

**MOTION BY SUPERVISORS MARK RIDLEY-THOMAS
AND DON KNABE**

SEPTEMBER 3, 2013

CLOSE THE LOOPHOLES: PROTECT OUR CHILDREN

Children, even as young as ten years old, are being peddled for sex on a daily basis in Los Angeles County (County). The following key points taken from the California Child Welfare Council’s report entitled “Ending the Commercial Sexual Exploitation of Children: A Call for Multi-System Collaboration in California” highlight the problems that must be addressed and rectified:

- 1) Many of the children sexually trafficked in the County have, at one time or another, been under the jurisdiction of the Department of Children and Family Services (DCFS). Children touching the County’s dependency system are especially vulnerable to being sexually trafficked (pp.10-11);
- 2) A study of the County’s court program that works with exploited girls, Succeeding Through Achievement and Resilience (STAR) Court, provided data that evidenced that among a sample of 72 girls involved with the STAR Court program, 56 had contact with DCFS and 42 were under court

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**MOTION BY SUPERVISORS MARK RIDLEY-THOMAS AND DON KNABE
SEPTEMBER 3, 2013
PAGE 2**

- supervision. These results are not unique to the County of Los Angeles or to the state of California (pp. 10-11);
- 3) On average, a pimp can receive \$162,500 tax-free annually for each child that is sold for sex. Selling children for sex is becoming more profitable to criminals than selling drugs, as children are a reusable commodity (p.11); and
 - 4) The average life expectancy of these children is seven (7) years once they enter the sex trade (p.15). This is to say that a child sexually trafficked at age 12, on average, will be dead by age 19.

By law, children cannot consent to sex and an adult who has sex with a child is guilty of statutory rape. Yet, society has criminalized children who are abused and sold for sex instead of protecting them. The children are often charged with prostitution or a prostitution-related offense, but their customers, otherwise known as “Johns,” remain faceless and criminal-record free.

The County has a responsibility to stop children from being sexually assaulted and having their human rights violated. California should have the toughest laws in this nation that are designed to deter “Johns” from sexually exploiting children.

These violent crimes against children would not happen without the “Johns.” But the state’s laws as currently written are not strong enough to make prosecution of these adults feasible, even though under any other circumstance they would be guilty of statutory rape. This is a loophole that must be closed. There should be no “get out of

**MOTION BY SUPERVISORS MARK RIDLEY-THOMAS AND DON KNABE
SEPTEMBER 3, 2013
PAGE 3**

jail free” card for people who violate children. There should be no circumstance where sexually assaulting anyone, particularly, a child is okay. “Johns” should face consequences because without them the demand would not exist.

I THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

- 1) Direct the Chief Executive Officer to add sponsorship of state legislation that enhances penalties for consumers who sexually exploit children to the County of Los Angeles’ legislative agenda;
- 2) Send a five-signature letter to the California legislature, including the Governor, Senate, Assembly and Attorney General calling for the following legislative changes:
 - a. Amend California Penal Code Sec. 647(b) to make the penalty for an individual who agrees to engage in or who engages in any act of paying for sex (i.e., “John”) a felony rather than a misdemeanor if the person being paid for sex is under the age of eighteen years old;
 - b. Require violators of Penal Code Sec. 647(b) as amended to register as sex-offenders;
 - c. Increase the fines for violators of Penal Code Sec. 647(b) as amended from up to \$1,000 to a minimum of \$10,000;
 - d. Require asset forfeiture where necessary to pay the fine;
 - e. Require that a significant portion of the funds recovered from an

**MOTION BY SUPERVISORS MARK RIDLEY-THOMAS AND DON KNABE
SEPTEMBER 3, 2013
PAGE 4**

individual convicted of soliciting prostitution go to fund services for the sexual trafficking of children; and

f. Mandate that a conviction under Penal Code Sec. 647(b) as amended will result in the disclosure of the offender's home address and other information on the Megan's Law website;

3) Direct the Chief Executive Officer and County Counsel to work with the District Attorney and the Sheriff's Department on the legislative changes set forth in the five-signature letter the California legislature; and

4) Support the bi-partisan federal bill H.R. 2805: End Sex Trafficking Act of 2013 to strengthen federal laws against child sex trafficking by sending a five-signature letter to Congress.

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