

AMENDED IN ASSEMBLY JANUARY 7, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 499

Introduced by Assembly Member Swanson

February 20, 2007

An act to amend Sections 647, 653.22, 653.23, 679.01, 679.04, 11165.1, ~~and 11166.3~~ 11166.3, 13828, *and 13828.1* of the Penal Code, and to amend Sections 300 and 313 of, ~~and to add Sections 307.6 and 626.1 to,~~ *and to add Chapter 4.3 (commencing with Section 18259) to Part 6 of Division 9 of,* the Welfare and Institutions Code, relating to sexually exploited minors.

LEGISLATIVE COUNSEL'S DIGEST

AB 499, as amended, Swanson. Sexually exploited minors.

(1) Existing law provides that a minor under the jurisdiction of the juvenile court who is in need of protective services shall receive care, treatment, and guidance consistent with his or her best interest and the best interest of the public. Existing law provides that a minor under the jurisdiction of the juvenile court as a consequence of delinquent conduct shall, in conformity with the interests of public safety and protection, receive care, treatment, and guidance that is consistent with his or her best interest, that holds the minor accountable for his or her behavior, and that is appropriate for his or her circumstances.

Under existing law, it is a misdemeanor to solicit or engage in lewd or dissolute conduct in any public place, to solicit or engage in any act of prostitution, to loiter in any public place with the intent to commit prostitution, or to supervise or otherwise aid a prostitute.

This bill would declare the intent of the Legislature that minors arrested for prostitution should ~~not be prosecuted,~~ *but rather treated as*

victims, and taken to a secure detention center or safe house and processed the same as a person who is a victim of sexual abuse or domestic violence. The bill would require a peace officer, if a person under 18 14 years of age has violated any of the prostitution-related provisions described above, to place the person in civil protective custody on a safety hold as a sexually exploited minor and to take the person to a secure protective facility, as specified. The bill would provide that a person *under 14 years of age* who has been placed in civil protective custody on a safety hold as a sexually exploited minor shall not thereafter be subject to any criminal prosecution or juvenile court proceeding based on the facts giving rise to that placement. *The bill would require a peace officer to similarly place a detained or arrested sexually exploited minor who is 14 to 17 years of age, inclusive, in a secure detention center, the local juvenile justice center, or a secure safe house, and would defer prosecution or provide for a deferred entry of judgment of that minor during participation in a program for sexually exploited minors, as specified. Upon completion of that program, the bill would require the dismissal of charges against the minor.* By imposing new duties on local law enforcement authorities, the bill would impose a state-mandated local program.

(2) Existing law establishes statutory rights of victims and witnesses of crime, as specified, and authorizes a law enforcement officer to provide a victim's rights card to the victim of a crime. Existing law provides that a victim of sexual assault has the right to have victim advocates and a support person of the victim's choosing present at any interview by law enforcement authorities, district attorneys, or defense attorneys. Existing law defines "victim" for purposes of these provisions as a person against whom a crime has been committed.

This bill would include a sexually exploited minor, as described in paragraph (1) above, within the definition of "victim" for purposes of these provisions. The bill would also give sexually exploited minors the right to have victim advocates and a support person of the victim's choosing present at any interview by law enforcement authorities, district attorneys, or defense attorneys. By imposing new duties on local law enforcement and criminal justice authorities, the bill would impose a state-mandated local program.

(3) Existing law establishes the Child Abuse and Neglect Reporting Act, which requires specified persons who have knowledge of or observe a child in their professional capacity or within the scope of their employment, whom the person knows or reasonably suspects has been

the victim of child abuse or neglect to make a report to a child protective agency, as defined. Existing law defines “sexual abuse” to include sexual assault or sexual exploitation, as specified, for purposes of these provisions.

This bill would clarify that a sexually exploited minor, as described in paragraph (1) above, is a form of sexual exploitation within the definition of “sexual abuse” for purposes of these provisions.

(4) Existing law, part of the Child Abuse and Neglect Reporting Act, states the Legislature’s intent that in each county the law enforcement agencies and the county welfare or probation department shall develop and implement cooperative arrangements in order to coordinate existing duties in connection with the investigation of suspected child abuse or neglect cases.

This bill, instead, would require the law enforcement agencies and county welfare or probation department in each county to develop and implement a joint policy with cooperative arrangements in order to coordinate existing duties in connection with the investigation of suspected child abuse or neglect cases, including the appropriate handling of sexually exploited minors, as described in paragraph (1) above. By imposing new duties on local authorities, the bill would impose a state-mandated local program.

(5) Existing law declares the findings of the Legislature that there is a need to develop and provide training programs regarding the handling of judicial proceedings involving the victims of child sexual abuse, and the intent of the Legislature to provide training programs to ensure that children who are victims of sexual abuse shall be treated with consideration during judicial and administrative hearings.

This bill would extend those findings to sexually exploited minors.

(6) Existing law requires the Judicial Council to establish an ongoing program to provide training for the judicial branch of government relating to the handling of child sexual abuse cases from funds appropriated for that purpose.

This bill would extend that program of training to include cases of sexual exploitation of minors.

~~(5)~~

(7) Existing law provides that a child who has been abused or neglected, as described, is within the jurisdiction of the juvenile court and may be adjudged a dependent child of the juvenile court. This provision applies, among other things, if the child has been sexually abused, or there is a substantial risk that the child will be sexually

abused, as defined in the Child Abuse and Neglect Reporting Act, by his or her parent or guardian or a member of his or her household, or the parent or guardian has failed to adequately protect the child from sexual abuse when the parent or guardian knew or reasonably should have known that the child was in danger of sexual abuse.

This bill would clarify that a sexually exploited minor may be found within the jurisdiction of the juvenile court and adjudged a dependent child of the juvenile court.

~~(6)~~

(8) Existing law authorizes a peace officer to take a minor that the officer has reasonable cause to believe is within the jurisdiction of the juvenile court, either as a dependent child or as a ward of the court, into temporary custody without a warrant, as specified. Existing law provides procedures for processing the minor thereafter.

This bill would require an officer who takes a sexually exploited minor into temporary custody pursuant to specified provisions to take the minor to *a secure detention center, the local juvenile justice center, or a secure protective facility designated by the county that offers victim services to establish a safety plan and secure appropriate placement for the minor. The bill would require each detained minor to undergo a specified assessment.* The bill would require the receiving organization to take immediate steps to notify the minor's parent, guardian, or a responsible relative of the place to which the minor was taken, and would require the officer to make a report of suspected child abuse or neglect. By imposing new duties on local law enforcement, the bill would impose a state-mandated local program.

~~(7)~~

(9) Existing law requires the release within 48 hours of a minor who is taken into temporary custody by a peace officer or probation officer for suspected abuse or neglect, unless a petition to declare him or her a dependent child has been filed.

This bill would authorize a sexually exploited minor who is taken into temporary custody by a peace officer or probation officer to be held in custody in excess of 48 hours in order to establish a safety plan and secure appropriate placement for the minor, *and as specified for a minor under 14 years of age.*

(10) *Existing law declares the findings of the Legislature that there is a need to develop programs to ameliorate, reduce, and ultimately eliminate the trauma of child sexual abuse, and that, for the purposes of developing and providing these programs and services, and for the*

training of, and providing information to, city and county personnel throughout the state, it is necessary to expand specified services.

This bill would create a pilot project within the County of Alameda for the purposes of creating, implementing, and delivering a standardized training curricula that will provide training for certain county employees on the sexual exploitation of minors in Alameda County, including state certification of sexually exploited minor crisis counselors, upon appropriation, and as specified. By adding to the duties of county employees, the bill would impose a state-mandated local program.

(8)

(11) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. It is the ~~intent of the Legislature that minors~~
2 ~~arrested for prostitution should not be prosecuted, but rather finding~~
3 *of the Legislature that those who sexually exploit minors are*
4 *predators within our society and should be prosecuted to the fullest*
5 *extent of the law. It is the intent of the Legislature that minors*
6 *arrested and later determined to be sexually exploited minors*
7 *should be treated as victims. These children should be taken to a*
8 *secure detention center or safe house and processed the same as a*
9 *person who is a victim of sexual abuse or domestic violence.*

10 SEC. 2. Section 647 of the Penal Code is amended to read:

11 647. Every person who commits any of the following acts is
12 guilty of disorderly conduct, a misdemeanor:

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

16 (b) Who solicits or who agrees to engage in or who engages in
17 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 acceptance of an offer or solicitation to so engage,
3 regardless of whether the offer or solicitation was made by a person
4 who also possessed the specific intent to engage in prostitution.
5 An agreement to engage in an act of prostitution shall not constitute
6 a violation of this subdivision unless some act, in addition to the
7 agreement, is done within this state in furtherance of the
8 commission of an act of prostitution by the person agreeing to
9 engage in that act. As used in this subdivision, “prostitution”
10 includes any lewd act between persons for money or other
11 consideration.

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

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

18 (e) Who loiters or wanders upon the streets or from place to
19 place without apparent reason or business and who refuses to
20 identify himself or herself and to account for his or her presence
21 when requested by any peace officer so to do, if the surrounding
22 circumstances would indicate to a reasonable person that the public
23 safety demands this identification.

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

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

1 force which would be lawful were he or she effecting an arrest for
2 a misdemeanor without a warrant. A person who has been placed
3 in civil protective custody shall not thereafter be subject to any
4 criminal prosecution or juvenile court proceeding based on the
5 facts giving rise to this placement. This subdivision shall not apply
6 to the following persons:

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

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

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

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

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

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

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

38 (2) Any person who uses a concealed camcorder, motion picture
39 camera, or photographic camera of any type, to secretly videotape,
40 film, photograph, or record by electronic means, another,

1 identifiable person under or through the clothing being worn by
2 that other person, for the purpose of viewing the body of, or the
3 undergarments worn by, that other person, without the consent or
4 knowledge of that other person, with the intent to arouse, appeal
5 to, or gratify the lust, passions, or sexual desires of that person and
6 invade the privacy of that other person, under circumstances in
7 which the other person has a reasonable expectation of privacy.

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

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

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

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

25 (l) (1) If a person under ~~18~~ 14 years of age has violated
26 subdivision (a) or (b), a peace officer, if he or she is reasonably
27 able to do so, shall place the person, or cause him or her to be
28 placed, in civil protective custody on a safety hold as a sexually
29 exploited minor. The person shall be taken to a secure protective
30 facility, designated pursuant to Section 307.6 or 626.1 of the
31 Welfare and Institutions Code. A peace officer may place a minor
32 in civil protective custody on a safety hold with that kind and
33 degree of force that would be lawful were he or she effecting an
34 arrest for a misdemeanor without a warrant. A person *under 14*
35 *years of age* who has been placed in civil protective custody on a
36 safety hold as a sexually exploited minor shall not thereafter be
37 subject to any criminal prosecution or juvenile court proceeding
38 based on the facts giving rise to this placement.

39 (2) *If a person 14 or 15 years of age has violated subdivision*
40 *(a) or (b), and is assessed to be a sexually exploited minor, a peace*

1 *officer, if he or she is reasonably able to do so, shall place the*
2 *person in a secure detention center, the local juvenile justice*
3 *center, or a secure safe house as a sexually exploited minor. Any*
4 *prosecution against a minor who is 14 or 15 years of age and*
5 *assessed to be a sexually exploited minor shall be deferred while*
6 *the minor participates in a program for sexually exploited minors,*
7 *as defined by statute, and, upon completion, any prosecution shall*
8 *be dismissed.*

9 (3) *If a person 16 or 17 years of age has violated subdivision*
10 *(a) or (b), and is assessed to be a sexually exploited minor, a peace*
11 *officer, if he or she is reasonably able to do so, shall place the*
12 *person in a secure detention center, the local juvenile justice*
13 *center, or a secure safe house as a sexually exploited minor. Any*
14 *minor 16 or 17 years of age who is detained or against whom*
15 *charges are filed or sustained under this section and who*
16 *participates in a program for sexually exploited minors, as defined*
17 *by statute, shall receive a deferred entry of judgment, and, upon*
18 *completion, the charges against the minor shall be dismissed.*

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

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

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

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

23 SEC. 3. Section 653.22 of the Penal Code is amended to read:

24 653.22. (a) It is unlawful for any person to loiter in any public
25 place with the intent to commit prostitution. This intent is
26 evidenced by acting in a manner and under circumstances that
27 openly demonstrate the purpose of inducing, enticing, or soliciting
28 prostitution, or procuring another to commit prostitution.

29 (b) Among the circumstances that may be considered in
30 determining whether a person loiters with the intent to commit
31 prostitution are that the person:

32 (1) Repeatedly beckons to, stops, engages in conversations with,
33 or attempts to stop or engage in conversations with passersby,
34 indicative of soliciting for prostitution.

35 (2) Repeatedly stops or attempts to stop motor vehicles by
36 hailing the drivers, waving arms, or making any other bodily
37 gestures, or engages or attempts to engage the drivers or passengers
38 of the motor vehicles in conversation, indicative of soliciting for
39 prostitution.

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

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

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

11 (c) The list of circumstances set forth in subdivision (b) is not
12 exclusive. The circumstances set forth in subdivision (b) should
13 be considered particularly salient if they occur in an area that is
14 known for prostitution activity. Any other relevant circumstances
15 may be considered in determining whether a person has the
16 requisite intent. Moreover, no one circumstance or combination
17 of circumstances is in itself determinative of intent. Intent shall be
18 determined based on an evaluation of the particular circumstances
19 of each case.

20 (d) If a person under ~~18~~ 14 years of age has violated subdivision
21 (a), a peace officer, if he or she is reasonably able to do so, shall
22 place the person, or cause him or her to be placed, in civil
23 protective custody on a safety hold as a sexually exploited minor.
24 The person shall be taken to a secure protective facility, designated
25 pursuant to Section 307.6 or 626.1 of the Welfare and Institutions
26 Code. A peace officer may place a minor in civil protective custody
27 on a safety hold with that kind and degree of force that would be
28 lawful were he or she effecting an arrest for a misdemeanor without
29 a warrant. A person *under 14 years of age* who has been placed
30 in civil protective custody on a safety hold as a sexually exploited
31 minor shall not thereafter be subject to any criminal prosecution
32 or juvenile court proceeding based on the facts giving rise to this
33 placement.

34 (e) *If a person 14 or 15 years of age has violated subdivision*
35 *(a) and is assessed to be a sexually exploited minor, a peace officer,*
36 *if he or she is reasonably able to do so, shall place the person in*
37 *a secure detention center, the local juvenile justice center, or a*
38 *secure safe house as a sexually exploited minor. Any prosecution*
39 *against a minor who is 14 or 15 years of age and assessed to be*
40 *a sexually exploited minor shall be deferred while the minor*

1 *participates in a program for sexually exploited minors, as defined*
2 *by statute, and, upon completion, any prosecution shall be*
3 *dismissed.*

4 *(f) If a person 16 or 17 years of age has violated subdivision*
5 *(a) and is assessed to be a sexually exploited minor, a peace officer,*
6 *if he or she is reasonably able to do so, shall place the person in*
7 *a secure detention center, the local juvenile justice center, or a*
8 *secure safe house as a sexually exploited minor. Any minor 16 or*
9 *17 years of age who is detained or against whom charges are filed*
10 *or sustained under this section and who participates in a program*
11 *for sexually exploited minors, as defined by statute, shall receive*
12 *a deferred entry of judgment, and, upon completion, the charges*
13 *against the minor shall be dismissed.*

14 SEC. 4. Section 653.23 of the Penal Code is amended to read:
15 653.23. (a) It is unlawful for any person to do either of the
16 following:

17 (1) Direct, supervise, recruit, or otherwise aid another person
18 in the commission of a violation of subdivision (b) of Section 647
19 or subdivision (a) of Section 653.22.

20 (2) Collect or receive all or part of the proceeds earned from an
21 act or acts of prostitution committed by another person in violation
22 of subdivision (b) of Section 647.

23 (b) Among the circumstances that may be considered in
24 determining whether a person is in violation of subdivision (a) are
25 that the person does the following:

26 (1) Repeatedly speaks or communicates with another person
27 who is acting in violation of subdivision (a) of Section 653.22.

28 (2) Repeatedly or continuously monitors or watches another
29 person who is acting in violation of subdivision (a) of Section
30 653.22.

31 (3) Repeatedly engages or attempts to engage in conversation
32 with pedestrians or motorists to solicit, arrange, or facilitate an act
33 of prostitution between the pedestrians or motorists and another
34 person who is acting in violation of subdivision (a) of Section
35 653.22.

36 (4) Repeatedly stops or attempts to stop pedestrians or motorists
37 to solicit, arrange, or facilitate an act of prostitution between
38 pedestrians or motorists and another person who is acting in
39 violation of subdivision (a) of Section 653.22.

1 (5) Circles an area in a motor vehicle and repeatedly beckons
2 to, contacts, or attempts to contact or stop pedestrians or other
3 motorists to solicit, arrange, or facilitate an act of prostitution
4 between the pedestrians or motorists and another person who is
5 acting in violation of subdivision (a) of Section 653.22.

6 (6) Receives or appears to receive money from another person
7 who is acting in violation of subdivision (a) of Section 653.22.

8 (7) Engages in any of the behavior described in paragraphs (1)
9 to (6), inclusive, in regard to or on behalf of two or more persons
10 who are in violation of subdivision (a) of Section 653.22.

11 (8) Has been convicted of violating this section, subdivision (a)
12 or (b) of Section 647, subdivision (a) of Section 653.22, Section
13 266h, or 266i, or any other offense relating to or involving
14 prostitution within five years of the arrest under this section.

15 (9) Has engaged, within six months prior to the arrest under
16 subdivision (a), in any behavior described in this subdivision, with
17 the exception of paragraph (8), or in any other behavior indicative
18 of prostitution activity.

19 (c) The list of circumstances set forth in subdivision (b) is not
20 exclusive. The circumstances set forth in subdivision (b) should
21 be considered particularly salient if they occur in an area that is
22 known for prostitution activity. Any other relevant circumstances
23 may be considered. Moreover, no one circumstance or combination
24 of circumstances is in itself determinative. A violation of
25 subdivision (a) shall be determined based on an evaluation of the
26 particular circumstances of each case.

27 (d) Nothing in this section shall preclude the prosecution of a
28 suspect for a violation of Section 266h or 266i or for any other
29 offense, or for a violation of this section in conjunction with a
30 violation of Section 266h or 266i or any other offense.

31 (e) If a person under ~~18~~ 14 years of age has violated subdivision
32 (a), a peace officer, if he or she is reasonably able to do so, shall
33 place the person, or cause him or her to be placed, in civil
34 protective custody on a safety hold as a sexually exploited minor.
35 The person shall be taken to a secure protective facility, designated
36 pursuant to Section 307.6 or 626.1 of the Welfare and Institutions
37 Code. A peace officer may place a minor in civil protective custody
38 on a safety hold with that kind and degree of force that would be
39 lawful were he or she effecting an arrest for a misdemeanor without
40 a warrant. A person who has been placed in civil protective custody

1 on a safety hold as a sexually exploited minor shall not thereafter
 2 be subject to any criminal prosecution or juvenile court proceeding
 3 based on the facts giving rise to this placement.

4 (f) *If a person 14 or 15 years of age has violated subdivision*
 5 *(a) and is assessed to be a sexually exploited minor, a peace officer,*
 6 *if he or she is reasonably able to do so, shall place the person in*
 7 *a secure detention center, the local juvenile justice center, or a*
 8 *secure safe house as a sexually exploited minor. Any prosecution*
 9 *against a minor who is 14 or 15 years of age and assessed to be*
 10 *a sexually exploited minor shall be deferred while the minor*
 11 *participates in a program for sexually exploited minors, as defined*
 12 *by statute, and, upon completion, any prosecution shall be*
 13 *dismissed.*

14 (g) *If a person 16 or 17 years of age has violated subdivision*
 15 *(a) and is assessed to be a sexually exploited minor, a peace officer,*
 16 *if he or she is reasonably able to do so, shall place the person in*
 17 *a secure detention center, the local juvenile justice center, or a*
 18 *secure safe house as a sexually exploited minor. Any minor 16 or*
 19 *17 years of age who is detained or against whom charges are filed*
 20 *or sustained under this section and who participates in a program*
 21 *for sexually exploited minors, as defined by statute, shall receive*
 22 *a deferred entry of judgment, and, upon completion, the charges*
 23 *against the minor shall be dismissed.*

24 SEC. 5. Section 679.01 of the Penal Code is amended to read:
 25 679.01. As used in this title, the following definitions shall
 26 control:

27 (a) “Crime” means an act committed in this state which, if
 28 committed by a competent adult, would constitute a misdemeanor
 29 or felony.

30 (b) “Sexually exploited minor” means a person under 18 years
 31 of age who has been *detained for a violation of the law* or placed
 32 in civil protective custody on a safety hold based on a violation of
 33 subdivision (a) or (b) of Section 647, subdivision (a) of Section
 34 653.22, or subdivision (a) of Section 653.23.

35 (c) “Victim” means a person against whom a crime has been
 36 committed. “Victim” includes a sexually exploited minor.

37 (d) “Witness” means any person who has been or is expected
 38 to testify for the prosecution, or who, by reason of having relevant
 39 information, is subject to call or likely to be called as a witness

1 for the prosecution, whether or not any action or proceeding has
2 yet been commenced.

3 SEC. 6. Section 679.04 of the Penal Code is amended to read:

4 679.04. (a) A victim of sexual assault as the result of any
5 offense specified in paragraph (1) of subdivision (b) of Section
6 264.2, or a sexually exploited minor, has the right to have victim
7 advocates and a support person of the victim's choosing present
8 at any interview by law enforcement authorities, district attorneys,
9 or defense attorneys. However, the support person may be excluded
10 from an interview by law enforcement or the district attorney if
11 the law enforcement authority or the district attorney determines
12 that the presence of that individual would be detrimental to the
13 purpose of the interview. As used in this section, "victim advocate"
14 means a sexual assault counselor, as defined in Section 1035.2 of
15 the Evidence Code, or a victim advocate working in a center
16 established under Article 2 (commencing with Section 13835) of
17 Chapter 4 of Title 6 of Part 4.

18 (b) (1) Prior to the commencement of the initial interview by
19 law enforcement authorities or the district attorney pertaining to
20 any criminal action arising out of a sexual assault, a victim of
21 sexual assault as the result of any offense specified in Section
22 264.2 shall be notified orally or in writing by the attending law
23 enforcement authority or district attorney that the victim has the
24 right to have victim advocates and a support person of the victim's
25 choosing present at the interview or contact. This subdivision
26 applies to investigators and agents employed or retained by law
27 enforcement or the district attorney.

28 (2) At the time the victim is advised of his or her rights pursuant
29 to paragraph (1), the attending law enforcement authority or district
30 attorney shall also advise the victim of the right to have victim
31 advocates and a support person present at any interview by the
32 defense attorney or investigators or agents employed by the defense
33 attorney.

34 (c) An initial investigation by law enforcement to determine
35 whether a crime has been committed and the identity of the
36 suspects shall not constitute a law enforcement interview for
37 purposes of this section.

38 SEC. 7. Section 11165.1 of the Penal Code is amended to read:

39 11165.1. As used in this article, "sexual abuse" means sexual
40 assault or sexual exploitation as defined by the following:

- 1 (a) “Sexual assault” means conduct in violation of one or more
 2 of the following sections: Section 261 (rape), subdivision (d) of
 3 Section 261.5 (statutory rape), 264.1 (rape in concert), 285 (incest),
 4 286 (sodomy), subdivision (a) or (b), or paragraph (1) of
 5 subdivision (c) of Section 288 (lewd or lascivious acts upon a
 6 child), 288a (oral copulation), 289 (sexual penetration), or 647.6
 7 (child molestation).
- 8 (b) Conduct described as “sexual assault” includes, but is not
 9 limited to, all of the following:
- 10 (1) Any penetration, however slight, of the vagina or anal
 11 opening of one person by the penis of another person, whether or
 12 not there is the emission of semen.
- 13 (2) Any sexual contact between the genitals or anal opening of
 14 one person and the mouth or tongue of another person.
- 15 (3) Any intrusion by one person into the genitals or anal opening
 16 of another person, including the use of any object for this purpose,
 17 except that, it does not include acts performed for a valid medical
 18 purpose.
- 19 (4) The intentional touching of the genitals or intimate parts
 20 (including the breasts, genital area, groin, inner thighs, and
 21 buttocks) or the clothing covering them, of a child, or of the
 22 perpetrator by a child, for purposes of sexual arousal or
 23 gratification, except that, it does not include acts which may
 24 reasonably be construed to be normal caretaker responsibilities;
 25 interactions with, or demonstrations of affection for, the child; or
 26 acts performed for a valid medical purpose.
- 27 (5) The intentional masturbation of the perpetrator’s genitals in
 28 the presence of a child.
- 29 (c) “Sexual exploitation” refers to any of the following:
- 30 (1) Conduct involving matter depicting a minor engaged in
 31 obscene acts in violation of Section 311.2 (preparing, selling, or
 32 distributing obscene matter) or subdivision (a) of Section 311.4
 33 (employment of minor to perform obscene acts).
- 34 (2) Any person who knowingly promotes, aids, or assists,
 35 employs, uses, persuades, induces, or coerces a child, or any person
 36 responsible for a child’s welfare, who knowingly permits or
 37 encourages a child to engage in, or assist others to engage in,
 38 prostitution or a live performance involving obscene sexual
 39 conduct, or to either pose or model alone or with others for
 40 purposes of preparing a film, photograph, negative, slide, drawing,

1 painting, or other pictorial depiction, involving obscene sexual
2 conduct. For the purpose of this section, “person responsible for
3 a child’s welfare” means a parent, guardian, foster parent, or a
4 licensed administrator or employee of a public or private residential
5 home, residential school, or other residential institution.

6 (3) Any person who depicts a child in, or who knowingly
7 develops, duplicates, prints, or exchanges, any film, photograph,
8 video tape, negative, or slide in which a child is engaged in an act
9 of obscene sexual conduct, except for those activities by law
10 enforcement and prosecution agencies and other persons described
11 in subdivisions (c) and (e) of Section 311.3.

12 (4) Conduct involving a violation of subdivision (a) or (b) of
13 Section 647, subdivision (a) of Section 653.22, or subdivision (a)
14 of Section 653.23 by a minor.

15 SEC. 8. Section 11166.3 of the Penal Code is amended to read:

16 11166.3. (a) In each county, the law enforcement agencies
17 and the county welfare or probation department shall develop and
18 implement a joint policy with cooperative arrangements in order
19 to coordinate existing duties in connection with the investigation
20 of suspected child abuse or neglect cases, including the appropriate
21 handling of sexually exploited minors, as described in paragraph
22 (4) of subdivision (c) of Section 11165.1. The local law
23 enforcement agency having jurisdiction over a case reported under
24 Section 11166 shall report to the county welfare or probation
25 department that it is investigating the case within 36 hours after
26 starting its investigation. The county welfare department or
27 probation department shall, in cases where a minor is a victim of
28 actions specified in Section 288 of this code and a petition has
29 been filed pursuant to Section 300 of the Welfare and Institutions
30 Code with regard to the minor, evaluate what action or actions
31 would be in the best interest of the child victim. Notwithstanding
32 any other provision of law, the county welfare department or
33 probation department shall submit in writing its findings and the
34 reasons therefor to the district attorney on or before the completion
35 of the investigation. The written findings and the reasons therefor
36 shall be delivered or made accessible to the defendant or his or
37 her counsel in the manner specified in Section 859.

38 (b) The local law enforcement agency having jurisdiction over
39 a case reported under Section 11166 shall report to the district
40 office of the State Department of Social Services any case reported

1 under this section if the case involves a facility specified in
2 paragraph (5) or (6) of subdivision (a) of Section 1502, Section
3 1596.750 or 1596.76 of the Health and Safety Code, and the
4 licensing of the facility has not been delegated to a county agency.
5 The law enforcement agency shall send a copy of its investigation
6 report and any other pertinent materials to the licensing agency
7 upon the request of the licensing agency.

8 *SEC. 8.5. Section 13828 of the Penal Code is amended to read:*

9 13828. The Legislature hereby finds and declares that there is
10 a need to develop and provide training programs regarding the
11 handling of judicial proceedings involving the victims of child
12 sexual abuse *and the sexual exploitation of minors*. It is the intent
13 of the Legislature in enacting this chapter to provide training
14 programs which will ensure that children who are the victims of
15 sexual abuse *and sexual exploitation* shall be treated with special
16 consideration during all proceedings related to allegations of child
17 sexual abuse *and sexual exploitation*, including all trials and
18 administrative hearings.

19 *SEC. 8.7. Section 13828.1 of the Penal Code is amended to*
20 *read:*

21 13828.1. From funds appropriated for those purposes, the
22 Judicial Council shall establish and maintain an ongoing program
23 to provide training for the judicial branch of government relating
24 to the handling of *cases involving* child sexual abuse ~~*eases*~~ *and*
25 *the sexual exploitation of minors*.

26 *SEC. 9. Section 300 of the Welfare and Institutions Code is*
27 *amended to read:*

28 300. A child who comes within any of the following
29 descriptions is within the jurisdiction of the juvenile court, which
30 may adjudge that person to be a dependent child of the court:

31 (a) The child has suffered, or there is a substantial risk that the
32 child will suffer, serious physical harm inflicted nonaccidentally
33 upon the child by the child's parent or guardian. For the purposes
34 of this subdivision, a court may find there is a substantial risk of
35 serious future injury based on the manner in which a less serious
36 injury was inflicted, a history of repeated inflictions of injuries on
37 the child or the child's siblings, or a combination of these and other
38 actions by the parent or guardian that indicate the child is at risk
39 of serious physical harm. For purposes of this subdivision, "serious
40 physical harm" does not include reasonable and age-appropriate

1 spanking to the buttocks if there is no evidence of serious physical
2 injury.

3 (b) The child has suffered, or there is a substantial risk that the
4 child will suffer, serious physical harm or illness, as a result of the
5 failure or inability of his or her parent or guardian to adequately
6 supervise or protect the child, or the willful or negligent failure of
7 the child's parent or guardian to adequately supervise or protect
8 the child from the conduct of the custodian with whom the child
9 has been left, or by the willful or negligent failure of the parent or
10 guardian to provide the child with adequate food, clothing, shelter,
11 or medical treatment, or by the inability of the parent or guardian
12 to provide regular care for the child due to the parent's or
13 guardian's mental illness, developmental disability, or substance
14 abuse. A child shall not be found to be a person described by this
15 subdivision solely due to the lack of an emergency shelter for the
16 family. If it is alleged that a child comes within the jurisdiction of
17 the court on the basis of the parent's or guardian's willful failure
18 to provide adequate medical treatment or specific decision to
19 provide spiritual treatment through prayer, the court shall give
20 deference to the parent's or guardian's medical treatment,
21 nontreatment, or spiritual treatment through prayer alone in
22 accordance with the tenets and practices of a recognized church
23 or religious denomination, by an accredited practitioner thereof,
24 and shall not assume jurisdiction unless necessary to protect the
25 child from suffering serious physical harm or illness. In making
26 its determination, the court shall consider (1) the nature of the
27 treatment proposed by the parent or guardian, (2) the risks to the
28 child posed by the course of treatment or nontreatment proposed
29 by the parent or guardian, (3) the risk, if any, of the course of
30 treatment being proposed by the petitioning agency, and (4) the
31 likely success of the courses of treatment or nontreatment proposed
32 by the parent or guardian and agency. The child shall continue to
33 be a dependent child pursuant to this subdivision only so long as
34 is necessary to protect the child from risk of suffering serious
35 physical harm or illness.

36 (c) The child is suffering serious emotional damage, or is at
37 substantial risk of suffering serious emotional damage, evidenced
38 by severe anxiety, depression, withdrawal, or untoward aggressive
39 behavior toward self or others, as a result of the conduct of the
40 parent or guardian or who has no parent or guardian capable of

1 providing appropriate care. A child shall not be found to be a
2 person described by this subdivision if the willful failure of the
3 parent or guardian to provide adequate mental health treatment is
4 based on a sincerely held religious belief and if a less intrusive
5 judicial intervention is available.

6 (d) The child has been sexually abused, or there is a substantial
7 risk that the child will be sexually abused, as defined in Section
8 11165.1 of the Penal Code, specifically including sexual
9 exploitation of a minor, as described in paragraph (4) of subdivision
10 (c) of Section 11165.1, by his or her parent or guardian or a
11 member of his or her household, or the parent or guardian has
12 failed to adequately protect the child from sexual abuse when the
13 parent or guardian knew or reasonably should have known that
14 the child was in danger of sexual abuse.

15 (e) The child is under five years of age and has suffered severe
16 physical abuse by a parent, or by any person known by the parent,
17 if the parent knew or reasonably should have known that the person
18 was physically abusing the child. For the purposes of this
19 subdivision, “severe physical abuse” means any of the following:
20 any single act of abuse which causes physical trauma of sufficient
21 severity that, if left untreated, would cause permanent physical
22 disfigurement, permanent physical disability, or death; any single
23 act of sexual abuse that causes significant bleeding, deep bruising,
24 or significant external or internal swelling; or more than one act
25 of physical abuse, each of which causes bleeding, deep bruising,
26 significant external or internal swelling, bone fracture, or
27 unconsciousness; or the willful, prolonged failure to provide
28 adequate food. A child shall not be removed from the physical
29 custody of his or her parent or guardian on the basis of a finding
30 of severe physical abuse unless the social worker has made an
31 allegation of severe physical abuse pursuant to Section 332.

32 (f) The child’s parent or guardian caused the death of another
33 child through abuse or neglect.

34 (g) The child has been left without any provision for support;
35 physical custody of the child has been voluntarily surrendered
36 pursuant to Section 1255.7 of the Health and Safety Code and the
37 child has not been reclaimed within the 14-day period specified
38 in subdivision (e) of that section; the child’s parent has been
39 incarcerated or institutionalized and cannot arrange for the care of
40 the child; or a relative or other adult custodian with whom the child

1 resides or has been left is unwilling or unable to provide care or
2 support for the child, the whereabouts of the parent are unknown,
3 and reasonable efforts to locate the parent have been unsuccessful.
4 This subdivision includes sexual exploitation of a minor, as
5 described in paragraph (4) of subdivision (c) of Section 11165.1,
6 that is not otherwise subject to subdivision (d).

7 (h) The child has been freed for adoption by one or both parents
8 for 12 months by either relinquishment or termination of parental
9 rights or an adoption petition has not been granted.

10 (i) The child has been subjected to an act or acts of cruelty by
11 the parent or guardian or a member of his or her household, or the
12 parent or guardian has failed to adequately protect the child from
13 an act or acts of cruelty if the parent or guardian knew or
14 reasonably should have known that the child was in danger of
15 being subjected to an act or acts of cruelty.

16 (j) The child's sibling has been abused or neglected, as defined
17 in subdivision (a), (b), (d), (e), or (i), and there is a substantial risk
18 that the child will be abused or neglected, as defined in those
19 subdivisions. The court shall consider the circumstances
20 surrounding the abuse or neglect of the sibling, the age and gender
21 of each child, the nature of the abuse or neglect of the sibling, the
22 mental condition of the parent or guardian, and any other factors
23 the court considers probative in determining whether there is a
24 substantial risk to the child.

25 It is the intent of the Legislature that nothing in this section
26 disrupt the family unnecessarily or intrude inappropriately into
27 family life, prohibit the use of reasonable methods of parental
28 discipline, or prescribe a particular method of parenting. Further,
29 nothing in this section is intended to limit the offering of voluntary
30 services to those families in need of assistance but who do not
31 come within the descriptions of this section. To the extent that
32 savings accrue to the state from child welfare services funding
33 obtained as a result of the enactment of the act that enacted this
34 section, those savings shall be used to promote services that support
35 family maintenance and family reunification plans, such as client
36 transportation, out-of-home respite care, parenting training, and
37 the provision of temporary or emergency in-home caretakers and
38 persons teaching and demonstrating homemaking skills. The
39 Legislature further declares that a physical disability, such as
40 blindness or deafness, is no bar to the raising of happy and

1 well-adjusted children and that a court’s determination pursuant
 2 to this section shall center upon whether a parent’s disability
 3 prevents him or her from exercising care and control. The
 4 Legislature further declares that a child whose parent has been
 5 adjudged a dependent child of the court pursuant to this section
 6 shall not be considered to be at risk of abuse or neglect solely
 7 because of the age, dependent status, or foster care status of the
 8 parent.

9 As used in this section, “guardian” means the legal guardian of
 10 the child.

11 SEC. 10. Section 307.6 is added to the Welfare and Institutions
 12 Code, to read:

13 307.6. (a) (1) Notwithstanding Section 307, an officer who
 14 takes a minor suspected of being a person described in Section
 15 300 into temporary custody pursuant to subdivision (a) of Section
 16 305 shall, in a case in which the minor has been *arrested or placed*
 17 *in civil protective custody on a safety hold as a sexually exploited*
 18 *minor based on a violation of subdivision (a) or (b) of Section 647*
 19 *of the Penal Code, subdivision (a) of Section 653.22 of the Penal*
 20 *Code, or subdivision (a) of Section 653.23 of the Penal Code, take*
 21 *the minor to a secure detention center, the local juvenile justice*
 22 *center, or a secure protective facility designated by the county that*
 23 *offers victim services to establish a safety plan and secure*
 24 *appropriate placement for the minor.* ~~Organizations~~

25 (2) *Every minor detained under arrest or by a civil protective*
 26 *custody hold shall undergo an assessment to determine if the minor*
 27 *is a sexually exploited minor.*

28 (3) ~~Organizations~~ or programs receiving referrals pursuant to
 29 this section shall have a contract or an agreement with the county
 30 to provide shelter care or counseling. ~~Employees~~ *An in-custody*
 31 *treatment stabilization program for sexually exploited minors shall*
 32 *include, but not be limited to, crisis mental or medical health*
 33 *services, deprogramming, empowerment, advocacy, case planning,*
 34 *and intensive case management.*

35 (4) *Employees* of a program receiving referrals pursuant to this
 36 section are “child care custodians” for the purpose of the
 37 requirements of Section 11165.7 of the Penal Code. The receiving
 38 organization shall take immediate steps to notify the minor’s parent,
 39 guardian, or a responsible relative of the place to which the minor
 40 was taken.

1 (b) The officer shall make a report of suspected child abuse or
2 neglect as required pursuant to Section 11166 of the Penal Code.

3 SEC. 11. Section 313 of the Welfare and Institutions Code is
4 amended to read:

5 313. (a) (1) If a minor is taken into custody by a peace officer
6 or probation officer, except when the minor willfully misrepresents
7 himself as 18 or more years of age, the minor shall be released
8 within 48 hours after having been taken into custody, excluding
9 nonjudicial days, unless within that period of time a petition to
10 declare him or her a dependent child *or a sexually exploited minor*
11 *under 14 years of age* has been filed pursuant to this chapter.

12 (2) If a minor is held in custody for more than six hours by the
13 probation officer and subsequently released without the filing of
14 a petition, the probation officer shall prepare a written explanation
15 for holding the minor in custody for more than six hours. The
16 written explanation shall be prepared within 72 hours after the
17 minor is released from custody and filed in the record of the case.
18 A copy of the written explanation shall be sent to the parents,
19 guardian, or other person having care or custody of the minor.

20 ~~(b) If a minor is taken into custody by a peace officer or~~
21 ~~probation officer, and taken to a secure protective facility pursuant~~
22 ~~to Section 307.6, the minor may be held in custody in excess of~~
23 ~~48 hours in order to establish a safety plan and secure appropriate~~
24 ~~placement for the minor.~~

25 *(b) If a minor under 14 years of age is taken into custody by a*
26 *peace officer or probation officer and taken to a secure protective*
27 *facility pursuant to Section 307.6 or 626.1, or if a minor who is*
28 *14 to 17 years of age, inclusive, has been arrested and detained*
29 *in a secure detention center, the local juvenile justice center, or a*
30 *secure safe house, the minor may be held in custody in excess of*
31 *48 hours in order to establish a safety plan and secure appropriate*
32 *placement for the minor. However, any minor held as a sexually*
33 *exploited detainee or a sexually exploited minor under 14 years*
34 *of age shall be brought before the court within 48 hours at which*
35 *time the court, upon a finding that the minor is a sexually exploited*
36 *minor, shall order the minor held in a secure setting for his or her*
37 *safety to allow for the participation and completion of the sexually*
38 *exploited minor program or for the determination of secure*
39 *appropriate placement for the minor.*

1 SEC. 12. Section 626.1 is added to the Welfare and Institutions
2 Code, to read:

3 626.1. (a) Notwithstanding Section 626, an officer who takes
4 a minor into temporary custody under Section 625 shall, in any
5 case in which a minor has been placed in civil protective custody
6 on a safety hold as a sexually exploited minor based on a violation
7 of subdivision (a) or (b) of Section 647 *of the Penal Code*,
8 subdivision (a) of Section 653.22 *of the Penal Code*, or subdivision
9 (a) of Section 653.23 *of the Penal Code*, take the minor to a secure
10 protective facility designated by the county that offers victim
11 services to establish a safety plan and secure appropriate placement
12 for the minor. Organizations or programs receiving referrals
13 pursuant to this section shall have a contract or an agreement with
14 the county to provide shelter care or counseling. Employees of a
15 program receiving referrals pursuant to this section are “child care
16 custodians” for the purpose of the requirements of Section 11165.7
17 of the Penal Code. The receiving organization shall take immediate
18 steps to notify the minor’s parent, guardian, or a responsible
19 relative of the place to which the minor was taken.

20 (b) The officer shall make a report of suspected child abuse or
21 neglect as required pursuant to Section 11166 of the Penal Code.

22 SEC. 13. Chapter 4.3 (commencing with Section 18259) is
23 added to Part 6 of Division 9 of the Welfare and Institutions Code,
24 to read:

25
26 CHAPTER 4.3. SEXUALLY EXPLOITED MINORS PILOT PROJECT

27
28 18259. (a) *There is hereby created a pilot project in the County
29 of Alameda for the purpose of creating, implementing, and
30 delivering a standardized training curricula that will provide
31 training on the sexual exploitation of minors in Alameda County
32 and other counties, as funding permits. The standardized training
33 curricula shall include, but not be limited to, advocacy or case
34 planning, including advocacy from the point of detainment, court
35 advocacy, advocacy and joint case planning with probation
36 officers, developing and understanding case studies, and intensive
37 case management and advocacy throughout any legal process
38 involving the district attorney’s office and law enforcement,
39 deprogramming, empowerment, including surviving child sexual
40 exploitation workshop series, self-sufficiency workshop series, and*

1 *self-discovery and self-esteem-based workshop series, intensive*
2 *case management, including working with a child welfare worker*
3 *or parents and probation officers on placement options,*
4 *educational options, employment options, engagement activities,*
5 *and other services recommended for the minor or requested by*
6 *the minor commencing with the custody process through and after*
7 *release.*

8 (b) *The pilot project in the County of Alameda shall design and*
9 *create a training curricula for advocates and case managers*
10 *consisting of a 40-hour sexually exploited minor crisis counseling*
11 *training. The training shall be administered by a nonprofit*
12 *organization that is established specifically to serve sexually*
13 *exploited children and will include state certification as sexually*
14 *exploited minor crisis counselors upon completion of the 40-hour*
15 *training. The 40-hour sexually exploited minor crisis counseling*
16 *training shall include, but not be limited to, understanding child*
17 *sexual exploitation or commercial child sexual exploitation, the*
18 *impact of child sexual exploitation or commercial child sexual*
19 *exploitation, understanding childhood sexual abuse, overview of*
20 *sexual assault or rape, suicide prevention, sexually exploited*
21 *minors interfacing with law enforcement and the child welfare*
22 *and juvenile justice systems, domestic violence and sexually*
23 *exploited minors, sexually exploited minors with disabilities, crisis*
24 *intervention, substance abuse and sexually exploited children,*
25 *overview of post-traumatic stress disorder, survivors of childhood*
26 *sexual abuse, lesbian, gay, questioning, bisexual, and*
27 *transgendered sexually exploited children, sexually exploited*
28 *children from immigrant families, and mandated reporting.*

29 (c) *The standardized training shall be designed for law*
30 *enforcement, in cooperation with police officer standards training,*
31 *for prosecutors and public defenders, in cooperation with the*
32 *Prosecutors and Public Defenders Education and Training*
33 *Program created under Title 1.5 (commencing with Section 11500)*
34 *of Part 4 of the Penal Code and the California District Attorneys*
35 *Association, for the judiciary, in cooperation with the Judicial*
36 *Council and the Administrative Office of the Courts, for social*
37 *service providers and probation officers, in cooperation with the*
38 *California Probation, Parole and Correctional Association, and*
39 *for advocates, in cooperation with local rape crisis centers and*
40 *domestic violence service providers.*

1 *(d) Implementation of this chapter is contingent upon an*
2 *appropriation in the annual Budget Act or another statute that*
3 *provides sufficient funding for the pilot project.*

4 ~~SEC. 13.~~

5 *SEC. 14.* If the Commission on State Mandates determines that
6 this act contains costs mandated by the state, reimbursement to
7 local agencies and school districts for those costs shall be made
8 pursuant to Part 7 (commencing with Section 17500) of Division
9 4 of Title 2 of the Government Code.