, passions, or sexual desires of that person and
35 invade the privacy of that other person, under circumstances in
36 which the other person has a reasonable expectation of privacy.

37 (3) (A) Any person who uses a concealed camcorder, motion
38 picture camera, or photographic camera of any type, to secretly
39 videotape, film, photograph, or record by electronic means, another,
40 identifiable person who may be in a state of full or partial undress,

1 for the purpose of viewing the body of, or the undergarments worn
2 by, that other person, without the consent or knowledge of that
3 other person, in the interior of a bedroom, bathroom, changing
4 room, fitting room, dressing room, or tanning booth, or the interior
5 of any other area in which that other person has a reasonable
6 expectation of privacy, with the intent to invade the privacy of that
7 other person.

8 (B) Neither of the following is a defense to the crime specified
9 in this paragraph:

10 (i) The defendant was a cohabitant, landlord, tenant, cotenant,
11 employer, employee, or business partner or associate of the victim,
12 or an agent of any of these.

13 (ii) The victim was not in a state of full or partial undress.

14 (4) (A) Any person who intentionally distributes the image of
15 the intimate body part or parts of another identifiable person, or
16 an image of the person depicted engaged in an act of sexual
17 intercourse, sodomy, oral copulation, sexual penetration, or an
18 image of masturbation by the person depicted or in which the
19 person depicted participates, under circumstances in which the
20 persons agree or understand that the image shall remain private,
21 the person distributing the image knows or should know that
22 distribution of the image will cause serious emotional distress, and
23 the person depicted suffers that distress.

24 (B) A person intentionally distributes an image described in
25 subparagraph (A) when he or she personally distributes the image,
26 or arranges, specifically requests, or intentionally causes another
27 person to distribute that image.

28 (C) As used in this paragraph, “intimate body part” means any
29 portion of the genitals, the anus and in the case of a female, also
30 includes any portion of the breasts below the top of the areola, that
31 is either uncovered or clearly visible through clothing.

32 (D) It shall not be a violation of this paragraph to distribute an
33 image described in subparagraph (A) if any of the following
34 applies:

35 (i) The distribution is made in the course of reporting an
36 unlawful activity.

37 (ii) The distribution is made in compliance with a subpoena or
38 other court order for use in a legal proceeding.

39 (iii) The distribution is made in the course of a lawful public
40 proceeding.

1 (5) This subdivision shall not preclude punishment under any
2 section of law providing for greater punishment.

3 (k) (1) In any accusatory pleading charging a violation of
4 subdivision (b), if the defendant has been once previously convicted
5 of a violation of that subdivision, the previous conviction shall be
6 charged in the accusatory pleading. If the previous conviction is
7 found to be true by the jury, upon a jury trial, or by the court, upon
8 a court trial, or is admitted by the defendant, the defendant shall
9 be imprisoned in a county jail for a period of not less than 45 days
10 and shall not be eligible for release upon completion of sentence,
11 on probation, on parole, on work furlough or work release, or on
12 any other basis until he or she has served a period of not less than
13 45 days in a county jail. In all cases in which probation is granted,
14 the court shall require as a condition thereof that the person be
15 confined in a county jail for at least 45 days. In no event does the
16 court have the power to absolve a person who violates this
17 subdivision from the obligation of spending at least 45 days in
18 confinement in a county jail.

19 (2) In any accusatory pleading charging a violation of
20 subdivision (b), if the defendant has been previously convicted
21 two or more times of a violation of that subdivision, each of these
22 previous convictions shall be charged in the accusatory pleading.
23 If two or more of these previous convictions are found to be true
24 by the jury, upon a jury trial, or by the court, upon a court trial, or
25 are admitted by the defendant, the defendant shall be imprisoned
26 in a county jail for a period of not less than 90 days and shall not
27 be eligible for release upon completion of sentence, on probation,
28 on parole, on work furlough or work release, or on any other basis
29 until he or she has served a period of not less than 90 days in a
30 county jail. In all cases in which probation is granted, the court
31 shall require as a condition thereof that the person be confined in
32 a county jail for at least 90 days. In no event does the court have
33 the power to absolve a person who violates this subdivision from
34 the obligation of spending at least 90 days in confinement in a
35 county jail.

36 (3) In addition to any punishment prescribed by this section, a
37 court may suspend, for not more than 30 days, the privilege of the
38 person to operate a motor vehicle pursuant to Section 13201.5 of
39 the Vehicle Code for any violation of subdivision (b) that was
40 committed within 1,000 feet of a private residence and with the

1 use of a vehicle. In lieu of the suspension, the court may order a
2 person's privilege to operate a motor vehicle restricted, for not
3 more than six months, to necessary travel to and from the person's
4 place of employment or education. If driving a motor vehicle is
5 necessary to perform the duties of the person's employment, the
6 court may also allow the person to drive in that person's scope of
7 employment.

8 (l) (1) A second or subsequent violation of subdivision (j) is
9 punishable by imprisonment in a county jail not exceeding one
10 year, or by a fine not exceeding two thousand dollars (\$2,000), or
11 by both that fine and imprisonment.

12 (2) If the victim of a violation of subdivision (j) was a minor at
13 the time of the offense, the violation is punishable by imprisonment
14 in a county jail not exceeding one year, or by a fine not exceeding
15 two thousand dollars (\$2,000), or by both that fine and
16 imprisonment.

17 (m) (1) If a crime is committed in violation of subdivision (b)
18 and the person who was solicited was a minor at the time of the
19 offense, and if the defendant knew or should have known that the
20 person who was solicited was a minor at the time of the offense,
21 the violation is punishable by imprisonment in a county jail for
22 not less than two days and not more than one year, or by a fine not
23 exceeding ten thousand dollars (\$10,000), or by both that fine and
24 imprisonment.

25 (2) The court may, in unusual cases, when the interests of justice
26 are best served, reduce or eliminate the mandatory two days of
27 imprisonment in a county jail required by this subdivision. If the
28 court reduces or eliminates the mandatory two days' imprisonment,
29 the court shall specify the reason on the record.

30 *SEC. 1.2. Section 647 of the Penal Code is amended to read:*

31 647. Except as provided in *paragraph (2) of subdivision (b)*
32 *and subdivision (l)*, every person who commits any of the following
33 acts is guilty of disorderly conduct, a misdemeanor:

34 (a) Who solicits anyone to engage in or who engages in lewd
35 or dissolute conduct in any public place or in any place open to
36 the public or exposed to public view.

37 (b) (1) Who solicits or who agrees to engage in or who engages
38 in any act of prostitution. A person agrees to engage in an act of
39 prostitution when, with specific intent to so engage, he or she
40 manifests an acceptance of an offer or solicitation to so engage,

1 regardless of whether the offer or solicitation was made by a person
2 who also possessed the specific intent to engage in prostitution.
3 ~~No~~An agreement to engage in an act of prostitution ~~shall~~ *does not*
4 constitute a violation of this subdivision unless some act, in
5 addition to the agreement, is done within this state in furtherance
6 of the commission of an act of prostitution by the person agreeing
7 to engage in that act. As used in this subdivision, “prostitution”
8 includes any lewd act between persons for money or other
9 consideration.

10 *(2) Notwithstanding paragraph (1), this subdivision does not*
11 *apply to a child under 18 years of age who is alleged to have*
12 *engaged in conduct to receive money or other consideration that*
13 *would, if committed by an adult, violate this subdivision. A*
14 *commercially exploited child under this paragraph may be*
15 *adjudged a dependent child of the court pursuant to paragraph*
16 *(2) of subdivision (b) of Section 300 of the Welfare and Institutions*
17 *Code and may be taken into temporary custody pursuant to*
18 *subdivision (a) of Section 305 of the Welfare and Institutions Code,*
19 *if the conditions allowing temporary custody without warrant are*
20 *met.*

21 (c) Who accosts other persons in any public place or in any
22 place open to the public for the purpose of begging or soliciting
23 alms.

24 (d) Who loiters in or about any toilet open to the public for the
25 purpose of engaging in or soliciting any lewd or lascivious or any
26 unlawful act.

27 (e) Who lodges in any building, structure, vehicle, or place,
28 whether public or private, without the permission of the owner or
29 person entitled to the possession or in control of it.

30 (f) Who is found in any public place under the influence of
31 intoxicating liquor, any drug, controlled substance, toluene, or any
32 combination of any intoxicating liquor, drug, controlled substance,
33 or toluene, in a condition that he or she is unable to exercise care
34 for his or her own safety or the safety of others, or by reason of
35 his or her being under the influence of intoxicating liquor, any
36 drug, controlled substance, toluene, or any combination of any
37 intoxicating liquor, drug, or toluene, interferes with or obstructs
38 or prevents the free use of any street, sidewalk, or other public
39 way.

1 (g) ~~When~~*If* a person has violated subdivision (f), a peace officer,
2 if he or she is reasonably able to do so, shall place the person, or
3 cause him or her to be placed, in civil protective custody. The
4 person shall be taken to a facility, designated pursuant to Section
5 5170 of the Welfare and Institutions Code, for the 72-hour
6 treatment and evaluation of inebriates. A peace officer may place
7 a person in civil protective custody with that kind and degree of
8 force ~~which~~ *that* would be lawful were he or she effecting an arrest
9 for a misdemeanor without a warrant. A person who has been
10 placed in civil protective custody shall not thereafter be subject to
11 any criminal prosecution or juvenile court proceeding based on
12 the facts giving rise to this placement. This subdivision ~~shall~~ *does*
13 not apply to the following persons:

14 (1) ~~Any~~*A* person who is under the influence of any drug, or
15 under the combined influence of intoxicating liquor and any drug.

16 (2) ~~Any~~*A* person who a peace officer has probable cause to
17 believe has committed any felony, or who has committed any
18 misdemeanor in addition to subdivision (f).

19 (3) ~~Any~~*A* person who a peace officer in good faith believes
20 will attempt escape or will be unreasonably difficult for medical
21 personnel to control.

22 (h) Who loiters, prowls, or wanders upon the private property
23 of another, at any time, without visible or lawful business with the
24 owner or occupant. As used in this subdivision, “loiter” means to
25 delay or linger without a lawful purpose for being on the property
26 and for the purpose of committing a crime as opportunity may be
27 discovered.

28 (i) Who, while loitering, prowling, or wandering upon the private
29 property of another, at any time, peeks in the door or window of
30 any inhabited building or structure, without visible or lawful
31 business with the owner or occupant.

32 (j) (1) ~~Any~~*A* person who looks through a hole or opening, into,
33 or otherwise views, by means of any instrumentality, including,
34 but not limited to, a periscope, telescope, binoculars, camera,
35 motion picture camera, camcorder, or mobile phone, the interior
36 of a bedroom, bathroom, changing room, fitting room, dressing
37 room, or tanning booth, or the interior of any other area in which
38 the occupant has a reasonable expectation of privacy, with the
39 intent to invade the privacy of a person or persons inside. This

1 subdivision ~~shall~~ *does* not apply to those areas of a private business
2 used to count currency or other negotiable instruments.

3 (2) ~~Any~~ A person who uses a concealed camcorder, motion
4 picture camera, or photographic camera of any type, to secretly
5 videotape, film, photograph, or record by electronic means, another,
6 identifiable person under or through the clothing being worn by
7 that other person, for the purpose of viewing the body of, or the
8 undergarments worn by, that other person, without the consent or
9 knowledge of that other person, with the intent to arouse, appeal
10 to, or gratify the lust, passions, or sexual desires of that person and
11 invade the privacy of that other person, under circumstances in
12 which the other person has a reasonable expectation of privacy.

13 (3) (A) ~~Any~~ A person who uses a concealed camcorder, motion
14 picture camera, or photographic camera of any type, to secretly
15 videotape, film, photograph, or record by electronic means, another,
16 identifiable person who may be in a state of full or partial undress,
17 for the purpose of viewing the body of, or the undergarments worn
18 by, that other person, without the consent or knowledge of that
19 other person, in the interior of a bedroom, bathroom, changing
20 room, fitting room, dressing room, or tanning booth, or the interior
21 of any other area in which that other person has a reasonable
22 expectation of privacy, with the intent to invade the privacy of that
23 other person.

24 (B) Neither of the following is a defense to the crime specified
25 in this paragraph:

26 (i) The defendant was a cohabitant, landlord, tenant, cotenant,
27 employer, employee, or business partner or associate of the victim,
28 or an agent of any of these.

29 (ii) The victim was not in a state of full or partial undress.

30 (4) (A) ~~Any~~ A person who intentionally distributes the image
31 of the intimate body part or parts of another identifiable person,
32 or an image of the person depicted engaged in an act of sexual
33 intercourse, sodomy, oral copulation, sexual penetration, or an
34 image of masturbation by the person depicted or in which the
35 person depicted participates, under circumstances in which the
36 persons agree or understand that the image shall remain private,
37 the person distributing the image knows or should know that
38 distribution of the image will cause serious emotional distress, and
39 the person depicted suffers that distress.

1 (B) A person intentionally distributes an image described in
2 subparagraph (A) when he or she personally distributes the image,
3 or arranges, specifically requests, or intentionally causes another
4 person to distribute that image.

5 (C) As used in this paragraph, “intimate body part” means any
6 portion of the genitals, the anus and in the case of a female, also
7 includes any portion of the breasts below the top of the areola, that
8 is either uncovered or clearly visible through clothing.

9 (D) It shall not be a violation of this paragraph to distribute an
10 image described in subparagraph (A) if any of the following
11 applies:

12 (i) The distribution is made in the course of reporting an
13 unlawful activity.

14 (ii) The distribution is made in compliance with a subpoena or
15 other court order for use in a legal proceeding.

16 (iii) The distribution is made in the course of a lawful public
17 proceeding.

18 (5) This subdivision ~~shall~~ *does* not preclude punishment under
19 any section of law providing for greater punishment.

20 ~~(k) In any accusatory pleading charging a violation of~~
21 ~~subdivision (b), if the defendant has been once previously convicted~~
22 ~~of a violation of that subdivision, the previous conviction shall be~~
23 ~~charged in the accusatory pleading. If the previous conviction is~~
24 ~~found to be true by the jury, upon a jury trial, or by the court, upon~~
25 ~~a court trial, or is admitted by the defendant, the defendant shall~~
26 ~~be imprisoned in a county jail for a period of not less than 45 days~~
27 ~~and shall not be eligible for release upon completion of sentence,~~
28 ~~on probation, on parole, on work furlough or work release, or on~~
29 ~~any other basis until he or she has served a period of not less than~~
30 ~~45 days in a county jail. In all cases in which probation is granted,~~
31 ~~the court shall require as a condition thereof that the person be~~
32 ~~confined in a county jail for at least 45 days. In no event does the~~
33 ~~court have the power to absolve a person who violates this~~
34 ~~subdivision from the obligation of spending at least 45 days in~~
35 ~~confinement in a county jail.~~

36 ~~In any accusatory pleading charging a violation of subdivision~~
37 ~~(b), if the defendant has been previously convicted two or more~~
38 ~~times of a violation of that subdivision, each of these previous~~
39 ~~convictions shall be charged in the accusatory pleading. If two or~~
40 ~~more of these previous convictions are found to be true by the jury,~~

1 upon a jury trial, or by the court, upon a court trial, or are admitted
2 by the defendant, the defendant shall be imprisoned in a county
3 jail for a period of not less than 90 days and shall not be eligible
4 for release upon completion of sentence, on probation, on parole,
5 on work furlough or work release, or on any other basis until he
6 or she has served a period of not less than 90 days in a county jail.
7 In all cases in which probation is granted, the court shall require
8 as a condition thereof that the person be confined in a county jail
9 for at least 90 days. In no event does the court have the power to
10 absolve a person who violates this subdivision from the obligation
11 of spending at least 90 days in confinement in a county jail.

12 ~~In~~
13 (k) In addition to any punishment prescribed by this section, a
14 court may suspend, for not more than 30 days, the privilege of the
15 person to operate a motor vehicle pursuant to Section 13201.5 of
16 the Vehicle Code for any violation of subdivision (b) that was
17 committed within 1,000 feet of a private residence and with the
18 use of a vehicle. In lieu of the suspension, the court may order a
19 person's privilege to operate a motor vehicle restricted, for not
20 more than six months, to necessary travel to and from the person's
21 place of employment or education. If driving a motor vehicle is
22 necessary to perform the duties of the person's employment, the
23 court may also allow the person to drive in that person's scope of
24 employment.

25 (l) (1) A second or subsequent violation of subdivision (j) is
26 punishable by imprisonment in a county jail not exceeding one
27 year, or by a fine not exceeding two thousand dollars (\$2,000), or
28 by both that fine and imprisonment.

29 (2) If the victim of a violation of subdivision (j) was a minor at
30 the time of the offense, the violation is punishable by imprisonment
31 in a county jail not exceeding one year, or by a fine not exceeding
32 two thousand dollars (\$2,000), or by both that fine and
33 imprisonment.

34 (m) (1) If a crime is committed in violation of subdivision (b)
35 and the person who was solicited was a minor at the time of the
36 offense, and if the defendant knew or should have known that the
37 person who was solicited was a minor at the time of the offense,
38 the violation is punishable by imprisonment in a county jail for
39 not less than two days and not more than one year, or by a fine not

1 exceeding ten thousand dollars (\$10,000), or by both that fine and
2 imprisonment.

3 (2) The court may, in unusual cases, when the interests of justice
4 are best served, reduce or eliminate the mandatory two days of
5 imprisonment in a county jail required by this subdivision. If the
6 court reduces or eliminates the mandatory two days' imprisonment,
7 the court shall specify the reason on the record.

8 *SEC. 1.3. Section 647 of the Penal Code is amended to read:*

9 647. Except as provided in *paragraph (8) of subdivision (b)*
10 *and subdivision (l), every a person who commits any of the*
11 *following acts is guilty of disorderly conduct, a misdemeanor:*

12 (a) ~~Who~~ *An individual who solicits anyone to engage in or who*
13 *engages in lewd or dissolute conduct in any public place or in any*
14 *place open to the public or exposed to public view.*

15 (b) (1) *An individual who solicits, or who agrees to engage in,*
16 *or who engages in, any act of prostitution with another person*
17 *with the intent to receive compensation, money, or anything of*
18 *value, and with the specific intent to so engage.*

19 (2) *An individual who solicits, or who agrees to engage in, or*
20 *who engages in, any act of prostitution with another person who*
21 *is 18 years of age or older in exchange for the individual providing*
22 *compensation, money, or anything of value to the other person.*
23 *An individual agrees to engage in an act of prostitution when, with*
24 *specific intent to so engage, he or she manifests an acceptance of*
25 *an offer or solicitation by another person who is 18 years of age*
26 *or older to so engage, regardless of whether the offer or solicitation*
27 *was made by a person who also possessed the specific intent to*
28 *engage in an act of prostitution.*

29 (3) *An individual who solicits, or who agrees to engage in, or*
30 *who engages in, any act of prostitution with another person who*
31 *is a minor in exchange for the individual providing compensation,*
32 *money, or anything of value to the minor. An individual agrees to*
33 *engage in an act of prostitution when, with specific intent to so*
34 *engage, he or she manifests an acceptance of an offer or*
35 *solicitation by someone who is a minor to so engage, regardless*
36 *of whether the offer or solicitation was made by a minor who also*
37 *possessed the specific intent to engage in an act of prostitution.*

38 (4) ~~Who solicits or who agrees to engage in or who engages in~~
39 ~~any act of prostitution. A person agrees to engage in an act of~~

1 ~~prostitution when, with specific intent to so engage, he or she~~
2 ~~manifests an~~

3 (4) *A manifestation of acceptance of an offer or solicitation to*
4 *so engage, regardless of whether the offer or solicitation was made*
5 *by a person who also possessed the specific intent to engage in*
6 *prostitution. No agreement to engage in an act of prostitution shall*
7 *does not constitute a violation of this subdivision unless some act,*
8 *in addition to the agreement, manifestation of acceptance, is done*
9 *within this state in furtherance of the commission of an the act of*
10 *prostitution by the person agreeing manifesting an acceptance of*
11 *an offer or solicitation to engage in that act. As used in this*
12 *subdivision, “prostitution” includes any lewd act between persons*
13 *for money or other consideration.*

14 (5) *Except as provided in paragraph (6) and subdivision (k), a*
15 *violation of paragraph (2) or (3) is punishable by imprisonment*
16 *in a county jail for not less than 72 hours and not more than six*
17 *months and by a fine of not less than two hundred fifty dollars*
18 *(\$250) but not exceeding one thousand dollars (\$1,000). An amount*
19 *of two hundred fifty dollars (\$250) of the fine shall be deposited*
20 *in the treasury of the county in which the offense occurred and*
21 *used by the county to fund services for victims of human trafficking.*
22 *Upon a violation of paragraph (2) or (3), a person is not eligible*
23 *for release upon completion of sentence, on probation, on parole,*
24 *on work furlough or work release, or on any other basis until he*
25 *or she has served a period of not less than 24 continuous hours in*
26 *a county jail. In all cases in which probation is granted, the court*
27 *shall require as a condition of probation that the person be*
28 *confined in a county jail for at least 24 hours. The court shall*
29 *order that a person punished under this subdivision, who is to be*
30 *punished by imprisonment in the county jail, be imprisoned on*
31 *days other than days of regular employment of the person, as*
32 *determined by the court. If the court determines that 24 hours of*
33 *continuous imprisonment would interfere with the person’s work*
34 *schedule, the court shall allow the person to serve the*
35 *imprisonment whenever the person is normally scheduled for time*
36 *off from work. The court may make this determination based upon*
37 *a representation from the defendant’s attorney or upon an affidavit*
38 *or testimony from the defendant.*

39 (6) *If a defendant violates paragraph (3) and knew or should*
40 *have known that the person who was solicited was a minor at the*

1 *time of the offense, or if a defendant violates paragraph (2) and*
2 *the person who was solicited was a person posing as a minor and*
3 *the defendant had specific intent to solicit a minor, the violation*
4 *is punishable by imprisonment in a county jail for not less than*
5 *72 hours and not more than one year and by a fine of not less than*
6 *one thousand dollars (\$1,000) but not exceeding ten thousand*
7 *dollars (\$10,000). The fine imposed shall be deposited in the*
8 *treasury of the county in which the offense occurred and used by*
9 *the county to fund services for victims of human trafficking. Upon*
10 *a violation of this paragraph, a person is not eligible for release*
11 *upon completion of sentence, on probation, on parole, on work*
12 *furlough or work release, or on any other basis until he or she has*
13 *served a period of not less than 48 continuous hours in a county*
14 *jail. In all cases in which probation is granted, the court shall*
15 *require as a condition of probation that the person be confined in*
16 *a county jail for at least 48 hours. The court shall order that a*
17 *person punished under this paragraph, who is to be punished by*
18 *imprisonment in the county jail, be imprisoned on days other than*
19 *days of regular employment of the person, as determined by the*
20 *court. If the court determines that 48 hours of continuous*
21 *imprisonment would interfere with the person's work schedule,*
22 *the court shall allow the person to serve the imprisonment*
23 *whenever the person is normally scheduled for time off from work.*
24 *The court may make this determination based upon a*
25 *representation from the defendant's attorney or upon an affidavit*
26 *or testimony from the defendant.*

27 *(7) This subdivision does not prohibit prosecution under any*
28 *other law.*

29 *(8) Notwithstanding paragraphs (1) to (3), inclusive, this*
30 *subdivision does not apply to a child under 18 years of age who*
31 *is alleged to have engaged in conduct to receive money or other*
32 *consideration that would, if committed by an adult, violate this*
33 *subdivision. A commercially exploited child under this paragraph*
34 *may be adjudged a dependent child of the court pursuant to*
35 *paragraph (2) of subdivision (b) of Section 300 of the Welfare and*
36 *Institutions Code and may be taken into temporary custody*
37 *pursuant to subdivision (a) of Section 305 of the Welfare and*
38 *Institutions Code, if the conditions allowing temporary custody*
39 *without warrant are met.*

1 (c) Who accosts other persons in any public place or in any
2 place open to the public for the purpose of begging or soliciting
3 alms.

4 (d) Who loiters in or about any toilet open to the public for the
5 purpose of engaging in or soliciting any lewd or lascivious or any
6 unlawful act.

7 (e) Who lodges in any building, structure, vehicle, or place,
8 whether public or private, without the permission of the owner or
9 person entitled to the possession or in control of it.

10 (f) Who is found in any public place under the influence of
11 intoxicating liquor, any drug, controlled substance, toluene, or any
12 combination of any intoxicating liquor, drug, controlled substance,
13 or toluene, in a condition that he or she is unable to exercise care
14 for his or her own safety or the safety of others, or by reason of
15 his or her being under the influence of intoxicating liquor, any
16 drug, controlled substance, toluene, or any combination of any
17 intoxicating liquor, drug, or toluene, interferes with or obstructs
18 or prevents the free use of any street, sidewalk, or other public
19 way.

20 (g) When a person has violated subdivision (f), a peace officer,
21 if he or she is reasonably able to do so, shall place the person, or
22 cause him or her to be placed, in civil protective custody. The
23 person shall be taken to a facility, designated pursuant to Section
24 5170 of the Welfare and Institutions Code, for the 72-hour
25 treatment and evaluation of inebriates. A peace officer may place
26 a person in civil protective custody with that kind and degree of
27 force which would be lawful were he or she effecting an arrest
28 for a misdemeanor without a warrant. A person who has been
29 placed in civil protective custody shall not thereafter be subject to
30 any criminal prosecution or juvenile court proceeding based on
31 the facts giving rise to this placement. This subdivision shall not
32 apply to the following persons:

33 (1) Any person who is under the influence of any drug, or under
34 the combined influence of intoxicating liquor and any drug.

35 (2) Any person who a peace officer has probable cause to believe
36 has committed any felony, or who has committed any misdemeanor
37 in addition to subdivision (f).

38 (3) Any person who a peace officer in good faith believes will
39 attempt escape or will be unreasonably difficult for medical
40 personnel to control.

1 (h) Who loiters, prowls, or wanders upon the private property
2 of another, at any time, without visible or lawful business with the
3 owner or occupant. As used in this subdivision, “loiter” means to
4 delay or linger without a lawful purpose for being on the property
5 and for the purpose of committing a crime as opportunity may be
6 discovered.

7 (i) Who, while loitering, prowling, or wandering upon the private
8 property of another, at any time, peeks in the door or window of
9 any inhabited building or structure, without visible or lawful
10 business with the owner or occupant.

11 (j) (1) Any person who looks through a hole or opening, into,
12 or otherwise views, by means of any instrumentality, including,
13 but not limited to, a periscope, telescope, binoculars, camera,
14 motion picture camera, camcorder, or mobile phone, the interior
15 of a bedroom, bathroom, changing room, fitting room, dressing
16 room, or tanning booth, or the interior of any other area in which
17 the occupant has a reasonable expectation of privacy, with the
18 intent to invade the privacy of a person or persons inside. This
19 subdivision shall not apply to those areas of a private business
20 used to count currency or other negotiable instruments.

21 (2) Any person who uses a concealed camcorder, motion picture
22 camera, or photographic camera of any type, to secretly videotape,
23 film, photograph, or record by electronic means, another,
24 identifiable person under or through the clothing being worn by
25 that other person, for the purpose of viewing the body of, or the
26 undergarments worn by, that other person, without the consent or
27 knowledge of that other person, with the intent to arouse, appeal
28 to, or gratify the lust, passions, or sexual desires of that person and
29 invade the privacy of that other person, under circumstances in
30 which the other person has a reasonable expectation of privacy.

31 (3) (A) Any person who uses a concealed camcorder, motion
32 picture camera, or photographic camera of any type, to secretly
33 videotape, film, photograph, or record by electronic means, another,
34 identifiable person who may be in a state of full or partial undress,
35 for the purpose of viewing the body of, or the undergarments worn
36 by, that other person, without the consent or knowledge of that
37 other person, in the interior of a bedroom, bathroom, changing
38 room, fitting room, dressing room, or tanning booth, or the interior
39 of any other area in which that other person has a reasonable

1 expectation of privacy, with the intent to invade the privacy of that
2 other person.

3 (B) Neither of the following is a defense to the crime specified
4 in this paragraph:

5 (i) The defendant was a cohabitant, landlord, tenant, cotenant,
6 employer, employee, or business partner or associate of the victim,
7 or an agent of any of these.

8 (ii) The victim was not in a state of full or partial undress.

9 (4) (A) Any person who intentionally distributes the image of
10 the intimate body part or parts of another identifiable person, or
11 an image of the person depicted engaged in an act of sexual
12 intercourse, sodomy, oral copulation, sexual penetration, or an
13 image of masturbation by the person depicted or in which the
14 person depicted participates, under circumstances in which the
15 persons agree or understand that the image shall remain private,
16 the person distributing the image knows or should know that
17 distribution of the image will cause serious emotional distress, and
18 the person depicted suffers that distress.

19 (B) A person intentionally distributes an image described in
20 subparagraph (A) when he or she personally distributes the image,
21 or arranges, specifically requests, or intentionally causes another
22 person to distribute that image.

23 (C) As used in this paragraph, “intimate body part” means any
24 portion of the genitals, the anus and in the case of a female, also
25 includes any portion of the breasts below the top of the areola, that
26 is either uncovered or clearly visible through clothing.

27 (D) It shall not be a violation of this paragraph to distribute an
28 image described in subparagraph (A) if any of the following
29 applies:

30 (i) The distribution is made in the course of reporting an
31 unlawful activity.

32 (ii) The distribution is made in compliance with a subpoena or
33 other court order for use in a legal proceeding.

34 (iii) The distribution is made in the course of a lawful public
35 proceeding.

36 (5) This subdivision shall not preclude punishment under any
37 section of law providing for greater punishment.

38 (k) In any accusatory pleading charging a violation of
39 subdivision (b), if the defendant has been once previously convicted
40 of a violation of that subdivision, the previous conviction shall be

1 charged in the accusatory pleading. If the previous conviction is
2 found to be true by the jury, upon a jury trial, or by the court, upon
3 a court trial, or is admitted by the defendant, the defendant shall
4 be imprisoned in a county jail for a period of not less than 45 days
5 and ~~shall is not be~~ eligible for release upon completion of sentence,
6 on probation, on parole, on work furlough or work release, or on
7 any other basis until he or she has served a period of not less than
8 45 days in a county jail. In all cases in which probation is granted,
9 the court shall require as a condition thereof that the person be
10 confined in a county jail for at least 45 days. ~~In no event does the~~
11 ~~court have the power to~~ *The court shall not* absolve a person who
12 violates this subdivision from the obligation of spending at least
13 45 days in confinement in a county jail.

14 In any accusatory pleading charging a violation of subdivision
15 (b), if the defendant has been previously convicted two or more
16 times of a violation of that subdivision, each of these previous
17 convictions shall be charged in the accusatory pleading. If two or
18 more of these previous convictions are found to be true by the jury,
19 upon a jury trial, or by the court, upon a court trial, or are admitted
20 by the defendant, the defendant shall be imprisoned in a county
21 jail for a period of not less than 90 days and ~~shall is not be~~ eligible
22 for release upon completion of sentence, on probation, on parole,
23 on work furlough or work release, or on any other basis until he
24 or she has served a period of not less than 90 days in a county jail.
25 In all cases in which probation is granted, the court shall require
26 as a condition thereof that the person be confined in a county jail
27 for at least 90 days. ~~In no event does the court have the power to~~
28 *The court shall not* absolve a person who violates this subdivision
29 from the obligation of spending at least 90 days in confinement in
30 a county jail.

31 In addition to any punishment prescribed by this section, a court
32 may suspend, for not more than 30 days, the privilege of the person
33 to operate a motor vehicle pursuant to Section 13201.5 of the
34 Vehicle Code for any violation of subdivision (b) that was
35 committed within 1,000 feet of a private residence and with the
36 use of a vehicle. In lieu of the suspension, the court may order a
37 person's privilege to operate a motor vehicle restricted, for not
38 more than six months, to necessary travel to and from the person's
39 place of employment or education. If driving a motor vehicle is
40 necessary to perform the duties of the person's employment, the

1 court may also allow the person to drive in that person's scope of
2 employment.

3 (l) (1) A second or subsequent violation of subdivision (j) is
4 punishable by imprisonment in a county jail not exceeding one
5 year, or by a fine not exceeding two thousand dollars (\$2,000), or
6 by both that fine and imprisonment.

7 (2) If the victim of a violation of subdivision (j) was a minor at
8 the time of the offense, the violation is punishable by imprisonment
9 in a county jail not exceeding one year, or by a fine not exceeding
10 two thousand dollars (\$2,000), or by both that fine and
11 imprisonment.

12 ~~(m) (1) If a crime is committed in violation of subdivision (b)~~
13 ~~and the person who was solicited was a minor at the time of the~~
14 ~~offense, and if the defendant knew or should have known that the~~
15 ~~person who was solicited was a minor at the time of the offense,~~
16 ~~the violation is punishable by imprisonment in a county jail for~~
17 ~~not less than two days and not more than one year, or by a fine not~~
18 ~~exceeding ten thousand dollars (\$10,000), or by both that fine and~~
19 ~~imprisonment.~~

20 ~~(2) The court may, in unusual cases, when the interests of justice~~
21 ~~are best served, reduce or eliminate the mandatory two days of~~
22 ~~imprisonment in a county jail required by this subdivision. If the~~
23 ~~court reduces or eliminates the mandatory two days' imprisonment,~~
24 ~~the court shall specify the reason on the record.~~

25 *SEC. 1.4. Section 647 of the Penal Code is amended to read:*

26 647. Except as provided in *paragraph (5) of subdivision (b)*
27 *and subdivision (l), every person who commits any of the following*
28 *acts is guilty of disorderly conduct, a misdemeanor:*

29 (a) ~~Who~~ *An individual who solicits anyone to engage in or who*
30 *engages in lewd or dissolute conduct in any public place or in any*
31 *place open to the public or exposed to public view.*

32 (b) (1) *An individual who solicits, or who agrees to engage in,*
33 *or who engages in, any act of prostitution with the intent to receive*
34 *compensation, money, or anything of value from another person.*
35 *An individual agrees to engage in an act of prostitution when, with*
36 *specific intent to so engage, he or she manifests an acceptance of*
37 *an offer or solicitation by another person to so engage, regardless*
38 *of whether the offer or solicitation was made by a person who also*
39 *possessed the specific intent to engage in an act of prostitution.*

1 (2) *An individual who solicits, or who agrees to engage in, or*
2 *who engages in, any act of prostitution with another person who*
3 *is 18 years of age or older in exchange for the individual providing*
4 *compensation, money, or anything of value to the other person.*
5 *An individual agrees to engage in an act of prostitution when, with*
6 *specific intent to so engage, he or she manifests an acceptance of*
7 *an offer or solicitation by another person who is 18 years of age*
8 *or older to so engage, regardless of whether the offer or solicitation*
9 *was made by a person who also possessed the specific intent to*
10 *engage in an act of prostitution.*

11 (3) *An individual who solicits, or who agrees to engage in, or*
12 *who engages in, any act of prostitution with another person who*
13 *is a minor in exchange for the individual providing compensation,*
14 *money, or anything of value to the minor. An individual agrees to*
15 *engage in an act of prostitution when, with specific intent to so*
16 *engage, he or she manifests an acceptance of an offer or*
17 *solicitation by someone who is a minor to so engage, regardless*
18 *of whether the offer or solicitation was made by a minor who also*
19 *possessed the specific intent to engage in an act of prostitution.*

20 ~~(b) Who solicits or who agrees to engage in or who engages in~~
21 ~~any act of prostitution. A person agrees to engage in an act of~~
22 ~~prostitution when, with specific intent to so engage, he or she~~
23 ~~manifests an acceptance of an offer or solicitation to so engage,~~
24 ~~regardless of whether the offer or solicitation was made by a person~~
25 ~~who also possessed the specific intent to engage in prostitution.~~
26 ~~No agreement to engage in an act of prostitution shall constitute~~
27 ~~a violation of this subdivision unless some act, in addition to the~~
28 ~~agreement, is done within this state in furtherance of the~~
29 ~~commission of an act of prostitution by the person agreeing to~~
30 ~~engage in that act.~~

31 (4) *A manifestation of acceptance of an offer or solicitation to*
32 *engage in an act of prostitution does not constitute a violation of*
33 *this subdivision unless some act, in addition to the manifestation*
34 *of acceptance, is done within this state in furtherance of the*
35 *commission of the act of prostitution by the person manifesting an*
36 *acceptance of an offer or solicitation to engage in that act. As*
37 *used in this subdivision, “prostitution” includes any lewd act*
38 *between persons for money or other consideration.*

39 (5) *Notwithstanding paragraphs (1) to (3), inclusive, this*
40 *subdivision does not apply to a child under 18 years of age who*

1 *is alleged to have engaged in conduct to receive money or other*
2 *consideration that would, if committed by an adult, violate this*
3 *subdivision. A commercially exploited child under this paragraph*
4 *may be adjudged a dependent child of the court pursuant to*
5 *paragraph (2) of subdivision (b) of Section 300 of the Welfare and*
6 *Institutions Code and may be taken into temporary custody*
7 *pursuant to subdivision (a) of Section 305 of the Welfare and*
8 *Institutions Code, if the conditions allowing temporary custody*
9 *without warrant are met.*

10 (c) Who accosts other persons in any public place or in any
11 place open to the public for the purpose of begging or soliciting
12 alms.

13 (d) Who loiters in or about any toilet open to the public for the
14 purpose of engaging in or soliciting any lewd or lascivious or any
15 unlawful act.

16 (e) Who lodges in any building, structure, vehicle, or place,
17 whether public or private, without the permission of the owner or
18 person entitled to the possession or in control of it.

19 (f) Who is found in any public place under the influence of
20 intoxicating liquor, any drug, controlled substance, toluene, or any
21 combination of any intoxicating liquor, drug, controlled substance,
22 or toluene, in a condition that he or she is unable to exercise care
23 for his or her own safety or the safety of others, or by reason of
24 his or her being under the influence of intoxicating liquor, any
25 drug, controlled substance, toluene, or any combination of any
26 intoxicating liquor, drug, or toluene, interferes with or obstructs
27 or prevents the free use of any street, sidewalk, or other public
28 way.

29 (g) ~~When~~ *If* a person has violated subdivision (f), a peace officer,
30 if he or she is reasonably able to do so, shall place the person, or
31 cause him or her to be placed, in civil protective custody. The
32 person shall be taken to a facility, designated pursuant to Section
33 5170 of the Welfare and Institutions Code, for the 72-hour
34 treatment and evaluation of inebriates. A peace officer may place
35 a person in civil protective custody with that kind and degree of
36 force ~~which~~ *that* would be lawful were he or she effecting an arrest
37 for a misdemeanor without a warrant. A person who has been
38 placed in civil protective custody shall not thereafter be subject to
39 any criminal prosecution or juvenile court proceeding based on

1 the facts giving rise to this placement. This subdivision ~~shall~~ *does*
2 not apply to the following persons:

3 (1) ~~Any~~ A person who is under the influence of any drug, or
4 under the combined influence of intoxicating liquor and any drug.

5 (2) ~~Any~~ A person who a peace officer has probable cause to
6 believe has committed any felony, or who has committed any
7 misdemeanor in addition to subdivision (f).

8 (3) ~~Any~~ A person who a peace officer in good faith believes
9 will attempt escape or will be unreasonably difficult for medical
10 personnel to control.

11 (h) Who loiters, prowls, or wanders upon the private property
12 of another, at any time, without visible or lawful business with the
13 owner or occupant. As used in this subdivision, “loiter” means to
14 delay or linger without a lawful purpose for being on the property
15 and for the purpose of committing a crime as opportunity may be
16 discovered.

17 (i) Who, while loitering, prowling, or wandering upon the private
18 property of another, at any time, peeks in the door or window of
19 any inhabited building or structure, without visible or lawful
20 business with the owner or occupant.

21 (j) (1) ~~Any~~ A person who looks through a hole or opening, into,
22 or otherwise views, by means of any instrumentality, including,
23 but not limited to, a periscope, telescope, binoculars, camera,
24 motion picture camera, camcorder, or mobile phone, the interior
25 of a bedroom, bathroom, changing room, fitting room, dressing
26 room, or tanning booth, or the interior of any other area in which
27 the occupant has a reasonable expectation of privacy, with the
28 intent to invade the privacy of a person or persons inside. This
29 subdivision ~~shall~~ *does* not apply to those areas of a private business
30 used to count currency or other negotiable instruments.

31 (2) ~~Any~~ A person who uses a concealed camcorder, motion
32 picture camera, or photographic camera of any type, to secretly
33 videotape, film, photograph, or record by electronic means, another,
34 identifiable person under or through the clothing being worn by
35 that other person, for the purpose of viewing the body of, or the
36 undergarments worn by, that other person, without the consent or
37 knowledge of that other person, with the intent to arouse, appeal
38 to, or gratify the lust, passions, or sexual desires of that person and
39 invade the privacy of that other person, under circumstances in
40 which the other person has a reasonable expectation of privacy.

1 (3) (A) ~~Any~~A person who uses a concealed camcorder, motion
2 picture camera, or photographic camera of any type, to secretly
3 videotape, film, photograph, or record by electronic means, another,
4 identifiable person who may be in a state of full or partial undress,
5 for the purpose of viewing the body of, or the undergarments worn
6 by, that other person, without the consent or knowledge of that
7 other person, in the interior of a bedroom, bathroom, changing
8 room, fitting room, dressing room, or tanning booth, or the interior
9 of any other area in which that other person has a reasonable
10 expectation of privacy, with the intent to invade the privacy of that
11 other person.

12 (B) Neither of the following is a defense to the crime specified
13 in this paragraph:

14 (i) The defendant was a cohabitant, landlord, tenant, cotenant,
15 employer, employee, or business partner or associate of the victim,
16 or an agent of any of these.

17 (ii) The victim was not in a state of full or partial undress.

18 (4) (A) ~~Any~~A person who intentionally distributes the image
19 of the intimate body part or parts of another identifiable person,
20 or an image of the person depicted engaged in an act of sexual
21 intercourse, sodomy, oral copulation, sexual penetration, or an
22 image of masturbation by the person depicted or in which the
23 person depicted participates, under circumstances in which the
24 persons agree or understand that the image shall remain private,
25 the person distributing the image knows or should know that
26 distribution of the image will cause serious emotional distress, and
27 the person depicted suffers that distress.

28 (B) A person intentionally distributes an image described in
29 subparagraph (A) when he or she personally distributes the image,
30 or arranges, specifically requests, or intentionally causes another
31 person to distribute that image.

32 (C) As used in this paragraph, “intimate body part” means any
33 portion of the genitals, the anus and in the case of a female, also
34 includes any portion of the breasts below the top of the areola, that
35 is either uncovered or clearly visible through clothing.

36 (D) It shall not be a violation of this paragraph to distribute an
37 image described in subparagraph (A) if any of the following
38 applies:

39 (i) The distribution is made in the course of reporting an
40 unlawful activity.

1 (ii) The distribution is made in compliance with a subpoena or
2 other court order for use in a legal proceeding.

3 (iii) The distribution is made in the course of a lawful public
4 proceeding.

5 (5) This subdivision ~~shall~~ *does* not preclude punishment under
6 any section of law providing for greater punishment.

7 ~~(k) In any accusatory pleading charging a violation of~~
8 ~~subdivision (b), if the defendant has been once previously convicted~~
9 ~~of a violation of that subdivision, the previous conviction shall be~~
10 ~~charged in the accusatory pleading. If the previous conviction is~~
11 ~~found to be true by the jury, upon a jury trial, or by the court, upon~~
12 ~~a court trial, or is admitted by the defendant, the defendant shall~~
13 ~~be imprisoned in a county jail for a period of not less than 45 days~~
14 ~~and shall not be eligible for release upon completion of sentence,~~
15 ~~on probation, on parole, on work furlough or work release, or on~~
16 ~~any other basis until he or she has served a period of not less than~~
17 ~~45 days in a county jail. In all cases in which probation is granted,~~
18 ~~the court shall require as a condition thereof that the person be~~
19 ~~confined in a county jail for at least 45 days. In no event does the~~
20 ~~court have the power to absolve a person who violates this~~
21 ~~subdivision from the obligation of spending at least 45 days in~~
22 ~~confinement in a county jail.~~

23 ~~In any accusatory pleading charging a violation of subdivision~~
24 ~~(b), if the defendant has been previously convicted two or more~~
25 ~~times of a violation of that subdivision, each of these previous~~
26 ~~convictions shall be charged in the accusatory pleading. If two or~~
27 ~~more of these previous convictions are found to be true by the jury,~~
28 ~~upon a jury trial, or by the court, upon a court trial, or are admitted~~
29 ~~by the defendant, the defendant shall be imprisoned in a county~~
30 ~~jail for a period of not less than 90 days and shall not be eligible~~
31 ~~for release upon completion of sentence, on probation, on parole,~~
32 ~~on work furlough or work release, or on any other basis until he~~
33 ~~or she has served a period of not less than 90 days in a county jail.~~
34 ~~In all cases in which probation is granted, the court shall require~~
35 ~~as a condition thereof that the person be confined in a county jail~~
36 ~~for at least 90 days. In no event does the court have the power to~~
37 ~~absolve a person who violates this subdivision from the obligation~~
38 ~~of spending at least 90 days in confinement in a county jail.~~

39 ~~In~~

1 (k) In addition to any punishment prescribed by this section, a
2 court may suspend, for not more than 30 days, the privilege of the
3 person to operate a motor vehicle pursuant to Section 13201.5 of
4 the Vehicle Code for any violation of subdivision (b) that was
5 committed within 1,000 feet of a private residence and with the
6 use of a vehicle. In lieu of the suspension, the court may order a
7 person's privilege to operate a motor vehicle restricted, for not
8 more than six months, to necessary travel to and from the person's
9 place of employment or education. If driving a motor vehicle is
10 necessary to perform the duties of the person's employment, the
11 court may also allow the person to drive in that person's scope of
12 employment.

13 (l) (1) A second or subsequent violation of subdivision (j) is
14 punishable by imprisonment in a county jail not exceeding one
15 year, or by a fine not exceeding two thousand dollars (\$2,000), or
16 by both that fine and imprisonment.

17 (2) If the victim of a violation of subdivision (j) was a minor at
18 the time of the offense, the violation is punishable by imprisonment
19 in a county jail not exceeding one year, or by a fine not exceeding
20 two thousand dollars (\$2,000), or by both that fine and
21 imprisonment.

22 (m) (1) If a crime is committed in violation of subdivision (b)
23 and the person who was solicited was a minor at the time of the
24 offense, and if the defendant knew or should have known that the
25 person who was solicited was a minor at the time of the offense,
26 the violation is punishable by imprisonment in a county jail for
27 not less than two days and not more than one year, or by a fine not
28 exceeding ten thousand dollars (\$10,000), or by both that fine and
29 imprisonment.

30 (2) The court may, in unusual cases, when the interests of justice
31 are best served, reduce or eliminate the mandatory two days of
32 imprisonment in a county jail required by this subdivision. If the
33 court reduces or eliminates the mandatory two days' imprisonment,
34 the court shall specify the reason on the record.

35 *SEC. 1.5. Section 647 of the Penal Code is amended to read:*

36 647. Except as provided in *paragraph (8) of subdivision (b)*
37 *and subdivision (l), every a person who commits any of the*
38 *following acts is guilty of disorderly conduct, a misdemeanor:*

1 (a) ~~Who~~ *An individual who solicits anyone to engage in or who*
2 *engages in lewd or dissolute conduct in any public place or in any*
3 *place open to the public or exposed to public view.*

4 (b) (1) *An individual who solicits, or who agrees to engage in,*
5 *or who engages in, any act of prostitution with the intent to receive*
6 *compensation, money, or anything of value from another person.*
7 *An individual agrees to engage in an act of prostitution when, with*
8 *specific intent to so engage, he or she manifests an acceptance of*
9 *an offer or solicitation by another person to so engage, regardless*
10 *of whether the offer or solicitation was made by a person who also*
11 *possessed the specific intent to engage in an act of prostitution.*

12 (2) *An individual who solicits, or who agrees to engage in, or*
13 *who engages in, any act of prostitution with another person who*
14 *is 18 years of age or older in exchange for the individual providing*
15 *compensation, money, or anything of value to the other person.*
16 *An individual agrees to engage in an act of prostitution when, with*
17 *specific intent to so engage, he or she manifests an acceptance of*
18 *an offer or solicitation by another person who is 18 years of age*
19 *or older to so engage, regardless of whether the offer or solicitation*
20 *was made by a person who also possessed the specific intent to*
21 *engage in an act of prostitution.*

22 (3) *An individual who solicits, or who agrees to engage in, or*
23 *who engages in, any act of prostitution with another person who*
24 *is a minor in exchange for the individual providing compensation,*
25 *money, or anything of value to the minor. An individual agrees to*
26 *engage in an act of prostitution when, with specific intent to so*
27 *engage, he or she manifests an acceptance of an offer or*
28 *solicitation by someone who is a minor to so engage, regardless*
29 *of whether the offer or solicitation was made by a minor who also*
30 *possessed the specific intent to engage in an act of prostitution.*

31 (b) ~~Who solicits or who agrees to engage in or who engages in~~
32 ~~any act of prostitution. A person agrees to engage in an act of~~
33 ~~prostitution when, with specific intent to so engage, he or she~~
34 ~~manifests an acceptance of an offer or solicitation to so engage,~~
35 ~~regardless of whether the offer or solicitation was made by a person~~
36 ~~who also possessed the specific intent to engage in prostitution.~~
37 ~~No agreement to engage in an act of prostitution shall constitute~~
38 ~~a violation of this subdivision unless some act, in addition to the~~
39 ~~agreement, is done within this state in furtherance of the~~

1 ~~commission of an act of prostitution by the person agreeing to~~
2 ~~engage in that act.~~

3 (4) *A manifestation of acceptance of an offer or solicitation to*
4 *engage in an act of prostitution does not constitute a violation of*
5 *this subdivision unless some act, in addition to the manifestation*
6 *of acceptance, is done within this state in furtherance of the*
7 *commission of the act of prostitution by the person manifesting an*
8 *acceptance of an offer or solicitation to engage in that act. As*
9 *used in this subdivision, “prostitution” includes any lewd act*
10 *between persons for money or other consideration.*

11 (5) *Except as provided in paragraph (6) and subdivision (k), a*
12 *violation of paragraph (2) or (3) is punishable by imprisonment*
13 *in a county jail for not less than 72 hours and not more than six*
14 *months and by a fine of not less than two hundred fifty dollars*
15 *(\$250) but not exceeding one thousand dollars (\$1,000). An amount*
16 *of two hundred fifty dollars (\$250) of the fine shall be deposited*
17 *in the treasury of the county in which the offense occurred and*
18 *used by the county to fund services for victims of human trafficking.*
19 *Upon a violation of paragraph (2) or (3), a person is not eligible*
20 *for release upon completion of sentence, on probation, on parole,*
21 *on work furlough or work release, or on any other basis until he*
22 *or she has served a period of not less than 24 continuous hours in*
23 *a county jail. In all cases in which probation is granted, the court*
24 *shall require as a condition of probation that the person be*
25 *confined in a county jail for at least 24 hours. The court shall*
26 *order that a person punished under this subdivision, who is to be*
27 *punished by imprisonment in the county jail, be imprisoned on*
28 *days other than days of regular employment of the person, as*
29 *determined by the court. If the court determines that 24 hours of*
30 *continuous imprisonment would interfere with the person’s work*
31 *schedule, the court shall allow the person to serve the*
32 *imprisonment whenever the person is normally scheduled for time*
33 *off from work. The court may make this determination based upon*
34 *a representation from the defendant’s attorney or upon an affidavit*
35 *or testimony from the defendant.*

36 (6) *If a defendant violates paragraph (3) and knew or should*
37 *have known that the person who was solicited was a minor at the*
38 *time of the offense, or if a defendant violates paragraph (2) and*
39 *the person who was solicited was a person posing as a minor and*
40 *the defendant had specific intent to solicit a minor, the violation*

1 *is punishable by imprisonment in a county jail for not less than*
2 *72 hours and not more than one year and by a fine of not less than*
3 *one thousand dollars (\$1,000) but not exceeding ten thousand*
4 *dollars (\$10,000). The fine imposed shall be deposited in the*
5 *treasury of the county in which the offense occurred and used by*
6 *the county to fund services for victims of human trafficking. Upon*
7 *a violation of this paragraph, a person is not eligible for release*
8 *upon completion of sentence, on probation, on parole, on work*
9 *furlough or work release, or on any other basis until he or she has*
10 *served a period of not less than 48 continuous hours in a county*
11 *jail. In all cases in which probation is granted, the court shall*
12 *require as a condition of probation that the person be confined in*
13 *a county jail for at least 48 hours. The court shall order that a*
14 *person punished under this paragraph, who is to be punished by*
15 *imprisonment in the county jail, be imprisoned on days other than*
16 *days of regular employment of the person, as determined by the*
17 *court. If the court determines that 48 hours of continuous*
18 *imprisonment would interfere with the person's work schedule,*
19 *the court shall allow the person to serve the imprisonment*
20 *whenever the person is normally scheduled for time off from work.*
21 *The court may make this determination based upon a*
22 *representation from the defendant's attorney or upon an affidavit*
23 *or testimony from the defendant.*

24 *(7) This subdivision does not prohibit prosecution under any*
25 *other law.*

26 *(8) Notwithstanding paragraphs (1) to (3), inclusive, this*
27 *subdivision does not apply to a child under 18 years of age who*
28 *is alleged to have engaged in conduct to receive money or other*
29 *consideration that would, if committed by an adult, violate this*
30 *subdivision. A commercially exploited child under this paragraph*
31 *may be adjudged a dependent child of the court pursuant to*
32 *paragraph (2) of subdivision (b) of Section 300 of the Welfare and*
33 *Institutions Code and may be taken into temporary custody*
34 *pursuant to subdivision (a) of Section 305 of the Welfare and*
35 *Institutions Code, if the conditions allowing temporary custody*
36 *without warrant are met.*

37 *(c) Who accosts other persons in any public place or in any*
38 *place open to the public for the purpose of begging or soliciting*
39 *alms.*

1 (d) Who loiters in or about any toilet open to the public for the
2 purpose of engaging in or soliciting any lewd or lascivious or any
3 unlawful act.

4 (e) Who lodges in any building, structure, vehicle, or place,
5 whether public or private, without the permission of the owner or
6 person entitled to the possession or in control of it.

7 (f) Who is found in any public place under the influence of
8 intoxicating liquor, any drug, controlled substance, toluene, or any
9 combination of any intoxicating liquor, drug, controlled substance,
10 or toluene, in a condition that he or she is unable to exercise care
11 for his or her own safety or the safety of others, or by reason of
12 his or her being under the influence of intoxicating liquor, any
13 drug, controlled substance, toluene, or any combination of any
14 intoxicating liquor, drug, or toluene, interferes with or obstructs
15 or prevents the free use of any street, sidewalk, or other public
16 way.

17 (g) When a person has violated subdivision (f), a peace officer,
18 if he or she is reasonably able to do so, shall place the person, or
19 cause him or her to be placed, in civil protective custody. The
20 person shall be taken to a facility, designated pursuant to Section
21 5170 of the Welfare and Institutions Code, for the 72-hour
22 treatment and evaluation of inebriates. A peace officer may place
23 a person in civil protective custody with that kind and degree of
24 force which would be lawful were he or she effecting an arrest for
25 a misdemeanor without a warrant. A person who has been placed
26 in civil protective custody shall not thereafter be subject to any
27 criminal prosecution or juvenile court proceeding based on the
28 facts giving rise to this placement. This subdivision shall not apply
29 to the following persons:

30 (1) Any person who is under the influence of any drug, or under
31 the combined influence of intoxicating liquor and any drug.

32 (2) Any person who a peace officer has probable cause to believe
33 has committed any felony, or who has committed any misdemeanor
34 in addition to subdivision (f).

35 (3) Any person who a peace officer in good faith believes will
36 attempt escape or will be unreasonably difficult for medical
37 personnel to control.

38 (h) Who loiters, prowls, or wanders upon the private property
39 of another, at any time, without visible or lawful business with the
40 owner or occupant. As used in this subdivision, “loiter” means to

1 delay or linger without a lawful purpose for being on the property
2 and for the purpose of committing a crime as opportunity may be
3 discovered.

4 (i) Who, while loitering, prowling, or wandering upon the private
5 property of another, at any time, peeks in the door or window of
6 any inhabited building or structure, without visible or lawful
7 business with the owner or occupant.

8 (j) (1) Any person who looks through a hole or opening, into,
9 or otherwise views, by means of any instrumentality, including,
10 but not limited to, a periscope, telescope, binoculars, camera,
11 motion picture camera, camcorder, or mobile phone, the interior
12 of a bedroom, bathroom, changing room, fitting room, dressing
13 room, or tanning booth, or the interior of any other area in which
14 the occupant has a reasonable expectation of privacy, with the
15 intent to invade the privacy of a person or persons inside. This
16 subdivision shall not apply to those areas of a private business
17 used to count currency or other negotiable instruments.

18 (2) Any person who uses a concealed camcorder, motion picture
19 camera, or photographic camera of any type, to secretly videotape,
20 film, photograph, or record by electronic means, another,
21 identifiable person under or through the clothing being worn by
22 that other person, for the purpose of viewing the body of, or the
23 undergarments worn by, that other person, without the consent or
24 knowledge of that other person, with the intent to arouse, appeal
25 to, or gratify the lust, passions, or sexual desires of that person and
26 invade the privacy of that other person, under circumstances in
27 which the other person has a reasonable expectation of privacy.

28 (3) (A) Any person who uses a concealed camcorder, motion
29 picture camera, or photographic camera of any type, to secretly
30 videotape, film, photograph, or record by electronic means, another,
31 identifiable person who may be in a state of full or partial undress,
32 for the purpose of viewing the body of, or the undergarments worn
33 by, that other person, without the consent or knowledge of that
34 other person, in the interior of a bedroom, bathroom, changing
35 room, fitting room, dressing room, or tanning booth, or the interior
36 of any other area in which that other person has a reasonable
37 expectation of privacy, with the intent to invade the privacy of that
38 other person.

39 (B) Neither of the following is a defense to the crime specified
40 in this paragraph:

1 (i) The defendant was a cohabitant, landlord, tenant, cotenant,
2 employer, employee, or business partner or associate of the victim,
3 or an agent of any of these.

4 (ii) The victim was not in a state of full or partial undress.

5 (4) (A) Any person who intentionally distributes the image of
6 the intimate body part or parts of another identifiable person, or
7 an image of the person depicted engaged in an act of sexual
8 intercourse, sodomy, oral copulation, sexual penetration, or an
9 image of masturbation by the person depicted or in which the
10 person depicted participates, under circumstances in which the
11 persons agree or understand that the image shall remain private,
12 the person distributing the image knows or should know that
13 distribution of the image will cause serious emotional distress, and
14 the person depicted suffers that distress.

15 (B) A person intentionally distributes an image described in
16 subparagraph (A) when he or she personally distributes the image,
17 or arranges, specifically requests, or intentionally causes another
18 person to distribute that image.

19 (C) As used in this paragraph, “intimate body part” means any
20 portion of the genitals, the anus and in the case of a female, also
21 includes any portion of the breasts below the top of the areola, that
22 is either uncovered or clearly visible through clothing.

23 (D) It shall not be a violation of this paragraph to distribute an
24 image described in subparagraph (A) if any of the following
25 applies:

26 (i) The distribution is made in the course of reporting an
27 unlawful activity.

28 (ii) The distribution is made in compliance with a subpoena or
29 other court order for use in a legal proceeding.

30 (iii) The distribution is made in the course of a lawful public
31 proceeding.

32 (5) This subdivision shall not preclude punishment under any
33 section of law providing for greater punishment.

34 (k) (1) In any accusatory pleading charging a violation of
35 subdivision (b), if the defendant has been once previously convicted
36 of a violation of that subdivision, the previous conviction shall be
37 charged in the accusatory pleading. If the previous conviction is
38 found to be true by the jury, upon a jury trial, or by the court, upon
39 a court trial, or is admitted by the defendant, the defendant shall
40 be imprisoned in a county jail for a period of not less than 45 days

1 and ~~shall~~ *is not be* eligible for release upon completion of sentence,
2 on probation, on parole, on work furlough or work release, or on
3 any other basis until he or she has served a period of not less than
4 45 days in a county jail. In all cases in which probation is granted,
5 the court shall require as a condition thereof that the person be
6 confined in a county jail for at least 45 days. ~~In no event does the~~
7 ~~court have the power to~~ *The court shall not* absolve a person who
8 violates this subdivision from the obligation of spending at least
9 45 days in confinement in a county jail.

10 ~~In~~

11 (2) *In* any accusatory pleading charging a violation of
12 subdivision (b), if the defendant has been previously convicted
13 two or more times of a violation of that subdivision, each of these
14 previous convictions shall be charged in the accusatory pleading.
15 If two or more of these previous convictions are found to be true
16 by the jury, upon a jury trial, or by the court, upon a court trial, or
17 are admitted by the defendant, the defendant shall be imprisoned
18 in a county jail for a period of not less than 90 days and ~~shall~~ *is*
19 ~~not be~~ eligible for release upon completion of sentence, on
20 probation, on parole, on work furlough or work release, or on any
21 other basis until he or she has served a period of not less than 90
22 days in a county jail. In all cases in which probation is granted,
23 the court shall require as a condition thereof that the person be
24 confined in a county jail for at least 90 days. ~~In no event does the~~
25 ~~court have the power to~~ *The court shall not* absolve a person who
26 violates this subdivision from the obligation of spending at least
27 90 days in confinement in a county jail.

28 ~~In~~

29 (3) *In* addition to any punishment prescribed by this section, a
30 court may suspend, for not more than 30 days, the privilege of the
31 person to operate a motor vehicle pursuant to Section 13201.5 of
32 the Vehicle Code for any violation of subdivision (b) that was
33 committed within 1,000 feet of a private residence and with the
34 use of a vehicle. In lieu of the suspension, the court may order a
35 person's privilege to operate a motor vehicle restricted, for not
36 more than six months, to necessary travel to and from the person's
37 place of employment or education. If driving a motor vehicle is
38 necessary to perform the duties of the person's employment, the
39 court may also allow the person to drive in that person's scope of
40 employment.

1 (l) (1) A second or subsequent violation of subdivision (j) is
2 punishable by imprisonment in a county jail not exceeding one
3 year, or by a fine not exceeding two thousand dollars (\$2,000), or
4 by both that fine and imprisonment.

5 (2) If the victim of a violation of subdivision (j) was a minor at
6 the time of the offense, the violation is punishable by imprisonment
7 in a county jail not exceeding one year, or by a fine not exceeding
8 two thousand dollars (\$2,000), or by both that fine and
9 imprisonment.

10 ~~(m) (1) If a crime is committed in violation of subdivision (b)~~
11 ~~and the person who was solicited was a minor at the time of the~~
12 ~~offense, and if the defendant knew or should have known that the~~
13 ~~person who was solicited was a minor at the time of the offense,~~
14 ~~the violation is punishable by imprisonment in a county jail for~~
15 ~~not less than two days and not more than one year, or by a fine not~~
16 ~~exceeding ten thousand dollars (\$10,000), or by both that fine and~~
17 ~~imprisonment.~~

18 ~~(2) The court may, in unusual cases, when the interests of justice~~
19 ~~are best served, reduce or eliminate the mandatory two days of~~
20 ~~imprisonment in a county jail required by this subdivision. If the~~
21 ~~court reduces or eliminates the mandatory two days' imprisonment,~~
22 ~~the court shall specify the reason on the record.~~

23 *SEC. 1.6. Section 647 of the Penal Code is amended to read:*

24 647. Except as provided in *paragraph (8) of subdivision (b)*
25 *and subdivision (l), every a person who commits any of the*
26 *following acts is guilty of disorderly conduct, a misdemeanor:*

27 (a) ~~Who~~ *An individual who solicits anyone to engage in or who*
28 *engages in lewd or dissolute conduct in any public place or in any*
29 *place open to the public or exposed to public view.*

30 (b) (1) *An individual who solicits, or who agrees to engage in,*
31 *or who engages in, any act of prostitution with another person*
32 *with the intent to receive compensation, money, or anything of*
33 *value, and with the specific intent to so engage.*

34 (2) *An individual who solicits, or who agrees to engage in, or*
35 *who engages in, any act of prostitution with another person who*
36 *is 18 years of age or older in exchange for the individual providing*
37 *compensation, money, or anything of value to the other person.*
38 *An individual agrees to engage in an act of prostitution when, with*
39 *specific intent to so engage, he or she manifests an acceptance of*
40 *an offer or solicitation by another person who is 18 years of age*

1 *or older to so engage, regardless of whether the offer or solicitation*
2 *was made by a person who also possessed the specific intent to*
3 *engage in an act of prostitution.*

4 *(3) An individual who solicits, or who agrees to engage in, or*
5 *who engages in, any act of prostitution with another person who*
6 *is a minor in exchange for the individual providing compensation,*
7 *money, or anything of value to the minor. An individual agrees to*
8 *engage in an act of prostitution when, with specific intent to so*
9 *engage, he or she manifests an acceptance of an offer or*
10 *solicitation by someone who is a minor to so engage, regardless*
11 *of whether the offer or solicitation was made by a minor who also*
12 *possessed the specific intent to engage in an act of prostitution.*

13 ~~*(b) Who solicits or who agrees to engage in or who engages in*~~
14 ~~*any act of prostitution. A person agrees to engage in an act of*~~
15 ~~*prostitution when, with specific intent to so engage, he or she*~~
16 ~~*manifests an*~~

17 *(4) A manifestation of acceptance of an offer or solicitation to*
18 ~~*so engage, regardless of whether the offer or solicitation was made*~~
19 ~~*by a person who also possessed the specific intent to engage in*~~
20 ~~*prostitution. No agreement to engage in an act of prostitution shall*~~
21 ~~*does not constitute a violation of this subdivision unless some act,*~~
22 ~~*in addition to the agreement, manifestation of acceptance, is done*~~
23 ~~*within this state in furtherance of the commission of an the act of*~~
24 ~~*prostitution by the person agreeing manifesting an acceptance of*~~
25 ~~*an offer or solicitation to engage in that act. As used in this*~~
26 ~~*subdivision, “prostitution” includes any lewd act between persons*~~
27 ~~*for money or other consideration.*~~

28 *(5) Except as provided in paragraph (6), a violation of*
29 *paragraph (2) or (3) is punishable by imprisonment in a county*
30 *jail for not less than 72 hours and not more than six months and*
31 *by a fine of not less than two hundred fifty dollars (\$250) but not*
32 *exceeding one thousand dollars (\$1,000). An amount of two*
33 *hundred fifty dollars (\$250) of the fine shall be deposited in the*
34 *treasury of the county in which the offense occurred and used by*
35 *the county to fund services for victims of human trafficking. Upon*
36 *a violation of paragraph (2) or (3), a person is not eligible for*
37 *release upon completion of sentence, on probation, on parole, on*
38 *work furlough or work release, or on any other basis until he or*
39 *she has served a period of not less than 24 continuous hours in a*
40 *county jail. In all cases in which probation is granted, the court*

1 shall require as a condition of probation that the person be
2 confined in a county jail for at least 24 hours. The court shall
3 order that a person punished under this subdivision, who is to be
4 punished by imprisonment in the county jail, be imprisoned on
5 days other than days of regular employment of the person, as
6 determined by the court. If the court determines that 24 hours of
7 continuous imprisonment would interfere with the person's work
8 schedule, the court shall allow the person to serve the
9 imprisonment whenever the person is normally scheduled for time
10 off from work. The court may make this determination based upon
11 a representation from the defendant's attorney or upon an affidavit
12 or testimony from the defendant.

13 (6) If a defendant violates paragraph (3) and knew or should
14 have known that the person who was solicited was a minor at the
15 time of the offense, or if a defendant violates paragraph (2) and
16 the person who was solicited was a person posing as a minor and
17 the defendant had specific intent to solicit a minor, the violation
18 is punishable by imprisonment in a county jail for not less than
19 72 hours and not more than one year and by a fine of not less than
20 one thousand dollars (\$1,000) but not exceeding ten thousand
21 dollars (\$10,000). The fine imposed shall be deposited in the
22 treasury of the county in which the offense occurred and used by
23 the county to fund services for victims of human trafficking. Upon
24 a violation of this paragraph, a person is not eligible for release
25 upon completion of sentence, on probation, on parole, on work
26 furlough or work release, or on any other basis until he or she has
27 served a period of not less than 48 continuous hours in a county
28 jail. In all cases in which probation is granted, the court shall
29 require as a condition of probation that the person be confined in
30 a county jail for at least 48 hours. The court shall order that a
31 person punished under this paragraph, who is to be punished by
32 imprisonment in the county jail, be imprisoned on days other than
33 days of regular employment of the person, as determined by the
34 court. If the court determines that 48 hours of continuous
35 imprisonment would interfere with the person's work schedule,
36 the court shall allow the person to serve the imprisonment
37 whenever the person is normally scheduled for time off from work.
38 The court may make this determination based upon a
39 representation from the defendant's attorney or upon an affidavit
40 or testimony from the defendant.

1 (7) *This subdivision does not prohibit prosecution under any*
2 *other law.*

3 (8) *Notwithstanding paragraphs (1) to (3), inclusive, this*
4 *subdivision does not apply to a child under 18 years of age who*
5 *is alleged to have engaged in conduct to receive money or other*
6 *consideration that would, if committed by an adult, violate this*
7 *subdivision. A commercially exploited child under this paragraph*
8 *may be adjudged a dependent child of the court pursuant to*
9 *paragraph (2) of subdivision (b) of Section 300 of the Welfare and*
10 *Institutions Code and may be taken into temporary custody*
11 *pursuant to subdivision (a) of Section 305 of the Welfare and*
12 *Institutions Code, if the conditions allowing temporary custody*
13 *without warrant are met.*

14 (c) Who accosts other persons in any public place or in any
15 place open to the public for the purpose of begging or soliciting
16 alms.

17 (d) Who loiters in or about any toilet open to the public for the
18 purpose of engaging in or soliciting any lewd or lascivious or any
19 unlawful act.

20 (e) Who lodges in any building, structure, vehicle, or place,
21 whether public or private, without the permission of the owner or
22 person entitled to the possession or in control of it.

23 (f) Who is found in any public place under the influence of
24 intoxicating liquor, any drug, controlled substance, toluene, or any
25 combination of any intoxicating liquor, drug, controlled substance,
26 or toluene, in a condition that he or she is unable to exercise care
27 for his or her own safety or the safety of others, or by reason of
28 his or her being under the influence of intoxicating liquor, any
29 drug, controlled substance, toluene, or any combination of any
30 intoxicating liquor, drug, or toluene, interferes with or obstructs
31 or prevents the free use of any street, sidewalk, or other public
32 way.

33 (g) ~~When~~ *If a person has violated subdivision (f), a peace officer,*
34 *if he or she is reasonably able to do so, shall place the person, or*
35 *cause him or her to be placed, in civil protective custody. The*
36 *person shall be taken to a facility, designated pursuant to Section*
37 *5170 of the Welfare and Institutions Code, for the 72-hour*
38 *treatment and evaluation of inebriates. A peace officer may place*
39 *a person in civil protective custody with that kind and degree of*
40 *force which that would be lawful were he or she effecting an arrest*

1 for a misdemeanor without a warrant. A person who has been
2 placed in civil protective custody shall not thereafter be subject to
3 any criminal prosecution or juvenile court proceeding based on
4 the facts giving rise to this placement. This subdivision ~~shall~~ *does*
5 not apply to the following persons:

6 (1) ~~Any~~ A person who is under the influence of any drug, or
7 under the combined influence of intoxicating liquor and any drug.

8 (2) ~~Any~~ A person who a peace officer has probable cause to
9 believe has committed any felony, or who has committed any
10 misdemeanor in addition to subdivision (f).

11 (3) ~~Any~~ A person who a peace officer in good faith believes
12 will attempt escape or will be unreasonably difficult for medical
13 personnel to control.

14 (h) Who loiters, prowls, or wanders upon the private property
15 of another, at any time, without visible or lawful business with the
16 owner or occupant. As used in this subdivision, “loiter” means to
17 delay or linger without a lawful purpose for being on the property
18 and for the purpose of committing a crime as opportunity may be
19 discovered.

20 (i) Who, while loitering, prowling, or wandering upon the private
21 property of another, at any time, peeks in the door or window of
22 any inhabited building or structure, without visible or lawful
23 business with the owner or occupant.

24 (j) (1) ~~Any~~ A person who looks through a hole or opening, into,
25 or otherwise views, by means of any instrumentality, including,
26 but not limited to, a periscope, telescope, binoculars, camera,
27 motion picture camera, camcorder, or mobile phone, the interior
28 of a bedroom, bathroom, changing room, fitting room, dressing
29 room, or tanning booth, or the interior of any other area in which
30 the occupant has a reasonable expectation of privacy, with the
31 intent to invade the privacy of a person or persons inside. This
32 subdivision ~~shall~~ *does* not apply to those areas of a private business
33 used to count currency or other negotiable instruments.

34 (2) ~~Any~~ A person who uses a concealed camcorder, motion
35 picture camera, or photographic camera of any type, to secretly
36 videotape, film, photograph, or record by electronic means, another,
37 identifiable person under or through the clothing being worn by
38 that other person, for the purpose of viewing the body of, or the
39 undergarments worn by, that other person, without the consent or
40 knowledge of that other person, with the intent to arouse, appeal

1 to, or gratify the lust, passions, or sexual desires of that person and
2 invade the privacy of that other person, under circumstances in
3 which the other person has a reasonable expectation of privacy.

4 (3) (A) ~~Any~~A person who uses a concealed camcorder, motion
5 picture camera, or photographic camera of any type, to secretly
6 videotape, film, photograph, or record by electronic means, another,
7 identifiable person who may be in a state of full or partial undress,
8 for the purpose of viewing the body of, or the undergarments worn
9 by, that other person, without the consent or knowledge of that
10 other person, in the interior of a bedroom, bathroom, changing
11 room, fitting room, dressing room, or tanning booth, or the interior
12 of any other area in which that other person has a reasonable
13 expectation of privacy, with the intent to invade the privacy of that
14 other person.

15 (B) Neither of the following is a defense to the crime specified
16 in this paragraph:

17 (i) The defendant was a cohabitant, landlord, tenant, cotenant,
18 employer, employee, or business partner or associate of the victim,
19 or an agent of any of these.

20 (ii) The victim was not in a state of full or partial undress.

21 (4) (A) ~~Any~~A person who intentionally distributes the image
22 of the intimate body part or parts of another identifiable person,
23 or an image of the person depicted engaged in an act of sexual
24 intercourse, sodomy, oral copulation, sexual penetration, or an
25 image of masturbation by the person depicted or in which the
26 person depicted participates, under circumstances in which the
27 persons agree or understand that the image shall remain private,
28 the person distributing the image knows or should know that
29 distribution of the image will cause serious emotional distress, and
30 the person depicted suffers that distress.

31 (B) A person intentionally distributes an image described in
32 subparagraph (A) when he or she personally distributes the image,
33 or arranges, specifically requests, or intentionally causes another
34 person to distribute that image.

35 (C) As used in this paragraph, “intimate body part” means any
36 portion of the genitals, the anus and in the case of a female, also
37 includes any portion of the breasts below the top of the areola, that
38 is either uncovered or clearly visible through clothing.

1 (D) It shall not be a violation of this paragraph to distribute an
2 image described in subparagraph (A) if any of the following
3 applies:

4 (i) The distribution is made in the course of reporting an
5 unlawful activity.

6 (ii) The distribution is made in compliance with a subpoena or
7 other court order for use in a legal proceeding.

8 (iii) The distribution is made in the course of a lawful public
9 proceeding.

10 (5) This subdivision ~~shall~~ *does* not preclude punishment under
11 any section of law providing for greater punishment.

12 ~~(k) In any accusatory pleading charging a violation of~~
13 ~~subdivision (b), if the defendant has been once previously convicted~~
14 ~~of a violation of that subdivision, the previous conviction shall be~~
15 ~~charged in the accusatory pleading. If the previous conviction is~~
16 ~~found to be true by the jury, upon a jury trial, or by the court, upon~~
17 ~~a court trial, or is admitted by the defendant, the defendant shall~~
18 ~~be imprisoned in a county jail for a period of not less than 45 days~~
19 ~~and shall not be eligible for release upon completion of sentence,~~
20 ~~on probation, on parole, on work furlough or work release, or on~~
21 ~~any other basis until he or she has served a period of not less than~~
22 ~~45 days in a county jail. In all cases in which probation is granted,~~
23 ~~the court shall require as a condition thereof that the person be~~
24 ~~confined in a county jail for at least 45 days. In no event does the~~
25 ~~court have the power to absolve a person who violates this~~
26 ~~subdivision from the obligation of spending at least 45 days in~~
27 ~~confinement in a county jail.~~

28 In any accusatory pleading charging a violation of subdivision
29 (b), if the defendant has been previously convicted two or more
30 times of a violation of that subdivision, each of these previous
31 convictions shall be charged in the accusatory pleading. If two or
32 more of these previous convictions are found to be true by the jury,
33 upon a jury trial, or by the court, upon a court trial, or are admitted
34 by the defendant, the defendant shall be imprisoned in a county
35 jail for a period of not less than 90 days and shall not be eligible
36 for release upon completion of sentence, on probation, on parole,
37 on work furlough or work release, or on any other basis until he
38 or she has served a period of not less than 90 days in a county jail.
39 In all cases in which probation is granted, the court shall require
40 as a condition thereof that the person be confined in a county jail

1 for at least 90 days. In no event does the court have the power to
2 absolve a person who violates this subdivision from the obligation
3 of spending at least 90 days in confinement in a county jail.

4 ~~In~~

5 (k) In addition to any punishment prescribed by this section, a
6 court may suspend, for not more than 30 days, the privilege of the
7 person to operate a motor vehicle pursuant to Section 13201.5 of
8 the Vehicle Code for any violation of subdivision (b) that was
9 committed within 1,000 feet of a private residence and with the
10 use of a vehicle. In lieu of the suspension, the court may order a
11 person's privilege to operate a motor vehicle restricted, for not
12 more than six months, to necessary travel to and from the person's
13 place of employment or education. If driving a motor vehicle is
14 necessary to perform the duties of the person's employment, the
15 court may also allow the person to drive in that person's scope of
16 employment.

17 (l) (1) A second or subsequent violation of subdivision (j) is
18 punishable by imprisonment in a county jail not exceeding one
19 year, or by a fine not exceeding two thousand dollars (\$2,000), or
20 by both that fine and imprisonment.

21 (2) If the victim of a violation of subdivision (j) was a minor at
22 the time of the offense, the violation is punishable by imprisonment
23 in a county jail not exceeding one year, or by a fine not exceeding
24 two thousand dollars (\$2,000), or by both that fine and
25 imprisonment.

26 ~~(m) (1) If a crime is committed in violation of subdivision (b)
27 and the person who was solicited was a minor at the time of the
28 offense, and if the defendant knew or should have known that the
29 person who was solicited was a minor at the time of the offense,
30 the violation is punishable by imprisonment in a county jail for
31 not less than two days and not more than one year, or by a fine not
32 exceeding ten thousand dollars (\$10,000), or by both that fine and
33 imprisonment.~~

34 ~~(2) The court may, in unusual cases, when the interests of justice
35 are best served, reduce or eliminate the mandatory two days of
36 imprisonment in a county jail required by this subdivision. If the
37 court reduces or eliminates the mandatory two days' imprisonment,
38 the court shall specify the reason on the record.~~

39 *SEC. 1.7. Section 647 of the Penal Code is amended to read:*

1 647. Except as provided in *paragraph (8) of subdivision (b)*
2 *and subdivision (l)*, ~~every~~ a person who commits any of the
3 following acts is guilty of disorderly conduct, a misdemeanor:

4 (a) ~~Who~~ *An individual who solicits anyone to engage in or who*
5 *engages in lewd or dissolute conduct in any public place or in any*
6 *place open to the public or exposed to public view.*

7 (b) (1) *An individual who solicits, or who agrees to engage in,*
8 *or who engages in, any act of prostitution with the intent to receive*
9 *compensation, money, or anything of value from another person.*
10 *An individual agrees to engage in an act of prostitution when, with*
11 *specific intent to so engage, he or she manifests an acceptance of*
12 *an offer or solicitation by another person to so engage, regardless*
13 *of whether the offer or solicitation was made by a person who also*
14 *possessed the specific intent to engage in an act of prostitution.*

15 (2) *An individual who solicits, or who agrees to engage in, or*
16 *who engages in, any act of prostitution with another person who*
17 *is 18 years of age or older in exchange for the individual providing*
18 *compensation, money, or anything of value to the other person.*
19 *An individual agrees to engage in an act of prostitution when, with*
20 *specific intent to so engage, he or she manifests an acceptance of*
21 *an offer or solicitation by another person who is 18 years of age*
22 *or older to so engage, regardless of whether the offer or solicitation*
23 *was made by a person who also possessed the specific intent to*
24 *engage in an act of prostitution.*

25 (3) *An individual who solicits, or who agrees to engage in, or*
26 *who engages in, any act of prostitution with another person who*
27 *is a minor in exchange for the individual providing compensation,*
28 *money, or anything of value to the minor. An individual agrees to*
29 *engage in an act of prostitution when, with specific intent to so*
30 *engage, he or she manifests an acceptance of an offer or*
31 *solicitation by someone who is a minor to so engage, regardless*
32 *of whether the offer or solicitation was made by a minor who also*
33 *possessed the specific intent to engage in an act of prostitution.*

34 (b) ~~Who solicits or who agrees to engage in or who engages in~~
35 ~~any act of prostitution. A person agrees to engage in an act of~~
36 ~~prostitution when, with specific intent to so engage, he or she~~
37 ~~manifests an acceptance of an offer or solicitation to so engage,~~
38 ~~regardless of whether the offer or solicitation was made by a person~~
39 ~~who also possessed the specific intent to engage in prostitution.~~
40 ~~No agreement to engage in an act of prostitution shall constitute~~

1 ~~a violation of this subdivision unless some act, in addition to the~~
2 ~~agreement, is done within this state in furtherance of the~~
3 ~~commission of an act of prostitution by the person agreeing to~~
4 ~~engage in that act. A~~

5 *(4) A manifestation of acceptance of an offer or solicitation to*
6 *engage in an act of prostitution does not constitute a violation of*
7 *this subdivision unless some act, in addition to the manifestation*
8 *of acceptance, is done within this state in furtherance of the*
9 *commission of the act of prostitution by the person manifesting an*
10 *acceptance of an offer or solicitation to engage in that act. As*
11 *used in this subdivision, “prostitution” includes any lewd act*
12 *between persons for money or other consideration.*

13 *(5) Except as provided in paragraph (6), a violation of*
14 *paragraph (2) or (3) is punishable by imprisonment in a county*
15 *jail for not less than 72 hours and not more than six months and*
16 *by a fine of not less than two hundred fifty dollars (\$250) but not*
17 *exceeding one thousand dollars (\$1,000). An amount of two*
18 *hundred fifty dollars (\$250) of the fine shall be deposited in the*
19 *treasury of the county in which the offense occurred and used by*
20 *the county to fund services for victims of human trafficking. Upon*
21 *a violation of paragraph (2) or (3), a person is not eligible for*
22 *release upon completion of sentence, on probation, on parole, on*
23 *work furlough or work release, or on any other basis until he or*
24 *she has served a period of not less than 24 continuous hours in a*
25 *county jail. In all cases in which probation is granted, the court*
26 *shall require as a condition of probation that the person be*
27 *confined in a county jail for at least 24 hours. The court shall*
28 *order that a person punished under this subdivision, who is to be*
29 *punished by imprisonment in the county jail, be imprisoned on*
30 *days other than days of regular employment of the person, as*
31 *determined by the court. If the court determines that 24 hours of*
32 *continuous imprisonment would interfere with the person’s work*
33 *schedule, the court shall allow the person to serve the*
34 *imprisonment whenever the person is normally scheduled for time*
35 *off from work. The court may make this determination based upon*
36 *a representation from the defendant’s attorney or upon an affidavit*
37 *or testimony from the defendant.*

38 *(6) If a defendant violates paragraph (3) and knew or should*
39 *have known that the person who was solicited was a minor at the*
40 *time of the offense, or if a defendant violates paragraph (2) and*

1 *the person who was solicited was a person posing as a minor and*
2 *the defendant had specific intent to solicit a minor, the violation*
3 *is punishable by imprisonment in a county jail for not less than*
4 *72 hours and not more than one year and by a fine of not less than*
5 *one thousand dollars (\$1,000) but not exceeding ten thousand*
6 *dollars (\$10,000). The fine imposed shall be deposited in the*
7 *treasury of the county in which the offense occurred and used by*
8 *the county to fund services for victims of human trafficking. Upon*
9 *a violation of this paragraph, a person is not eligible for release*
10 *upon completion of sentence, on probation, on parole, on work*
11 *furlough or work release, or on any other basis until he or she has*
12 *served a period of not less than 48 continuous hours in a county*
13 *jail. In all cases in which probation is granted, the court shall*
14 *require as a condition of probation that the person be confined in*
15 *a county jail for at least 48 hours. The court shall order that a*
16 *person punished under this paragraph, who is to be punished by*
17 *imprisonment in the county jail, be imprisoned on days other than*
18 *days of regular employment of the person, as determined by the*
19 *court. If the court determines that 48 hours of continuous*
20 *imprisonment would interfere with the person's work schedule,*
21 *the court shall allow the person to serve the imprisonment*
22 *whenever the person is normally scheduled for time off from work.*
23 *The court may make this determination based upon a*
24 *representation from the defendant's attorney or upon an affidavit*
25 *or testimony from the defendant.*

26 *(7) This subdivision does not prohibit prosecution under any*
27 *other law.*

28 *(8) Notwithstanding paragraphs (1) to (3), inclusive, this*
29 *subdivision does not apply to a child under 18 years of age who*
30 *is alleged to have engaged in conduct to receive money or other*
31 *consideration that would, if committed by an adult, violate this*
32 *subdivision. A commercially exploited child under this paragraph*
33 *may be adjudged a dependent child of the court pursuant to*
34 *paragraph (2) of subdivision (b) of Section 300 of the Welfare and*
35 *Institutions Code and may be taken into temporary custody*
36 *pursuant to subdivision (a) of Section 305 of the Welfare and*
37 *Institutions Code, if the conditions allowing temporary custody*
38 *without warrant are met.*

1 (c) Who accosts other persons in any public place or in any
2 place open to the public for the purpose of begging or soliciting
3 alms.

4 (d) Who loiters in or about any toilet open to the public for the
5 purpose of engaging in or soliciting any lewd or lascivious or any
6 unlawful act.

7 (e) Who lodges in any building, structure, vehicle, or place,
8 whether public or private, without the permission of the owner or
9 person entitled to the possession or in control of it.

10 (f) Who is found in any public place under the influence of
11 intoxicating liquor, any drug, controlled substance, toluene, or any
12 combination of any intoxicating liquor, drug, controlled substance,
13 or toluene, in a condition that he or she is unable to exercise care
14 for his or her own safety or the safety of others, or by reason of
15 his or her being under the influence of intoxicating liquor, any
16 drug, controlled substance, toluene, or any combination of any
17 intoxicating liquor, drug, or toluene, interferes with or obstructs
18 or prevents the free use of any street, sidewalk, or other public
19 way.

20 (g) ~~When~~ *If* a person has violated subdivision (f), a peace officer,
21 if he or she is reasonably able to do so, shall place the person, or
22 cause him or her to be placed, in civil protective custody. The
23 person shall be taken to a facility, designated pursuant to Section
24 5170 of the Welfare and Institutions Code, for the 72-hour
25 treatment and evaluation of inebriates. A peace officer may place
26 a person in civil protective custody with that kind and degree of
27 force ~~which~~ *that* would be lawful were he or she effecting an arrest
28 for a misdemeanor without a warrant. A person who has been
29 placed in civil protective custody shall not thereafter be subject to
30 any criminal prosecution or juvenile court proceeding based on
31 the facts giving rise to this placement. This subdivision ~~shall~~ *does*
32 not apply to the following persons:

33 (1) ~~Any~~ A person who is under the influence of any drug, or
34 under the combined influence of intoxicating liquor and any drug.

35 (2) ~~Any~~ A person who a peace officer has probable cause to
36 believe has committed any felony, or who has committed any
37 misdemeanor in addition to subdivision (f).

38 (3) ~~Any~~ A person who a peace officer in good faith believes
39 will attempt escape or will be unreasonably difficult for medical
40 personnel to control.

1 (h) Who loiters, prowls, or wanders upon the private property
2 of another, at any time, without visible or lawful business with the
3 owner or occupant. As used in this subdivision, “loiter” means to
4 delay or linger without a lawful purpose for being on the property
5 and for the purpose of committing a crime as opportunity may be
6 discovered.

7 (i) Who, while loitering, prowling, or wandering upon the private
8 property of another, at any time, peeks in the door or window of
9 any inhabited building or structure, without visible or lawful
10 business with the owner or occupant.

11 (j) (1) ~~Any~~A person who looks through a hole or opening, into,
12 or otherwise views, by means of any instrumentality, including,
13 but not limited to, a periscope, telescope, binoculars, camera,
14 motion picture camera, camcorder, or mobile phone, the interior
15 of a bedroom, bathroom, changing room, fitting room, dressing
16 room, or tanning booth, or the interior of any other area in which
17 the occupant has a reasonable expectation of privacy, with the
18 intent to invade the privacy of a person or persons inside. This
19 subdivision ~~shall~~ *does* not apply to those areas of a private business
20 used to count currency or other negotiable instruments.

21 (2) ~~Any~~A person who uses a concealed camcorder, motion
22 picture camera, or photographic camera of any type, to secretly
23 videotape, film, photograph, or record by electronic means, another,
24 identifiable person under or through the clothing being worn by
25 that other person, for the purpose of viewing the body of, or the
26 undergarments worn by, that other person, without the consent or
27 knowledge of that other person, with the intent to arouse, appeal
28 to, or gratify the lust, passions, or sexual desires of that person and
29 invade the privacy of that other person, under circumstances in
30 which the other person has a reasonable expectation of privacy.

31 (3) (A) ~~Any~~A person who uses a concealed camcorder, motion
32 picture camera, or photographic camera of any type, to secretly
33 videotape, film, photograph, or record by electronic means, another,
34 identifiable person who may be in a state of full or partial undress,
35 for the purpose of viewing the body of, or the undergarments worn
36 by, that other person, without the consent or knowledge of that
37 other person, in the interior of a bedroom, bathroom, changing
38 room, fitting room, dressing room, or tanning booth, or the interior
39 of any other area in which that other person has a reasonable

1 expectation of privacy, with the intent to invade the privacy of that
2 other person.

3 (B) Neither of the following is a defense to the crime specified
4 in this paragraph:

5 (i) The defendant was a cohabitant, landlord, tenant, cotenant,
6 employer, employee, or business partner or associate of the victim,
7 or an agent of any of these.

8 (ii) The victim was not in a state of full or partial undress.

9 (4) (A) ~~Any~~A person who intentionally distributes the image
10 of the intimate body part or parts of another identifiable person,
11 or an image of the person depicted engaged in an act of sexual
12 intercourse, sodomy, oral copulation, sexual penetration, or an
13 image of masturbation by the person depicted or in which the
14 person depicted participates, under circumstances in which the
15 persons agree or understand that the image shall remain private,
16 the person distributing the image knows or should know that
17 distribution of the image will cause serious emotional distress, and
18 the person depicted suffers that distress.

19 (B) A person intentionally distributes an image described in
20 subparagraph (A) when he or she personally distributes the image,
21 or arranges, specifically requests, or intentionally causes another
22 person to distribute that image.

23 (C) As used in this paragraph, “intimate body part” means any
24 portion of the genitals, the anus and in the case of a female, also
25 includes any portion of the breasts below the top of the areola, that
26 is either uncovered or clearly visible through clothing.

27 (D) It shall not be a violation of this paragraph to distribute an
28 image described in subparagraph (A) if any of the following
29 applies:

30 (i) The distribution is made in the course of reporting an
31 unlawful activity.

32 (ii) The distribution is made in compliance with a subpoena or
33 other court order for use in a legal proceeding.

34 (iii) The distribution is made in the course of a lawful public
35 proceeding.

36 (5) This subdivision ~~shall~~ *does* not preclude punishment under
37 any section of law providing for greater punishment.

38 ~~(k) In any accusatory pleading charging a violation of~~
39 ~~subdivision (b), if the defendant has been once previously convicted~~
40 ~~of a violation of that subdivision, the previous conviction shall be~~

1 charged in the accusatory pleading. If the previous conviction is
2 found to be true by the jury, upon a jury trial, or by the court, upon
3 a court trial, or is admitted by the defendant, the defendant shall
4 be imprisoned in a county jail for a period of not less than 45 days
5 and shall not be eligible for release upon completion of sentence,
6 on probation, on parole, on work furlough or work release, or on
7 any other basis until he or she has served a period of not less than
8 45 days in a county jail. In all cases in which probation is granted,
9 the court shall require as a condition thereof that the person be
10 confined in a county jail for at least 45 days. In no event does the
11 court have the power to absolve a person who violates this
12 subdivision from the obligation of spending at least 45 days in
13 confinement in a county jail.

14 In any accusatory pleading charging a violation of subdivision
15 (b), if the defendant has been previously convicted two or more
16 times of a violation of that subdivision, each of these previous
17 convictions shall be charged in the accusatory pleading. If two or
18 more of these previous convictions are found to be true by the jury,
19 upon a jury trial, or by the court, upon a court trial, or are admitted
20 by the defendant, the defendant shall be imprisoned in a county
21 jail for a period of not less than 90 days and shall not be eligible
22 for release upon completion of sentence, on probation, on parole,
23 on work furlough or work release, or on any other basis until he
24 or she has served a period of not less than 90 days in a county jail.
25 In all cases in which probation is granted, the court shall require
26 as a condition thereof that the person be confined in a county jail
27 for at least 90 days. In no event does the court have the power to
28 absolve a person who violates this subdivision from the obligation
29 of spending at least 90 days in confinement in a county jail.

30 ~~In~~

31 (k) In addition to any punishment prescribed by this section, a
32 court may suspend, for not more than 30 days, the privilege of the
33 person to operate a motor vehicle pursuant to Section 13201.5 of
34 the Vehicle Code for any violation of subdivision (b) that was
35 committed within 1,000 feet of a private residence and with the
36 use of a vehicle. In lieu of the suspension, the court may order a
37 person's privilege to operate a motor vehicle restricted, for not
38 more than six months, to necessary travel to and from the person's
39 place of employment or education. If driving a motor vehicle is
40 necessary to perform the duties of the person's employment, the

1 court may also allow the person to drive in that person's scope of
2 employment.

3 (l) (1) A second or subsequent violation of subdivision (j) is
4 punishable by imprisonment in a county jail not exceeding one
5 year, or by a fine not exceeding two thousand dollars (\$2,000), or
6 by both that fine and imprisonment.

7 (2) If the victim of a violation of subdivision (j) was a minor at
8 the time of the offense, the violation is punishable by imprisonment
9 in a county jail not exceeding one year, or by a fine not exceeding
10 two thousand dollars (\$2,000), or by both that fine and
11 imprisonment.

12 ~~(m) (1) If a crime is committed in violation of subdivision (b)~~
13 ~~and the person who was solicited was a minor at the time of the~~
14 ~~offense, and if the defendant knew or should have known that the~~
15 ~~person who was solicited was a minor at the time of the offense,~~
16 ~~the violation is punishable by imprisonment in a county jail for~~
17 ~~not less than two days and not more than one year, or by a fine not~~
18 ~~exceeding ten thousand dollars (\$10,000), or by both that fine and~~
19 ~~imprisonment.~~

20 ~~(2) The court may, in unusual cases, when the interests of justice~~
21 ~~are best served, reduce or eliminate the mandatory two days of~~
22 ~~imprisonment in a county jail required by this subdivision. If the~~
23 ~~court reduces or eliminates the mandatory two days' imprisonment,~~
24 ~~the court shall specify the reason on the record.~~

25 SEC. 2. Section 653.22 of the Penal Code is amended to read:

26 653.22. (a) (1) Except as specified in paragraph (2), it is
27 unlawful for any person to loiter in any public place with the intent
28 to commit prostitution. This intent is evidenced by acting in a
29 manner and under circumstances that openly demonstrate the
30 purpose of inducing, enticing, or soliciting prostitution, or
31 procuring another to commit prostitution.

32 (2) Notwithstanding paragraph (1), this subdivision does not
33 apply to a child under 18 years of age who is alleged to have
34 engaged in conduct that would, if committed by an adult, violate
35 this subdivision. A commercially exploited child under this
36 paragraph may be adjudged a dependent child of the court pursuant
37 to paragraph (2) of subdivision (b) of Section 300 of the Welfare
38 and Institutions Code and may be taken into temporary custody
39 pursuant to subdivision (a) of Section 305 of the Welfare and

1 Institutions Code, if the conditions allowing temporary custody
2 without warrant are met.

3 (b) Among the circumstances that may be considered in
4 determining whether a person loiters with the intent to commit
5 prostitution are that the person:

6 (1) Repeatedly beckons to, stops, engages in conversations with,
7 or attempts to stop or engage in conversations with passersby,
8 indicative of soliciting for prostitution.

9 (2) Repeatedly stops or attempts to stop motor vehicles by
10 hailing the drivers, waving arms, or making any other bodily
11 gestures, or engages or attempts to engage the drivers or passengers
12 of the motor vehicles in conversation, indicative of soliciting for
13 prostitution.

14 (3) Has been convicted of violating this section, subdivision (a)
15 or (b) of Section 647, or any other offense relating to or involving
16 prostitution, within five years of the arrest under this section.

17 (4) Circles an area in a motor vehicle and repeatedly beckons
18 to, contacts, or attempts to contact or stop pedestrians or other
19 motorists, indicative of soliciting for prostitution.

20 (5) Has engaged, within six months prior to the arrest under this
21 section, in any behavior described in this subdivision, with the
22 exception of paragraph (3), or in any other behavior indicative of
23 prostitution activity.

24 (c) The list of circumstances set forth in subdivision (b) is not
25 exclusive. The circumstances set forth in subdivision (b) should
26 be considered particularly salient if they occur in an area that is
27 known for prostitution activity. Any other relevant circumstances
28 may be considered in determining whether a person has the
29 requisite intent. Moreover, no one circumstance or combination
30 of circumstances is in itself determinative of intent. Intent must
31 be determined based on an evaluation of the particular
32 circumstances of each case.

33 *SEC. 2.1. Section 653.22 of the Penal Code is amended to read:*
34 *653.22. (a) ~~It~~(1) Except as specified in paragraph (2), it is*
35 *unlawful for any person to loiter in any public place with the intent*
36 *to commit prostitution. This intent is evidenced by acting in a*
37 *manner and under circumstances ~~which~~ that openly demonstrate*
38 *the purpose of inducing, enticing, or soliciting prostitution, or*
39 *procuring another to commit prostitution.*

1 (2) *Notwithstanding paragraph (1), this subdivision does not*
2 *apply to a child under 18 years of age who is alleged to have*
3 *engaged in conduct that would, if committed by an adult, violate*
4 *this subdivision. A commercially exploited child under this*
5 *paragraph may be adjudged a dependent child of the court*
6 *pursuant to paragraph (2) of subdivision (b) of Section 300 of the*
7 *Welfare and Institutions Code and may be taken into temporary*
8 *custody pursuant to subdivision (a) of Section 305 of the Welfare*
9 *and Institutions Code, if the conditions allowing temporary custody*
10 *without warrant are met.*

11 (b) Among the circumstances that may be considered in
12 determining whether a person loiters with the intent to commit
13 prostitution are that the person:

14 (1) Repeatedly beckons to, stops, engages in conversations with,
15 or attempts to stop or engage in conversations with passersby,
16 indicative of soliciting for prostitution.

17 (2) Repeatedly stops or attempts to stop motor vehicles by
18 hailing the drivers, waving arms, or making any other bodily
19 gestures, or engages or attempts to engage the drivers or passengers
20 of the motor vehicles in conversation, indicative of soliciting for
21 prostitution.

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

25 (4) Circles an area in a motor vehicle and repeatedly beckons
26 to, contacts, or attempts to contact or stop pedestrians or other
27 motorists, indicative of soliciting for prostitution.

28 (5) Has engaged, within six months prior to the arrest under this
29 section, in any behavior described in this subdivision, with the
30 exception of paragraph (3), or in any other behavior indicative of
31 prostitution activity.

32 (c) The list of circumstances set forth in subdivision (b) is not
33 exclusive. The circumstances set forth in subdivision (b) should
34 be considered particularly salient if they occur in an area that is
35 known for prostitution activity. Any other relevant circumstances
36 may be considered in determining whether a person has the
37 requisite intent. Moreover, no one circumstance or combination
38 of circumstances is in itself determinative of intent. Intent must
39 be determined based on an evaluation of the particular
40 circumstances of each case.

1 (d) A violation of this section is a misdemeanor.

2 SEC. 3. (a) Section 1.1 of this bill incorporates amendments
3 to Section 647 of the Penal Code proposed by both this bill and
4 Senate Bill 420. It shall only become operative if (1) both bills are
5 enacted and become effective on or before January 1, 2017, (2)
6 each bill amends Section 647 of the Penal Code, (3) Senate Bill
7 1129 and Assembly Bill 1708 are not enacted or as enacted do not
8 amend that section, and (4) this bill is enacted after Senate Bill
9 420, in which case Sections 1, 1.2, 1.3, 1.4, 1.5, 1.6, and 1.7 of
10 this bill shall not become operative.

11 (b) Section 1.2 of this bill incorporates amendments to Section
12 647 of the Penal Code proposed by both this bill and Senate Bill
13 1129. It shall only become operative if (1) both bills are enacted
14 and become effective on or before January 1, 2017, (2) each bill
15 amends Section 647 of the Penal Code, (3) Senate Bill 420 and
16 Assembly Bill 1708 are not enacted or as enacted do not amend
17 that section, and (4) this bill is enacted after Senate Bill 1129, in
18 which case Sections 1, 1.1, 1.3, 1.4, 1.5, 1.6, and 1.7 of this bill
19 shall not become operative.

20 (c) Section 1.3 of this bill incorporates amendments to Section
21 647 of the Penal Code proposed by both this bill and Assembly
22 Bill 1708. It shall only become operative if (1) both bills are
23 enacted and become effective on or before January 1, 2017, (2)
24 each bill amends Section 647 of the Penal Code, (3) Senate Bill
25 420 and Senate Bill 1129 are not enacted or as enacted do not
26 amend that section, and (4) this bill is enacted after Assembly Bill
27 1708, in which case Sections 1, 1.1, 1.2, 1.4, 1.5, 1.6, and 1.7 of
28 this bill shall not become operative.

29 (d) Section 1.4 of this bill incorporates amendments to Section
30 647 of the Penal Code proposed by this bill, Senate Bill 420, and
31 Senate Bill 1129. It shall only become operative if (1) all three
32 bills are enacted and become effective on or before January 1,
33 2017, (2) all three bills amend Section 647 of the Penal Code, (3)
34 Assembly Bill 1708 is not enacted or as enacted does not amend
35 that section, and (4) this bill is enacted after Senate Bill 420 and
36 Senate Bill 1129, in which case Sections 1, 1.1, 1.2, 1.3, 1.5, 1.6,
37 and 1.7 of this bill shall not become operative.

38 (e) Section 1.5 of this bill incorporates amendments to Section
39 647 of the Penal Code proposed by this bill, Senate Bill 420, and
40 Assembly Bill 1708. It shall only become operative if (1) all three

1 bills are enacted and become effective on or before January 1,
2 2017, (2) all three bills amend Section 647 of the Penal Code, (3)
3 Senate Bill 1129 is not enacted or as enacted does not amend that
4 section, and (4) this bill is enacted after Senate Bill 420 and
5 Assembly Bill 1708, in which case Sections 1, 1.1, 1.2, 1.3, 1.4,
6 1.6, and 1.7 of this bill shall not become operative.

7 (f) Section 1.6 of this bill incorporates amendments to Section
8 647 of the Penal Code proposed by this bill, Senate Bill 1129, and
9 Assembly Bill 1708. It shall only become operative if (1) all three
10 bills are enacted and become effective on or before January 1,
11 2017, (2) all three bills amend Section 647 of the Penal Code, (3)
12 Senate Bill 420 is not enacted or as enacted does not amend that
13 section, and (4) this bill is enacted after Senate Bill 1129 and
14 Assembly Bill 1708, in which case Sections 1, 1.1, 1.2, 1.3, 1.4,
15 1.5, and 1.7 of this bill shall not become operative.

16 (g) Section 1.7 of this bill incorporates amendments to Section
17 647 of the Penal Code proposed by this bill, Senate Bill 420, Senate
18 Bill 1129, and Assembly Bill 1708. It shall only become operative
19 if (1) all four bills are enacted and become effective on or before
20 January 1, 2017, (2) all four bills amend Section 647 of the Penal
21 Code, and (3) this bill is enacted after Senate Bill 420, Senate Bill
22 1129, and Assembly Bill 1708, in which case Sections 1, 1.1, 1.2,
23 1.3, 1.4, 1.5, and 1.6 of this bill shall not become operative.

24 SEC. 4. Section 2.1 of this bill incorporates amendments to
25 Section 653.22 of the Penal Code proposed by both this bill and
26 Assembly Bill 1771. It shall only become operative if (1) both bills
27 are enacted and become effective on or before January 1, 2017,
28 (2) each bill amends Section 653.22 of the Penal Code, and (3)
29 this bill is enacted after Assembly Bill 1771, in which case Section
30 2 of this bill shall not become operative.

O