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August 26, 2016

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To: Supervisor Hilda L. Solis, Chair
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From: Sachi A. Hamai
Chief Executive Officer

REPORT ON AMENDMENTS TO AB 1771 (O'DONNELL), LEGISLATION ORIGINALLY RELATED TO CRIMINAL PENALTIES FOR DIRECTING INDIVIDUALS INTO THE SEX TRADE (ITEM NO. 3, BOARD MEETING OF AUGUST 16, 2016)

On August 16, 2016, the Board approved a revised motion by Supervisors Knabe and Ridley-Thomas to move that the Board of Supervisors: 1) send a five-signature letter to the State legislative leadership and the Governor to reaffirm the Board's strong support of SB 1322 (Mitchell); and 2) direct the County's Sacramento advocates to closely monitor AB 1771 (O'Donnell) and report back to the Board on the amendments and whether they materially affect the penalty aspects of the bill.

This memorandum provides a report on amendments to AB 1771, which originally related to criminal penalties for directing individuals into the sex trade.

AB 1771 (O'Donnell)

County-supported AB 1771 (O'Donnell), which would: 1) increase the maximum penalty of imprisonment from six months to one year in a county jail for persons convicted of directing and/or recruiting individuals into the sex trade; and 2) allow a juvenile court to dismiss charges against a minor who is alleged to have supervised or aided individuals in the sex trade if done so under coercion or duress, was amended on August 16, 2016 and August 19, 2016.

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Each Supervisor
August 26, 2016
Page 2

The August 16, 2016 amendments: 1) removed the criminal penalty provisions for individuals convicted of directing and/or recruiting individuals into the sex trade; and 2) retained the provisions that would allow a juvenile court to dismiss charges against a minor who is alleged to have aided individuals in the sex trade if done so under duress. These amendments were made by the Senate Appropriations Committee and without the concurrence of the author. This measure was approved by the Committee by a vote of 7 to 0.

Following the August 16, 2016 amendments, our office learned that the author decided not to continue with AB 1771, as amended. According to the author, without the increased penalties the deleted provision would have provided, the measure now lacks the teeth to help California more effectively combat local sex trades.

On August 19, 2016, AB 1771 was substantially amended to remove all provisions related to human trafficking and the bill now relates to school attendance. Therefore, as previously reported, **the Sacramento advocates will remove the County's support position on AB 1771 and take no position on this measure.**

SAH:JJ:MR
OR:PC:ma

c: Executive Office, Board of Supervisors
County Counsel