

AMENDED IN SENATE MAY 21, 2008

AMENDED IN ASSEMBLY JANUARY 29, 2008

AMENDED IN ASSEMBLY JANUARY 9, 2008

AMENDED IN ASSEMBLY JANUARY 7, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 499**

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**Introduced by Assembly Member Swanson**

February 20, 2007

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An act to add and repeal Chapter 4.3 (commencing with Section 18259) of 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~~ *Commercially sexually* exploited minors.

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, *until January 1, 2012, authorize the District Attorney of Alameda County to create a pilot project, in effect until January 1, 2012, which may be implemented within the County of Alameda, contingent upon local funding, for the purposes of creating, implementing, and delivering a standardized developing a comprehensive, multidisciplinary model to address the needs and*

effective treatment of commercially sexually exploited minors, as specified. The bill would authorize the District Attorney of Alameda County, as part of the pilot project, to develop protocols for identifying and assessing minors, upon arrest or detention by law enforcement, who may be victims of commercial sexual exploitation, and to develop a diversion program reflecting the best practices to address the needs and requirements of those minors. The District Attorney would also be authorized to develop, offer, and provide a training curriculum that will provide training for certain county employees on the commercial sexual exploitation of minors in Alameda County, as specified.

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. It is the intent of the Legislature to encourage the  
2 development of a comprehensive, multidisciplinary model reflecting  
3 the best practices for the response of law enforcement and the  
4 criminal and juvenile justice systems to identify and assess  
5 commercially sexually exploited children who have been arrested  
6 or detained by local law enforcement.

7 SECTION 1. Chapter 4.3 (commencing with Section 18259)  
8 is added to Part 6 of Division 9 of the Welfare and Institutions  
9 Code, to read:

10 CHAPTER 4.3. SEXUALLY EXPLOITED MINORS PILOT PROJECT  
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12  
13 18259. (a) There is hereby created a pilot project in the County  
14 of Alameda which may be implemented, contingent upon local  
15 funding, for the purposes of creating, implementing, and delivering  
16 a standardized training curriculum that will provide training on  
17 the sexual exploitation of minors in Alameda County, and in  
18 accordance with current law, the district attorney may establish a  
19 Section 654 program for sexually exploited minors who are  
20 otherwise eligible under Section 654. The standardized training  
21 curriculum may include, but not be limited to, advocacy or case  
22 planning, including advocacy from the point of detainment, court  
23 advocacy, advocacy and joint case planning with probation officers,  
24 developing and understanding case studies, and intensive case  
25 management and advocacy throughout any legal process involving

1 the district attorney's office and law enforcement, deprogramming,  
2 empowerment, including surviving child sexual exploitation  
3 workshop series, self-sufficiency workshop series, and  
4 self-discovery and self-esteem-based workshop series, intensive  
5 case management, including working with a child welfare worker  
6 or parents and probation officers on placement options, educational  
7 options, employment options, engagement activities, and other  
8 services recommended for the minor or requested by the minor  
9 commencing with the custody process and continuing through and  
10 after release.

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

32 (c) The standardized training shall be made available for law  
33 enforcement, in cooperation with police officer standards training,  
34 for prosecutors and public defenders, in cooperation with the  
35 California District Attorneys Association and the Prosecutors and  
36 Public Defenders Education and Training Program created under  
37 Title 1.5 (commencing with Section 11500) of Part 4 of the Penal  
38 Code, for the judiciary, in cooperation with the Judicial Council  
39 and the Administrative Office of the Courts, for social service  
40 providers and probation officers, in cooperation with the California

1 Probation, Parole and Correctional Association, and for advocates,  
2 in cooperation with local rape crisis centers and domestic violence  
3 service providers.

4 SEC. 2. Chapter 4.3 (commencing with Section 18259) is added  
5 to Part 6 of Division 9 of the Welfare and Institutions Code, to  
6 read:

7  
8 CHAPTER 4.3. SEXUALLY EXPLOITED MINORS PILOT PROJECT  
9

10 18259. (a) The County of Alameda, contingent upon local  
11 funding, may establish a pilot project consistent with this chapter  
12 to develop a comprehensive, multidisciplinary model to address  
13 the needs and effective treatment of commercially sexually  
14 exploited minors who have been arrested or detained by local law  
15 enforcement for a violation of subdivision (a) or (b) of Section  
16 647, subdivision (a) of Section 653.22, or subdivision (a) of Section  
17 653.23 of the Penal Code.

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

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

31 (d) The District Attorney of the County of Alameda, in  
32 collaboration with county and community-based agencies, may  
33 form, as a component of the pilot project described in this chapter,  
34 a multidisciplinary team including, but not limited to, city police  
35 departments, the county sheriff's department, the public defender's  
36 office, the probation department, child protection services, and  
37 community-based organizations that work with or advocate for  
38 commercially sexually exploited minors, to do both of the  
39 following:

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

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

9     18259.3. For purposes of this chapter, ~~“sexually~~ “commercially  
10 *sexually exploited minor*” means a person under 18 years of age  
11 who has been detained for a violation of the law or placed in civil  
12 protective custody on a safety hold based only on a violation of  
13 subdivision (a) or (b) of Section 647, subdivision (a) of Section  
14 653.22, or subdivision (a) of Section 653.23 of the Penal Code.

15     18259.5. This chapter shall be in effect only until January 1,  
16 2012, and as of that date is repealed, unless a later enacted statute,  
17 enacted on or before January 1, 2012, deletes or extends that date.