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SB-1064 Sexually exploited minors. (2015-2016)

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Senate Bill No. 1064

CHAPTER 653

An act to amend Sections 18259 and 18259.3 of, to amend the heading of Chapter 4.3 (commencing with Section 18259) of Part 6 of Division 9 of, and to repeal Sections 18259.1 and 18259.5 of, the Welfare and Institutions Code, relating to sexually exploited minors.

[Approved by Governor September 26, 2016. Filed with Secretary of State September 26, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1064, Hancock. Sexually exploited minors.

Existing law, until January 1, 2017, authorizes the Counties of Alameda and Los Angeles, respectively, to create a pilot project, contingent upon local funding, for the purposes of developing a comprehensive, replicative, multidisciplinary model to address the needs and effective treatment of commercially sexually exploited minors, as specified.

This bill would extend the operation of this program indefinitely in the County of Alameda. The bill would also expand the definition of a "commercially sexually exploited minor" to include, among others, a minor who has been adjudged a dependent of the juvenile court because he or she is a commercially sexually exploited child, and would create a presumption that, if a minor has been arrested for engaging in prostitution, or is the subject of a petition to adjudge him or her a dependent of the juvenile court because he or she is a commercially sexually exploited child, he or she is a commercially sexually exploited minor for the purposes of that definition.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Alameda.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The heading of Chapter 4.3 (commencing with Section 18259) of Part 6 of Division 9 of the Welfare and Institutions Code is amended to read:

CHAPTER 4.3. Sexually Exploited Minors Program

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

18259. (a) The County of Alameda, contingent upon local funding, may establish a project consistent with this chapter to develop a comprehensive, replicative, multidisciplinary model to address the needs and effective treatment of commercially sexually exploited minors who have been arrested or detained by local law enforcement for a violation of subdivision (a) or (b) of Section 647 or subdivision (a) of Section 653.22 of the Penal Code, or who have been adjudged a dependent of the juvenile court pursuant to paragraph (2) of subdivision (b) of Section 300.

(b) The District Attorney of the County of Alameda, in collaboration with the county child welfare agency, county probation, sheriff, and community-based agencies, may develop, as a component of the program described in this chapter, protocols for identifying and assessing minors, upon arrest or detention by law enforcement, who may be victims of commercial sexual exploitation. The protocol shall include the process for how to make a report to the county child welfare agency if there is reason to believe the minor is a person described in Section 300. The protocol shall also include the process for the child welfare agency to investigate the report pursuant to Section 328.

(c) The District Attorney of the County of Alameda, in collaboration with the county child welfare agency, county probation, sheriff, and community-based agencies that serve commercially sexually exploited minors, may develop, as a component of the program described in this chapter, a diversion program reflecting the best practices to address the needs and requirements of minors who have been determined to be victims of commercial sexual exploitation.

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

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

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

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

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

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

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

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

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

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

(b) If a minor is arrested or detained for an alleged violation of subdivision (a) or (b) of Section 647 of the Penal Code or of subdivision (a) of Section 653.22 of the Penal Code, or if a minor is the subject of a petition to adjudge him or her a dependent of the juvenile court pursuant to paragraph (2) of subdivision (b) of Section 300, he or she shall be presumed to be a commercially sexually exploited minor, as defined in subdivision (a).

SEC. 5. Section 18259.5 of the Welfare and Institutions Code is repealed.

SEC. 6. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances of the County of Alameda. According to the Office of the Attorney General, there are currently nine regional human trafficking task forces. One of those task forces includes the County of Alameda, which makes it uniquely situated to implement a service model that would produce improved outcomes for youth victims of human trafficking by providing comprehensive intervention and rehabilitation services, as an alternative to traditional prosecution or incarceration, or both.