



SENATOR SHANNON GROVE
SENATE DISTRICT 12

SB 1414

Commercial Sex with a Minor - Felony

SUMMARY

In California, any person who solicits, agrees to engage in, or engages in any act of commercial sex with a minor is charged with a misdemeanor. SB 1414 will make these acts a felony and will help strengthen protections for the thousands of minor victims who are purchased for sex.

PROBLEM

California consistently ranks number one in the nation in the number of human trafficking cases reported to the National Human Trafficking Hotline. The California Attorney General notes that California is one of the largest sites for human trafficking in the United States, recognizes the serious nature of this crime, and has defined it as “modern day slavery.” “Human trafficking is among the world's fastest growing criminal enterprises and is estimated to be a \$150 billion-a-year global industry. It is a form of modern day slavery that profits from the exploitation of our most vulnerable populations.”

(<https://oag.ca.gov/human-trafficking>).

Children, tragically, are a large portion of sex trafficking victims in the United States and are undoubtedly one of the most vulnerable populations. Most trafficking victims are brought into this dark underworld as children and they grow-up in this abusive system. When it comes to the exploitation of children, the individuals purchasing sex from them are no less culpable than the trafficker who is selling them.

Under existing law, a person who solicits, agrees to engage in, or engages in sex with a minor for money is guilty of a misdemeanor. There are certain exceptions in the law, which allow an offender to be charged with a felony for having sex with a minor; the challenge is they often require special circumstances. For example, many of the statutes will only charge a purchaser with a more severe punishment if the child is under 14 years-old. Additional requirements include force or sodomy, assault and lack of consent. As a result, juvenile sex

trafficking victims between the ages of 14-17 who are often being exploited and in fear of their lives, claim to be “consenting” in order to allow the buyer to avoid harsher penalties. Buying a child of any age for sex should be treated as the serious crime it is.

EXISTING LAW

Under existing law, a person who solicits, or who agrees to engage in, or who engages in, any act of prostitution with the intent to receive compensation, money, or anything of value from another person is guilty of disorderly conduct, a misdemeanor. Also, under existing law, if the person solicited was a minor, and the person who solicited the minor knew or reasonably should have known that the person solicited was a minor, the offense is punishable by imprisonment in the county jail for a mandatory minimum of 2 days and not to exceed one year, by a fine not to exceed \$10,000 or by both such fine and imprisonment.

SOLUTION

SB 1414 states that if an individual solicits, agrees to engage in or engages in any act of commercial sex with a minor, regardless of whether or not the person knew or reasonably should have known that the person solicited was a minor, is guilty of a felony, punishable by imprisonment in the state prison for 2, 3, or 4 years, a fine not to exceed \$25,000, and registration as a sex offender. California has failed to make the actions of the buyer or “john” a serious crime. It is about time that California says hands off our children, they are not for sale. Buying sex from a child is a serious crime and should be a felony.

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