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**AB-63 Loitering with intent to commit prostitution.** (2025-2026)

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AMENDED IN ASSEMBLY MARCH 27, 2025

AMENDED IN ASSEMBLY MARCH 24, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

**ASSEMBLY BILL**

**NO. 63**

Introduced by Assembly Member Michelle Rodriguez

December 02, 2024

An act to add Sections 653.20 and 653.22 to the Penal Code, relating to crimes.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 63, as amended, Michelle Rodriguez. Loitering with intent to commit prostitution.

Existing law, until January 1, 2023, prohibited loitering in a public place with the intent to commit prostitution, as defined, and made that crime a misdemeanor.

This bill would reinstate those provisions and would prohibit ~~California~~ law enforcement, as defined, from making an arrest pursuant to these provisions solely based on the individual's gender identity or sexual ~~preference~~: *orientation*. The bill would also require law enforcement, prior to making an arrest of the individual pursuant to these provisions, to document their attempts to offer the individual services. By creating a new crime, and by imposing new duties on local law enforcement, this bill would impose a state-mandated local program.

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

**SECTION 1.** Section 653.20 is added to the Penal Code, immediately following Section 653.2, to read:

**653.20.** For purposes of this chapter, the following definitions apply:

- (a) ~~“California law-”~~“Law enforcement” means any department or agency of the state or any local government, special district, or other political subdivision thereof, that employs any peace officer, as described in Section 830.
- (b) “Commit prostitution” means to engage in sexual conduct for money or other consideration, but does not include sexual conduct engaged in as a part of any stage performance, play, or other entertainment open to the public.
- (c) “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.
- (d) “Public place” means an area open to the public, or an alley, plaza, park, driveway, or parking lot, or an automobile, whether moving or not, or a building open to the general public, including one that serves food or drink, or provides entertainment, or the doorways and entrances to a building or dwelling, or the grounds enclosing a building or dwelling.

**SEC. 2.** Section 653.22 is added to the Penal Code, immediately following Section 653.20, to read:

**653.22.** (a) (1) Except as specified in paragraph (2), it is unlawful for any person to loiter in a public place with the intent to commit prostitution. 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.

(2) Notwithstanding paragraph (1), this subdivision does not apply to a child under 18 years of age who is alleged to have engaged in conduct 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 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.

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

- (1) Repeatedly beckons to, stops, engages in conversations with, or attempts to stop or engage in conversations with passersby, indicative of soliciting for prostitution.
- (2) Repeatedly stops or attempts to stop motor vehicles by hailing the drivers, waving arms, or making any other bodily gestures, or engages or attempts to engage the drivers or passengers of the motor vehicles in conversation, indicative of soliciting for prostitution.
- (3) Has been convicted of violating this section, subdivision (a) or (b) of Section 647, or any other offense relating to or involving prostitution within five years of the arrest under this section.
- (4) Circles an area in a motor vehicle and repeatedly beckons to, contacts, or attempts to contact or stop pedestrians or other motorists, indicative of soliciting for prostitution.
- (5) Has engaged, within six months prior to the arrest under this section, in any behavior described in this subdivision, with the exception of paragraph (3), or in any other behavior indicative of prostitution activity.

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

(d) ~~California law-~~Law enforcement shall not make an arrest pursuant to this section against an individual solely based on their perceived gender identity or sexual ~~preference-~~ orientation.

(e) Prior to making an arrest pursuant to this section, ~~California~~ law enforcement shall document their attempts to offer services to the individual who is suspected of loitering with intent to commit prostitution.

(f) If it is determined by a peace officer that the person is a victim of human trafficking and crimes have occurred, Section 236.23 shall apply, and the law enforcement agency employing the peace officer shall initiate an investigation of the violation of Section 236.1.

**SEC. 3.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, 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.

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