

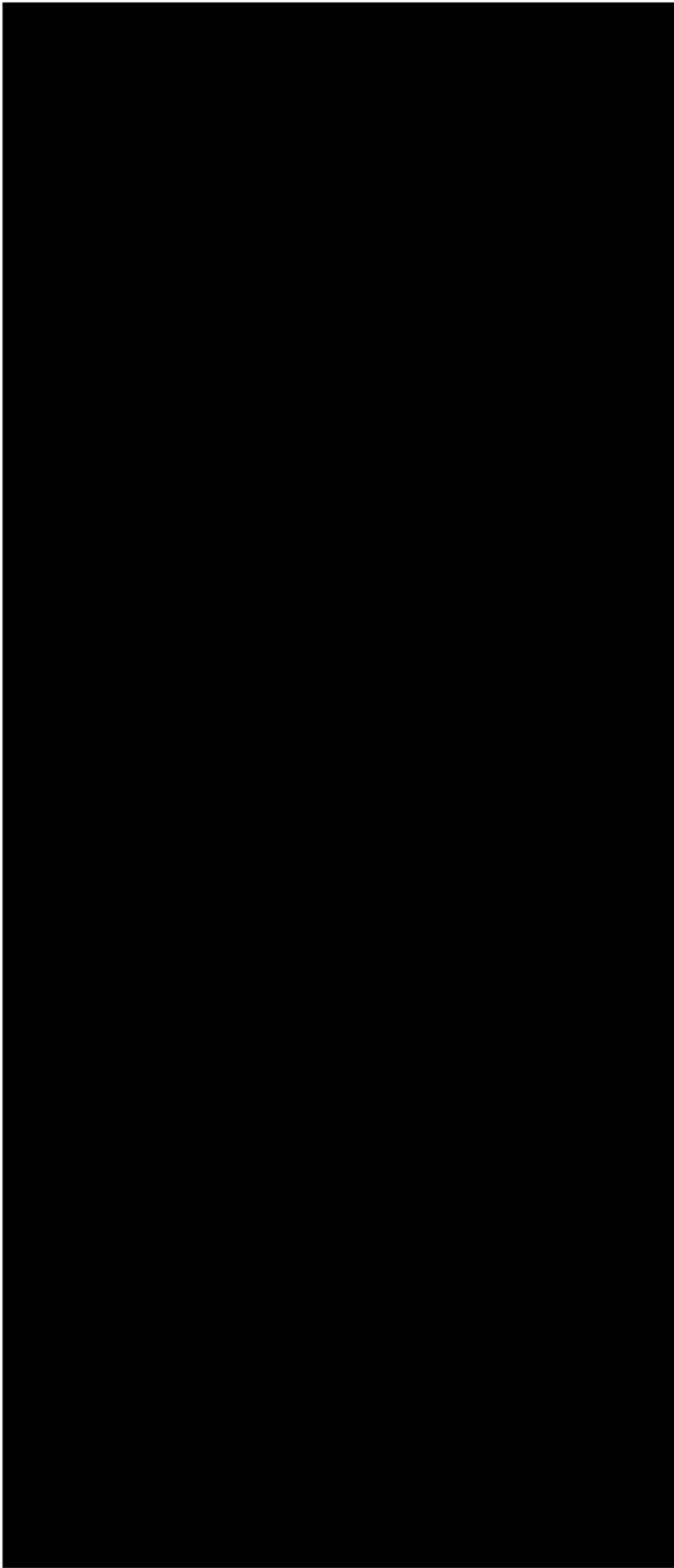
WHAT IS HUMAN TRAFFICKING?

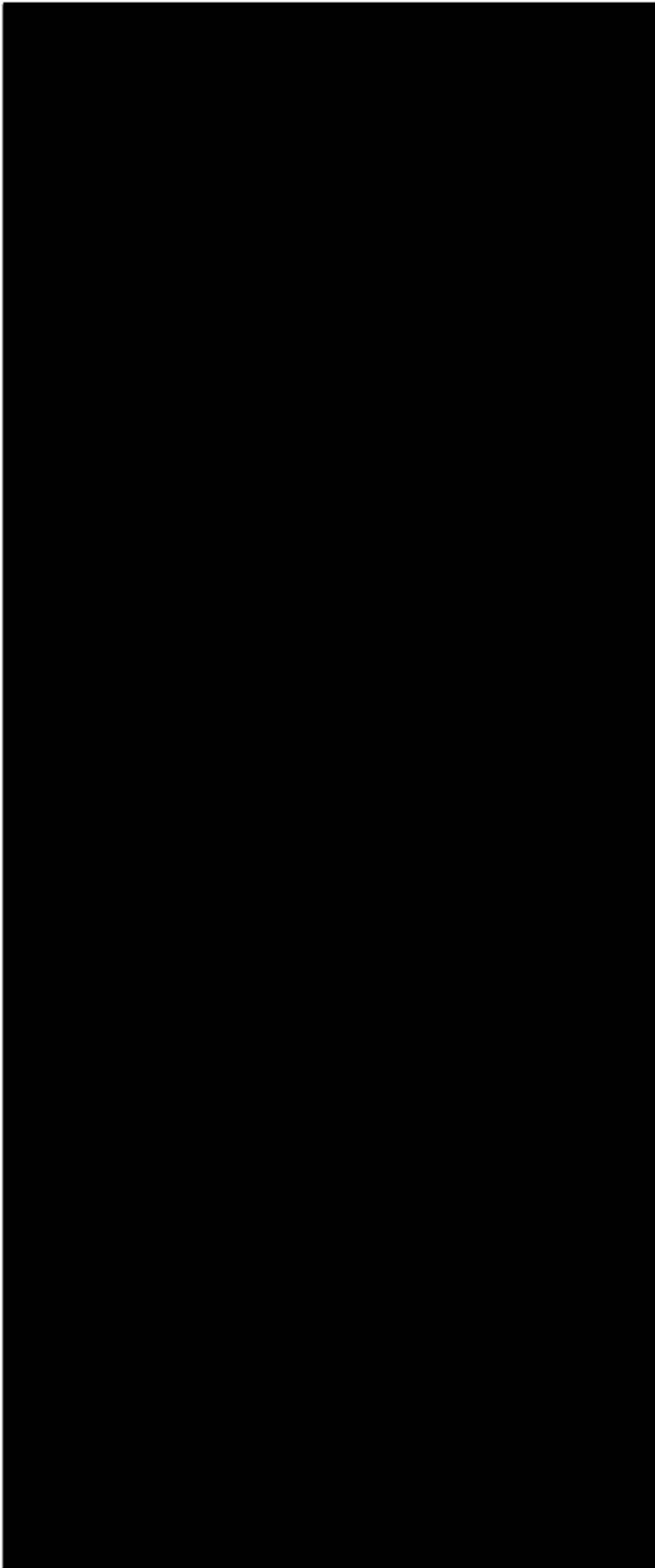
A Federal and State crime that involves the recruiting, harboring, providing, obtaining, or transporting of a person for the purpose of labor or commercial sex through the use of force, fraud or coercion. It is the human exploitation for the purpose of fraudulent financial gain or exchange of anything of value.

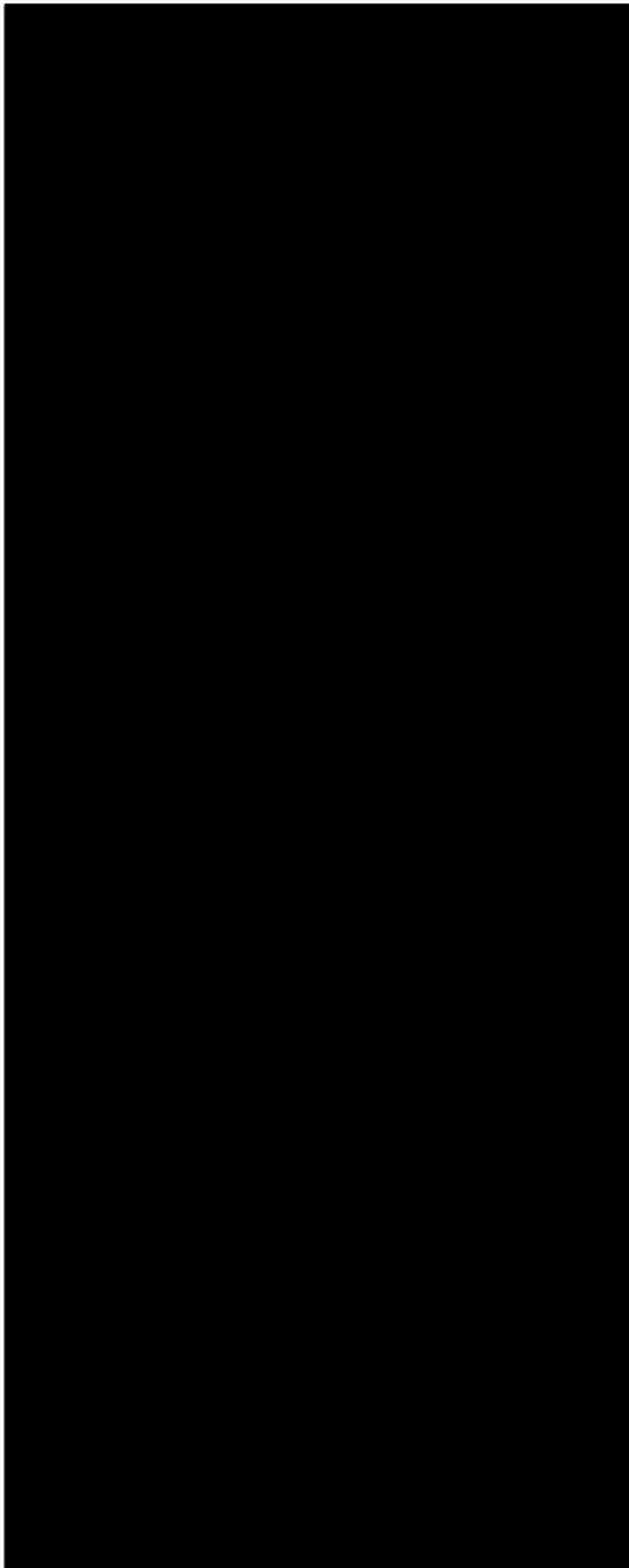
LABOR TRAFFICKING.....PC 236.1(a)

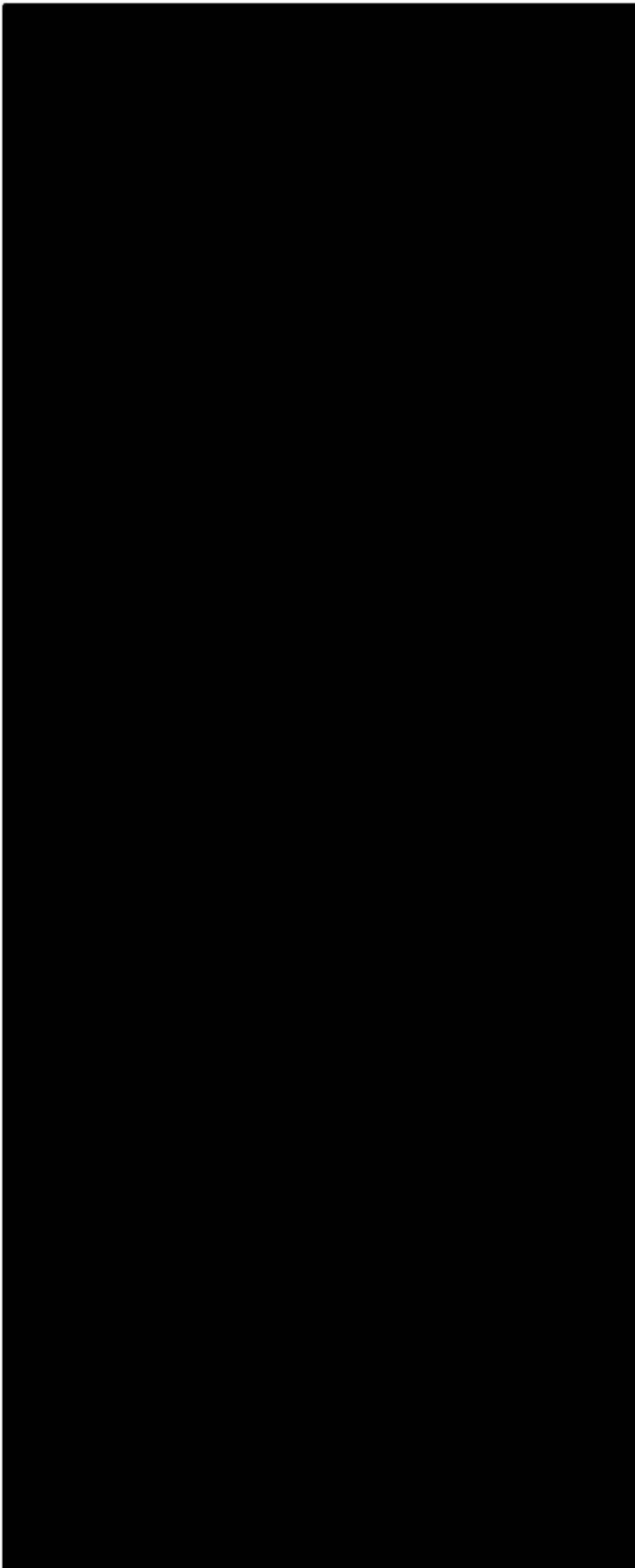
ADULT SEX TRAFFICKING.....PC 236.1(b)

MINOR SEX TRAFFICKING.....PC 236.1(c)

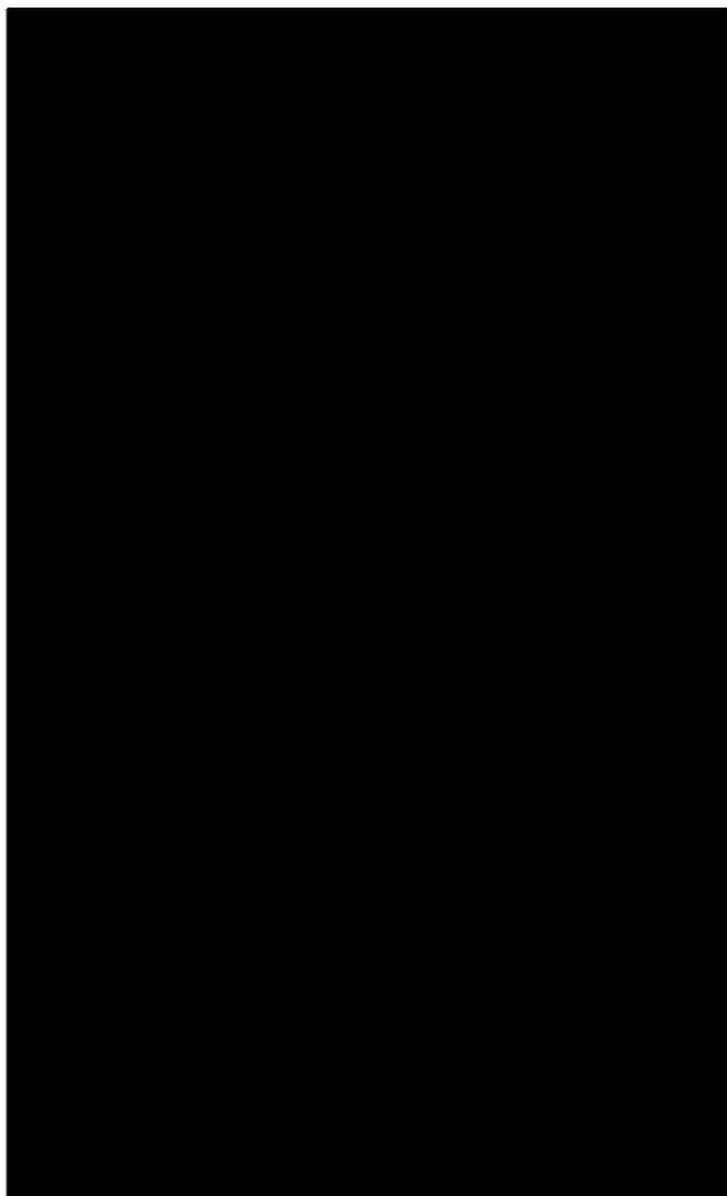








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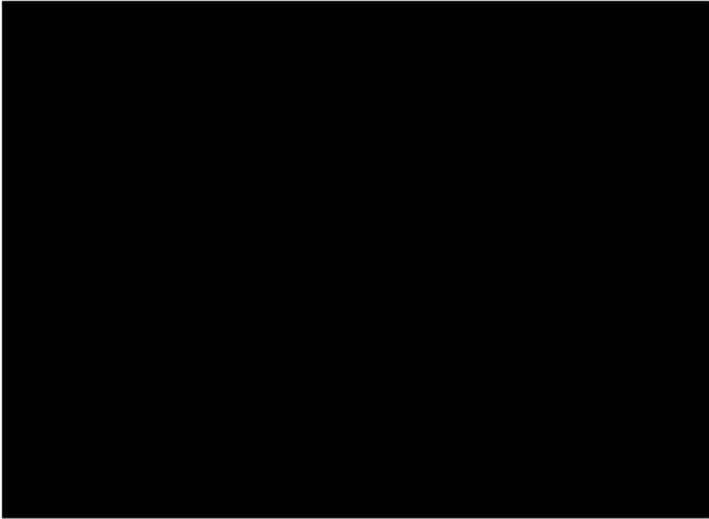
PROPOSITION 35 (2012)

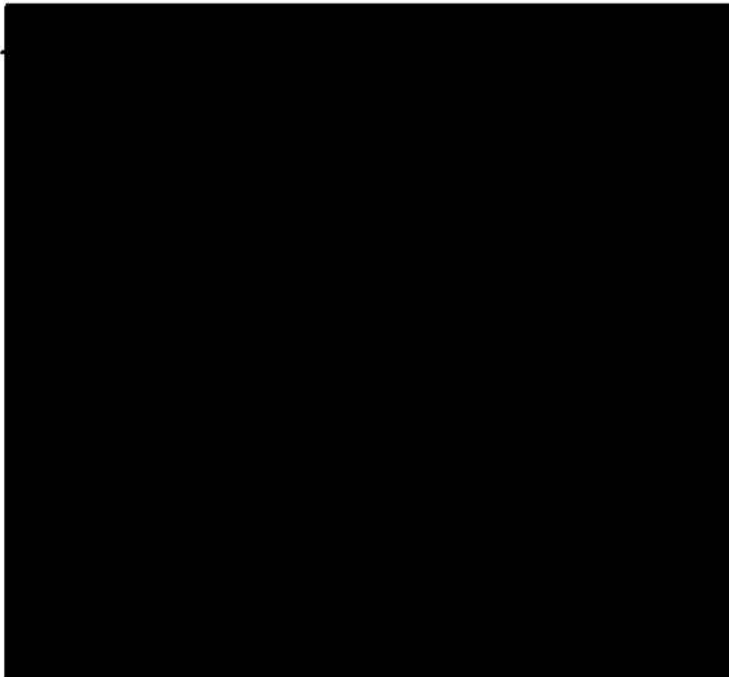
Figure 1
Measure Increases Maximum Criminal Penalties
For Human Trafficking

	Current Law ^a	Proposition 35
Prison Sentence^b		
Labor trafficking	5 years	12 years
Sex trafficking of an adult, forced	5 years	20 years
Sex trafficking of a minor without force	None ^c	12 years
Sex trafficking of a minor, forced	8 years	Life term
Sentence Enhancement^b		
Great bodily injury	8 years	10 years
Prior human trafficking offense	None	5 years per prior conviction
Fines		
	Up to \$100,000 for sex trafficking a minor	Up to \$1.5 million for all human trafficking offenses

^a Actual penalty includes a range of years.

^b Activities considered under the measure as sex trafficking of minors without force are illegal under current law but not defined as human trafficking. The penalties for these crimes vary.





2017 LAW CHANGES

- PC 236.23 (Add: a) It is an affirmative defense that the defendant was a human trafficking victim, forced to commit the charged crime. This defense does not apply to serious or violent felonies, nor to a charge of human trafficking
- PC 293(c) (Amended) Law enforcement agencies may not disclose to the public the name, address or photo of a human trafficking victim, immediate family, and must orally advise the victim of the right to exemption from PRA disclosure (CIC § 6254(f)(2)(B) also amended.)
- PC 633.5 (Amended) Human trafficking is added to the list of crimes as to which non-consensual recording of a phone conversation is allowed to obtain evidence

2017 LAW CHANGES CONT.

- **PC 647(b) (Amended)** Multiple changes to the prostitution statute include adding an intent to receive pay compensation (subdivisions (b)(1-3); provision that a child under 18 does not commit prostitution (subdivision (b)(5); elimination of the mandatory minimum jail terms for subsequent convictions (subdivision (k); and imposing minimum maximum penalties where the violator knew or should have known the person solicited was a minor (subdivision (m)).
- **Evid. Code 1107.5 (Added)** Expert testimony may be admitted on the issue of the effects of human trafficking on victims.

OTHER CRIMES TO LOOK FOR

- The misconception is that Human Trafficking is a by-product of crimes such as domestic, sex, or gangs when in fact these crimes are the by-product of the Human Trafficking
- PC 273.5 (Domestic Violence)
- PC 243(e)(1) (Domestic Violence)
- PC 261 (Rape)
- PC 261.5 (Sex with a Minor)
- PC 288 (Lewd Acts with a Minor) (Remember you age gaps)
- PC 311 (Child Porn)
- PC 211 (Robbery)
- PC 186.22 (Gang Enhancement)

