

2025 Cal. Legis. Serv. Ch. 82 (A.B. 379) (WEST)

CALIFORNIA 2025 LEGISLATIVE SERVICE

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CHAPTER 82

A.B. No. 379

AN ACT to amend Sections 52.6 and 52.65 of the Civil Code, and to amend Section 647 of, to add Sections 647.5 and 653.25 to, and to add Chapter 5.8 (commencing with Section 13849) to Title 6 of Part 4 of, the Penal Code, relating to crimes.

[Filed with Secretary of State July 30, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

AB 379, Schultz. Crimes: prostitution.

Under existing law, a person who solicits, or who agrees to engage in, or who engages in, any act of prostitution is guilty of disorderly conduct, a misdemeanor. Under existing law, if the person solicited was under 16 years of age, or if the person solicited was under 18 years of age at the time of the offense and the person solicited was a victim of human trafficking, the offense is punishable as a misdemeanor by imprisonment in the county jail for not more than one year and a fine not to exceed \$10,000 or as a felony by imprisonment in the county jail for 16 months or 2 or 3 years.

This bill would additionally make that increased punishment applicable if the solicited minor was more than 3 years younger than the defendant at the time of the offense. The bill would require a defendant subject to that increased punishment, if granted probation, to successfully complete an education program on human trafficking and the exploitation of children, as specified. The bill would make it a misdemeanor for any person to loiter in any public place with the intent to purchase commercial sex, as specified. The bill would make any person who violates that crime or who commits prostitution in exchange for providing compensation, money, or anything of value to the other person subject to an additional fine of \$1,000, and would establish the Survivor Support Fund and require that additional fine be deposited in the fund. The bill would require the California Victim Compensation Board to establish a grant program to provide grants to community-based organizations that provide direct services and outreach to victims of sex trafficking and exploitation, and would, upon appropriation by the Legislature, authorize moneys in the Survivor Support Fund to be used for the purposes of that grant program. By creating a new crime and increasing the punishment of a crime, this bill would impose a state-mandated local program.

Existing law requires specified businesses and other establishments, including, among others, airports, intercity passenger rail or light rail stations, bus stations, facilities that provide pediatric care, and truck stops, to post a notice, as developed by the Department of Justice, that contains information relating to slavery and human trafficking, including information regarding specified nonprofit organizations that a person can call for services or support in the elimination of slavery and human trafficking.

Existing law makes a business or establishment that fails to comply with the requirements of these provisions liable for a civil penalty of \$500 for a first offense, and \$1,000 for each subsequent offense.

This bill would increase that civil penalty to \$1,000 for a first offense, and \$2,000 for each subsequent offense. The bill would require these fines to be deposited in the Survivors Support Fund.

Existing law allows civil penalties to be imposed against a hotel, as defined, if a supervisory employee, as defined, of the hotel knew of or acted with reckless disregard of the activity constituting sex trafficking activity, as defined, that occurred within the hotel and failed to inform law enforcement, the National Human Trafficking Hotline, or another appropriate victim service organization, as specified, or if any employee of that hotel was acting within the scope of employment and knowingly benefited from participating in a venture that the employee knew, or acted in reckless disregard of the activity constituting sex trafficking activity within the hotel. Existing law authorizes a city, county, or city and county attorney to seek equitable relief against a hotel, and to seek a civil penalty of \$1,000 for the first violation, \$3,000 for a 2nd violation within the same calendar year, and \$5,000 for a 3rd and any subsequent violation of sex trafficking within the same calendar year. Existing law authorizes a court to consider specified factors and exercise its discretion to increase the amount of the civil penalty, not to exceed \$10,000, for any 4th or subsequent violation.

This bill would additionally authorize the attorney general to enforce these provisions. The bill would increase the penalty for a violation of these provisions to \$3,000 for a first violation, \$10,000 for a 2nd violation within a 24-month period of time, and \$15,000 for the third and any subsequent violation within a 24-month period of time. The bill would authorize the court to increase the amount of the civil penalty in an amount not to exceed \$40,000 for a 4th or subsequent violation. The bill would require fines collected pursuant to these provisions to be deposited in the Survivors Support Fund.

Existing law establishes the Office of Emergency Services, which is required to, among other things, allocate and award funds to communities developing and providing ongoing citizen involvement and crime resistance programs.

This bill would require the office, to the extent funds are available for this purpose, to allocate and award funds to up to 11 district attorney offices that employ a vertical prosecution methodology for the prosecution of human trafficking crimes and that meet other specified criteria, including minimum staffing levels for the program. The bill would require the office, on or before January 1, 2028, to submit to the Legislature and the office of the Governor a report that describes the counties that received funding pursuant to this program, the number of prosecutions for human trafficking cases filed by the counties receiving funding, the number of human trafficking convictions obtained by those counties, and the sentences imposed for human trafficking crimes in those counties.

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 no reimbursement is required by this act for a specified reason.

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

SECTION 1. The Legislature finds and declares that it is not the intent of the Legislature to criminalize victims of sex trafficking and that law enforcement continue to receive training and support when it comes to enforcing laws intended to prohibit commercial sex, investigate human trafficking, and protect victims. This includes partnering with community-based

organizations and ensuring that services be offered to those engaged in the commercial sex trade. It is the intent of the Legislature to adopt the strongest laws to protect 16- and 17-year old victims and strengthen protections in support of survivors of human trafficking.

SEC. 2. Section 52.6 of the Civil Code is amended to read:

<< CA CIVIL § 52.6 >>

52.6. (a) Each of the following businesses and other establishments shall, upon the availability of the model notice described in subdivision (d), post a notice that complies with the requirements of this section in a conspicuous place near the public entrance of the establishment or in another conspicuous location in clear view of the public and employees where similar notices are customarily posted:

(1) On-sale general public premises licensees under the Alcoholic Beverage Control Act (Division 9 (commencing with Section 23000) of the Business and Professions Code).

(2) Adult or sexually oriented businesses, as defined in subdivision (a) of Section 318.5 of the Penal Code.

(3) Primary airports, as defined in Section 47102(16) of Title 49 of the United States Code.

(4) Intercity passenger rail or light rail stations.

(5) Bus stations.

(6) Truck stops. For purposes of this section, “truck stop” means a privately owned and operated facility that provides food, fuel, shower or other sanitary facilities, and lawful overnight truck parking.

(7) Emergency rooms within general acute care hospitals.

(8) Urgent care centers.

(9) Facilities that provide pediatric care. For purposes of this section, “facilities that provide pediatric care” means a medical facility that provides pediatric services, as that term is defined in Section 16907.5 of the Welfare and Institutions Code.

(10) Farm labor contractors, as defined in subdivision (b) of Section 1682 of the Labor Code.

(11) Privately operated job recruitment centers.

(12) Roadside rest areas.

(13) Businesses or establishments that offer massage or bodywork services for compensation and are not described in paragraph (1) of subdivision (b) of Section 4612 of the Business and Professions Code.

(14) Hotels, motels, and bed and breakfast inns, as defined in subdivision (b) of Section 24045.12 of the Business and Professions Code, not including personal residences.

(15) Hair, nail, electrolysis, and skin care, and other related businesses or establishments subject to regulation under Chapter 10 (commencing with Section 7301) of Division 3 of the Business and Professions Code.

(b) The notice to be posted pursuant to subdivision (a) shall be at least 8 ½ inches by 11 inches in size, written in a 16-point font, and shall state the following:

“If you or someone you know is being forced to engage in any activity and cannot leave-whether it is commercial sex, housework, farm work, construction, factory, retail, or restaurant work, or any other activity-text 233-733 (Be Free) or call the National Human Trafficking Hotline at 1-888-373-7888 or the California Coalition to Abolish Slavery and Trafficking (CAST) at 1-888-KEY-2-FRE(EDOM) or 1-888-539-2373 to access help and services.

Victims of slavery and human trafficking are protected under United States and California law.

The hotlines are:

- Available 24 hours a day, 7 days a week.
- Toll-free.
- Operated by nonprofit, nongovernmental organizations.
- Anonymous and confidential.
- Accessible in more than 160 languages.
- Able to provide help, referral to services, training, and general information.”

(c) The notice to be posted pursuant to subdivision (a) shall be printed in English, Spanish, and in one other language that is the most widely spoken language in the county where the establishment is located and for which translation is mandated by the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.), as applicable. This section does not require a business or other establishment in a county where a language other than English or Spanish is the most widely spoken language to print the notice in more than one language in addition to English and Spanish.

(d)(1) On or before April 1, 2013, the Department of Justice shall develop a model notice that complies with the requirements of this section and make the model notice available for download on the department's internet website.

(2) On or before January 1, 2019, the Department of Justice shall revise and update the model notice to comply with the requirements of this section and make the updated model notice available for download on the department's internet website. A business or establishment required to post the model notice shall not be required to post the updated model notice until on and after January 1, 2019.

(e) On or before January 1, 2021, a business or other establishment that operates a facility described in paragraph (4) or (5) of subdivision (a) shall provide at least 20 minutes of training to its new and existing employees who may interact with, or come into contact with, a victim of human trafficking or who are likely to receive, in the course of their employment, a report from another employee about suspected human trafficking, in recognizing the signs of human trafficking and how to report those signs to the appropriate law enforcement agency.

(f) The employee training pursuant to subdivision (e) shall include, but not be limited to, all of the following:

- (1) The definition of human trafficking, including sex trafficking and labor trafficking.
- (2) Myths and misconceptions about human trafficking.

- (3) Physical and mental signs to be aware of that may indicate that human trafficking is occurring.
- (4) Guidance on how to identify individuals who are most at risk for human trafficking.
- (5) Guidance on how to report human trafficking, including, but not limited to, national hotlines (1–888–373–7888 and text line 233733) and contact information for local law enforcement agencies that an employee may use to make a confidential report.
- (6) Protocols for reporting human trafficking when on the job.
- (g)(1) The human trafficking employee training pursuant to subdivision (e) may include, but shall not be limited to, information and material utilized in training Santa Clara County Valley Transportation Authority employees, private nonprofit organizations that represent the interests of human trafficking victims, and the Department of Justice.
- (2) The failure to report human trafficking by an employee shall not, by itself, result in the liability of the business or other establishment that operates a facility described in paragraph (4) or (5) of subdivision (a) or of any other person or entity.
- (h) A business or establishment that fails to comply with the requirements of this section is liable for a civil penalty of ~~***~~ **one thousand** dollars **(\$1,000)** for a first offense and **two** thousand dollars **(\$2,000)** for each subsequent offense. A government entity identified in Section 17204 of the Business and Professions Code may bring an action to impose a civil penalty pursuant to this subdivision against a business or establishment if a local or state agency with authority to regulate that business or establishment has satisfied both of the following:
- (1) Provided the business or establishment with reasonable notice of noncompliance, which informs the business or establishment that it is subject to a civil penalty if it does not correct the violation within 30 days from the date the notice is sent to the business or establishment.
- (2) Verified that the violation was not corrected within the 30–day period described in paragraph (1).
- (i) This section does not prevent a local governing body from adopting and enforcing a local ordinance, rule, or regulation to prevent slavery or human trafficking. If a local ordinance, rule, or regulation duplicates or supplements the requirements that this section imposes upon businesses and other establishments, this section does not supersede or preempt that local ordinance, rule, or regulation.
- (j) The Attorney General may enforce this section.**
- (k) Fines collected pursuant to this section shall be deposited in the Survivors Support Fund.**

SEC. 3. Section 52.65 of the Civil Code is amended to read:

<< CA CIVIL § 52.65 >>

52.65. (a) A hotel is in violation of this section, and subject to civil penalties, if either or both of the following conditions are met:

- (1) Sex trafficking activity occurred in the hotel, a supervisory employee of the hotel either knew of the nature of the activity, or acted in reckless disregard of the activity constituting sex trafficking activity within the hotel, and the supervisory employee of the hotel failed to inform law enforcement, the National Human Trafficking Hotline, or another appropriate victim service organization within 24 hours.

(2) An employee of the hotel was acting within the scope of employment and knowingly benefited, financially or by receiving anything of value, by participating in a venture that the employee knew or acted in reckless disregard of the activity constituting sex trafficking within the hotel.

(b) If there is reasonable cause to believe there has been a violation pursuant to subdivision (a), **the Attorney General,** a city, county, or city and county attorney may bring a civil action for injunctive and other equitable relief against a hotel for violation of this section. ~~***~~ **The Attorney General or a** city, county, or city and county attorney who brings a civil action under this section may also seek civil penalties in the amount of ~~***~~ three thousand dollars (\$3,000) for the **first violation, ten thousand dollars (\$10,000) for the** second violation within ~~***~~ **a 24-month period of time**, and **fifteen** thousand dollars **(\$15,000)** for the third and any subsequent violation within ~~***~~ **a 24-month period**.

(c) The court may exercise its discretion to increase the amount of the civil penalty, not to exceed **twenty-five** thousand dollars **(\$25,000)**, for any fourth or subsequent violation, considering all of the following factors:

(1) The defendant's culpability.

(2) The relationship between the harm and the penalty.

(3) The penalties imposed for similar conduct in similar statutes.

(4) The defendant's ability to pay.

(d) The lack of reporting of a sex trafficking case that occurs in a hotel shall not, by itself, without meeting the conditions in either paragraph (1) or (2) of subdivision (a), result in the liability of an employer of that establishment to the sex trafficking victim or victims in the case in question or to any other party.

(e) No liability for civil penalties shall arise under this section against a hotel employee.

(f) Violation of this section, by itself, shall not result in criminal liability against the hotel.

(g) Nothing in this section affects criminal or civil liability that may arise pursuant to other provisions of law.

(h) For the purposes of this section, the following terms shall have the following definitions:

(1) "Hotel" means a motel, or any other operator or management company that offers and accepts payment for rooms, sleeping accommodations, or board and lodging and retains the right of access to, and control of, a dwelling unit that is required to provide training and education regarding human trafficking awareness pursuant to Section 12950.3 of the Government Code.

(2) "Sex trafficking" means human trafficking for the purposes of engaging in a commercial sex act as set forth in subdivision (c) of Section 236.1 of the Penal Code.

(3) "Supervisory employee" means any individual, regardless of the job description or title, who has each of the following capabilities and qualifications:

(A) Holds authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend this action, if, in connection with the foregoing, the exercise of this authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(B) Holds responsibility for duties that are not substantially similar to those of their subordinates. Employees whose duties are substantially similar to those of their subordinates shall not be considered to be supervisory employees.

(i) An action brought pursuant to this section shall be commenced within five years of the date when the violation of subdivision (a) occurred, or, if the victim of that sex trafficking activity was a minor when the violation occurred, within five years of the date the victim attains the age of majority.

(j) Fines collected pursuant to this section shall be deposited in the Survivors Support Fund.

SEC. 4. Section 647 of the Penal Code is amended to read:

<< CA PENAL § 647 >>

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

(a) An individual who solicits anyone to engage in or who engages in lewd or dissolute conduct in a public place or in a place open to the public or exposed to public view.

(b)(1) An individual who solicits, or who agrees to engage in, or who engages in, an act of prostitution with the intent to receive compensation, money, or anything of value from another person. An individual agrees to engage in an act of prostitution when, with specific intent to so engage, the individual manifests an acceptance of an offer or solicitation by another person to so engage, regardless of whether the offer or solicitation was made by a person who also possessed the specific intent to engage in an act of prostitution.

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

(3) An individual who solicits, or who agrees to engage in, or who engages in, an act of prostitution with another person who is a minor in exchange for the individual providing compensation, money, or anything of value to the minor. An individual agrees to engage in an act of prostitution when, with specific intent to so engage, the individual manifests an acceptance of an offer or solicitation by someone who is a minor to so engage, regardless of whether the offer or solicitation was made by a minor who also possessed the specific intent to engage in an act of prostitution.

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

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

- (c) Who accosts other persons in a public place or in a place open to the public for the purpose of begging or soliciting alms.
- (d) Who loiters in or about a toilet open to the public for the purpose of engaging in or soliciting a lewd or lascivious or an unlawful act.
- (e) Who lodges in a building, structure, vehicle, or place, whether public or private, without the permission of the owner or person entitled to the possession or in control of it.
- (f) Who is found in a public place under the influence of intoxicating liquor, a drug, controlled substance, toluene, or a combination of an intoxicating liquor, drug, controlled substance, or toluene, in a condition that they are unable to exercise care for their own safety or the safety of others, or by reason of being under the influence of intoxicating liquor, drug, controlled substance, toluene, or a combination of an intoxicating liquor, drug, or toluene, interferes with or obstructs or prevents the free use of a street, sidewalk, or other public way.
- (g) If a person has violated subdivision (f), a peace officer, if reasonably able to do so, shall place the person, or cause the person to be placed, in civil protective custody. The person shall be taken to a facility, designated pursuant to Section 5170 of the Welfare and Institutions Code, for the 72-hour treatment and evaluation of inebriates. A peace officer may place a person in civil protective custody with that kind and degree of force authorized to effect an arrest for a misdemeanor without a warrant. A person who has been placed in civil protective custody shall not thereafter be subject to criminal prosecution or juvenile court proceeding based on the facts giving rise to this placement. This subdivision does not apply to the following persons:
- (1) A person who is under the influence of a drug or under the combined influence of intoxicating liquor and a drug.
 - (2) A person who a peace officer has probable cause to believe has committed a felony, or who has committed a misdemeanor in addition to subdivision (f).
 - (3) A person who a peace officer in good faith believes will attempt escape or will be unreasonably difficult for medical personnel to control.
- (h) Who loiters, prowls, or wanders upon the private property of another, at any time, without visible or lawful business with the owner or occupant. As used in this subdivision, “loiter” means to delay or linger without a lawful purpose for being on the property and for the purpose of committing a crime as opportunity may be discovered.
- (i) Who, while loitering, prowling, or wandering upon the private property of another, at any time, peeks in the door or window of an inhabited building or structure, without visible or lawful business with the owner or occupant.
- (j)(1) A person who looks through a hole or opening, into, or otherwise views, by means of any instrumentality, including, but not limited to, a periscope, telescope, binoculars, camera, motion picture camera, camcorder, mobile phone, electronic device, or unmanned aircraft system, the interior of a bedroom, bathroom, changing room, fitting room, dressing room, or tanning booth, or the interior of any other area in which the occupant has a reasonable expectation of privacy, with the intent to invade the privacy of a person or persons inside. This subdivision does not apply to those areas of a private business used to count currency or other negotiable instruments.
- (2) A person who uses a concealed camcorder, motion picture camera, or photographic camera of any type, to secretly videotape, film, photograph, or record by electronic means, another identifiable person under or through the clothing being worn by that other person, for the purpose of viewing the body of, or the undergarments worn by, that other person, without the consent or knowledge of that other person, with the intent to arouse, appeal to, or gratify the lust, passions, or sexual desires of that person and invade the privacy of that other person, under circumstances in which the other person has a reasonable expectation of privacy. For the purposes of this paragraph, “identifiable” means capable of identification, or capable of being recognized,

meaning that someone, including the victim, could identify or recognize the victim. It does not require the victim's identity to actually be established.

(3)(A) A person who uses a concealed camcorder, motion picture camera, or photographic camera of any type, to secretly videotape, film, photograph, or record by electronic means, another identifiable person who may be in a state of full or partial undress, for the purpose of viewing the body of, or the undergarments worn by, that other person, without the consent or knowledge of that other person, in the interior of a bedroom, bathroom, changing room, fitting room, dressing room, or tanning booth, or the interior of any other area in which that other person has a reasonable expectation of privacy, with the intent to invade the privacy of that other person. For the purposes of this paragraph, "identifiable" means capable of identification, or capable of being recognized, meaning that someone, including the victim, could identify or recognize the victim. It does not require the victim's identity to actually be established.

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

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

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

(4)(A)(i) A person who intentionally distributes or causes to be distributed the image of the intimate body part or parts of another identifiable person, or an image of the person depicted engaged in an act of sexual intercourse, sodomy, oral copulation, sexual penetration, or an image of masturbation by the person depicted or in which the person depicted participates, when subclauses (I) to (III), inclusive, are all true:

(I) The person distributing the image knows or should know that the distribution of the image will cause serious emotional distress.

(II) The person depicted suffers serious emotional distress.

(III) One of the following has occurred:

(ia) The person depicted in the image and the person distributing the image had agreed or had an understanding that the image shall remain private.

(ib) The image was knowingly recorded, captured, or otherwise obtained by the person distributing the image without the authorization of the person depicted, and the image was recorded or captured under circumstances in which the person depicted had a reasonable expectation of privacy.

(ic) The image is knowingly obtained by the person distributing the image by exceeding authorized access from the property, accounts, messages, files, or resources of the person depicted.

(ii) A person who intentionally creates and distributes or causes to be distributed any photo realistic image, digital image, electronic image, computer image, computer-generated image, or other pictorial representation of an intimate body part or parts of another identifiable person, or an image of the person depicted engaged in an act of sexual intercourse, sodomy, oral copulation, sexual penetration, or an image of masturbation by the person depicted or in which the person depicted participates that was created in a manner that would cause a reasonable person to believe the image is an authentic image of the person depicted, under circumstances in which the person distributing the image knows or should know that distribution of the image will cause serious emotional distress, and the person depicted suffers that distress. This clause shall not apply to a person who was under 18 years of age at the time the person committed the offense.

(B)(i) A person intentionally distributes an image described in subparagraph (A) when that person personally distributes the image.

(ii) A person intentionally causes an image described in subparagraph (A) to be distributed when that person arranges, specifically requests, or intentionally causes another person to distribute the image.

(C) As used in this paragraph, the following terms have the following meanings:

(i) “Distribute” includes exhibiting in public or giving possession.

(ii) “Identifiable” has the same meaning as in paragraphs (2) and (3).

(iii) “Intimate body part” means any portion of the genitals, the anus and, in the case of a female, also includes any portion of the breasts below the top of the areola, that is either uncovered or clearly visible through clothing.

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

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

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

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

(iv) The distribution is related to a matter of public concern or public interest. Distribution is not a matter of public concern or public interest solely because the depicted individual is a public figure.

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

(6) A defendant shall not be punished for both a violation of paragraph (4) of subdivision (j) and paragraph (2) of subdivision (j) or Section 502 if that punishment would be barred under Section 654.

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

(2) Except as provided in paragraph (3), if the victim of a violation of subdivision (j) was a minor at the time of the offense, the violation is punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding two thousand dollars (\$2,000), or by both that fine and imprisonment.

(3) If the victim of a violation of paragraph (3) of subdivision (j) was a minor at the time of the offense, a second or subsequent violation of paragraph (3) of subdivision (j) is punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170, or by both a fine and imprisonment. This paragraph shall not apply to a person who was under 18 years of age at the time that they committed the offense.

(l)(1)(A) If a crime is committed in violation of subdivision (b) by a defendant who is 18 years of age or older, the person who was solicited was a minor at the time of the offense, and the defendant knew or should have known that the person who

was solicited was a minor at the time of the offense, the violation is punishable by imprisonment in a county jail for not less than two days and not more than one year, or by a fine not exceeding ten thousand dollars (\$10,000), or by both that fine and imprisonment, except as provided in paragraph (2).

(B) The court may, in unusual cases, when the interests of justice are best served, reduce or eliminate the mandatory two days of imprisonment in a county jail required by this paragraph. If the court reduces or eliminates the mandatory two ~~***~~ **days** of imprisonment, the court shall specify the reason on the record.

(2) Notwithstanding paragraph (1), a defendant 18 years of age or older may be punished by either imprisonment in a county jail for not less than two days and not more than one year, or by a fine not exceeding ten thousand dollars (\$10,000), or by both that fine and imprisonment, or imprisonment pursuant to subdivision (h) of Section 1170 for any of the following:

~~***~~ **(A) The** solicited minor was under 16 years of age at the time of the offense, or ~~***~~ the person solicited was under 18 years of age at the time of the offense and the person solicited was ~~***~~ **caused, induced, or persuaded at** the ~~***~~ **time of the solicitation to engage in a commercial sex act as specified in subdivision (c) of Section 236.1.**

~~***~~

(B) The solicited minor was more than 3 years younger than the defendant at the time of the offense.

(3) A second or subsequent violation of ~~***~~ paragraph **(2)** is punishable as a felony by imprisonment pursuant to subdivision (h) of Section 1170.

(4) A defendant who is convicted of a violation of paragraph (2) shall be ordered by the court, if granted probation, to successfully complete an education program on human trafficking and the exploitation of children. A fee shall not be imposed for participation or enrollment in an education program pursuant to this paragraph.

(5) An individual who provides compensation, money, or anything of value in violation of paragraph (2) or (3) of subdivision (b) shall, in addition to any other punishment, be punished by a fine of one thousand dollars (\$1,000). Fines collected pursuant to this paragraph shall be deposited in the Survivors Support Fund.

SEC. 5. Section 647.5 is added to the Penal Code, to read:

<< CA PENAL § 647.5 >>

647.5. (a) The California Victim Compensation Board shall establish a grant program to provide grants to community-based organizations that provide direct services and outreach to victims of sex trafficking and exploitation.

(b) The board shall, in a manner determined by the board, award grants described in subdivision (a) to community-based organizations that are led by survivors of sex trafficking or that are guided by substantial survivor input and that provide direct services to vulnerable individuals in areas with a high concentration of sex trafficking.

(c) The Survivor Support Fund is hereby established in the State Treasury. Moneys in the Survivor Support Fund shall, upon appropriation by the Legislature, be available for the grants provided pursuant to subdivision (a).

SEC. 6. Section 653.25 is added to the Penal Code, to read:

<< CA PENAL § 653.25 >>

653.25. (a) It is unlawful for any person to loiter in any public place with the intent to purchase commercial sex. This intent is evidenced by acting in a manner and under circumstances that openly demonstrate the purpose of inducing, enticing, or soliciting prostitution, or procuring another to commit prostitution such as circling an area in a motor vehicle and repeatedly beckoning to, contacting, or attempting to contact or stop pedestrians or other motorists, making unauthorized stops along known prostitution tracks, or engaging in other conduct indicative of soliciting to procure another to engage in commercial sex.

(b) A violation of this section shall, in addition to any other punishment, be punished by a fine of one thousand dollars (\$1,000). Fines collected pursuant to this subdivision shall be deposited in the Survivor Support Fund.

SEC. 7. Chapter 5.8 (commencing with Section 13849) is added to Title 6 of Part 4 of the Penal Code, to read:

pt. 4 t. 6 ch. 5.8 pr. § 13849

Chapter 5.8. Human Trafficking Prevention Vertical Prosecution Program

<< CA PENAL § 13849 >>

13849. (a) There is hereby established in the Office of Emergency Services a program of financial and technical assistance for county district attorney offices for the prosecution of human trafficking crimes.

(b) The Director of Emergency Services shall, to the extent funds are available for this purpose, allocate and award funds to up to 11 district attorney offices that apply for funding pursuant to this chapter. Each county selected for funding shall meet all of the following minimum requirements:

- (1) Employ a vertical prosecution methodology for human trafficking crimes.
- (2) Dedicate at least one-half of the time of one deputy district attorney and one-half of the time of one district attorney investigator solely to the investigation and prosecution of human trafficking crimes.
- (3) Provide the office with annual data on the number of human trafficking cases filed by that county, the number of human trafficking convictions obtained, and the sentences imposed for those convicted of human trafficking in that county.
- (4) Enter into an agreement, either by contract or a memorandum of understanding, with an advocacy agency funded by the office that provides services, counseling, or both, to victims of human trafficking in order to ensure that victims and witnesses of human trafficking, as appropriate, receive services.
- (5) Funding received by district attorney offices pursuant to this program shall be used to supplement, and not supplant, existing financial resources.

(c) The office shall select applications based upon a competitive process and may establish selection criteria. At a minimum, an applicant shall demonstrate the ability to comply with the criteria in subdivision (b) and include an estimate of the number of potential human trafficking crimes in that county.

(d)(1) On or before January 1, 2028, the office shall submit to the Legislature and the Governor's office a report that describes the counties that received funding pursuant to this program, the number of prosecutions for human trafficking cases filed by the counties receiving funding, the number of human trafficking convictions obtained by those counties, and the sentences imposed for human trafficking crimes in those counties.

(2) The report required pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

(e) As used in this section, “human trafficking crimes” means any violation of Section 236.1 or subdivision (l) of Section 647.

(f) Not more than 10 percent of funds appropriated for this program shall be retained by the office for administrative costs, including technical assistance, training, and the cost of producing the report required pursuant to subdivision (d).

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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