



AB 1675 - Diversion Instead of Prosecution for Juvenile Victims

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Sponsor: Equality California

In Brief

AB 1675 ensures that minors who participate in acts of prostitution are treated as victims of sexual exploitation instead of as criminals. The bill requires probation officers to create specific programs of supervision for minors to provide necessary services, instead of petitioning to have minors declared wards of the juvenile court. The bill would also allow minors to participate in programs of supervision even if they have participated in such programs in the past.

The Issues

Many young people who are arrested for prostitution and related crimes are engaging in survival sex. Facing intimidation and extreme living situations, this vulnerable community of young people, many of whom are or were homeless, become involved in the commercial sex industry for basic survival, and are too often punished by the justice system when what they need most is support in finding a way out of their current situation. Many of these young people are of color, and many are lesbian, gay, bisexual, or transgender (LGBT).

Juveniles who have been arrested previously for engaging in survival sex are not eligible for rehabilitative programs and services, reinforcing a cycle of negative interaction with the criminal justice system at a young age.

The Solution

AB 1675 would continue to allow for the detainment or arrest of a minor who law enforcement believes is engaging in prostitution. However, the bill provides that, instead of facing prosecution, the minor can receive much-needed support, including mental health and educational services. Juveniles who have previously participated in these programs would also be eligible for this support, granting more young people the opportunity to receive the help and assistance they need.

Background

While California law states that children cannot consent to sex, children continue to be convicted as prostitutes. The majority of these children are trafficked, forced, induced, or coerced into commercial sex. Others are young people who find themselves on the streets with no other means to survive. All are victims.

Fortunately, young people who are involved in prostitution are beginning to be treated and provided services as victims. Task forces, programs and services have been put into place, and public dollars have been allocated to help. However, the fact remains that these young people will always be viewed - and more importantly, treated - as criminals as long as they are wards of delinquency and can be prosecuted for prostitution.

Support

Equality California (Sponsor)
American Civil Liberties Union of California
California Attorneys for Criminal Justice
California Public Defenders Association
Legal Services for Prisoners with Children

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