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**California Legislation Enacted in 2015**

**Impacting Survivors of Human Trafficking**

**SB 519 (Hancock) Youth offender parole hearings.**

*An act to add Section 3051.1 to the Penal Code, relating to parole.*

Existing law generally requires the Board of Parole Hearings to conduct youth offender parole hearings to consider the release of offenders who committed specified crimes when they were under 18 years of age and who were sentenced to state prison.

This bill would change the dates by which the board is required to complete certain youth offender parole hearings. The bill would become operative only if SB 261 is enacted and takes effect on or before January 1, 2016.

**SB 674 (**De León**) Victims of Crime: nonimmigrant status**

*An act to add Section 679.10 to the Penal Code, relating to victims of crime.*

Existing federal law provides a Form I-918, Petition for U Nonimmigrant Status to request temporary immigration benefits for a person who is a victim of certain qualifying criminal activity, and a Form I-918 Supplement B for certifying that a person submitting a Form I-918 is a victim of certain qualifying criminal activity and is, has been, or is likely to be helpful in the investigation or prosecution of that criminal activity. Qualifying criminal activity includes, but is not limited to, human trafficking.

Existing state law establishes that victims and witnesses of crimes are to be notified and have the right to appear at all sentencing proceedings, upon request, to be notified and to appear at parole eligibility hearings, and, for certain offenses, to be notified when a convicted defendant had been ordered placed on probation.

This bill would require, upon request, that a certifying official from a certifying entity certify, as specified, “victim helpfulness” on the Form I-918 Supplement B, when the requester was a victim of a qualifying criminal activity and has been helpful, is being helpful, or is likely to be helpful to the detection, investigation, or prosecution of that qualifying criminal activity. A “certifying entity” would include, among others, local law enforcement agencies and child protective services agencies. The bill would establish for purposes of determining helpfulness, a rebuttable presumption that a victim is helpful, has been helpful, or is likely to be helpful to the detection, investigation, or prosecution of that qualifying criminal activity, if the victim has not refused or failed to provide information and assistance reasonably requested by law enforcement. The bill would also establish timelines to process a Form I-918 Supplement B certification as well as reporting requirements regarding the number of victims requesting said certification and whether the requests were approved or denied.

**SB 4 (Lara) Health Care Coverage: immigration status**

*An act to amend Section 14007.8 of the Welfare and Institutions Code, relating to health care coverage.*

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Existing law extends eligibility for full-scope Medi-Cal benefits to individuals under 19 years of age who do not have, or are unable to establish, satisfactory immigration status, commencing after the Director of Health Care Services determines that systems have been programmed for implementation of this extension, but in no case sooner than May 1, 2016. Existing law requires these individuals to enroll in a Medi-Cal managed care health plan in those counties in which a Medi-Cal managed care health plan is available.

This bill would require individuals under 19 years of age enrolled in restricted-scope Medi-Cal at the time the director makes the above-described determination to be enrolled in the full scope of Medi-Cal benefits, if otherwise eligible, pursuant to an eligibility and enrollment plan, as specified. The bill would require the department, beginning January 31, 2016, and until the director makes the above-described determination, to provide monthly updates to the policy and fiscal committees of the Legislature, as specified. The bill would also require that an individual who is eligible pursuant to these provisions enroll in a Medi-Cal managed care health plan. The bill would not preclude a beneficiary from being enrolled in any other children’s Medi-Cal specialty program that he or she would otherwise be eligible for.

**AB 15 (Holden) Limitation of actions: human rights abuses**

*An act to amend Section 52.5 of the Civil Code, and to add Section 354.8 to the Code of Civil Procedure, relating to civil actions.*

Existing law requires a civil action brought by a victim of human trafficking, as defined, to be commenced within 5 years of the date on which the trafficking victim was freed from the trafficking situation or, if the victim was a minor when the act of human trafficking against the victim occurred, within 8 years after the date the plaintiff attains the age of majority.

This bill would extend the timeframe for filing a civil action for human trafficking, as defined, to within 7 years of the date on which the trafficking victim was freed from the trafficking situation or, if the victim was a minor when the act of human trafficking against the victim occurred, within 10 years after the date the plaintiff attains the age of majority.

Existing law requires a civil action for assault, battery, or injury to, or for the death of, an individual caused by the wrongful act or neglect of another to be commenced with 2 years.

This bill would expand the timeframe to within 10 years for the filing of (1) a civil action for assault, battery, or wrongful death, when the conduct would also constitute torture, genocide, a war crime, an attempted extrajudicial killing, or a crime against humanity, as defined, (2) a civil action for the taking of property in violation of international law, as defined, or (3) a civil action seeking benefits under an insurance policy, where the insurance claim arises out of any of the conduct specified above. The bill would authorize a prevailing plaintiff to recover reasonable attorney’s fees and litigation costs.

**AB 1276 (Santiago) Child witnesses: human trafficking**

*An act to add Section 1347.1 to the Penal Code, relating to criminal procedure.*

Existing law authorizes a court in a criminal proceeding, upon prior written notice by the prosecutor or upon the court’s own motion, to order that the testimony of a minor 13 years of age or younger at the time of the motion be taken by contemporaneous examination and cross-examination in another place and out of the presence of the judge, jury, defendant or defendants, and attorneys, and communicated to the courtroom by means of closed-circuit television, if the court makes specified findings. One of the findings required by existing law is that the minor’s testimony will involve a recitation of the facts of specified crimes, including an alleged violent felony of which the minor is a victim.

This bill would authorize, under specified conditions, a minor 15 years of age or younger to testify by contemporaneous examination and cross-examination in another place and out of the presence of the judge, jury, defendant or defendants, and attorneys if the testimony will involve the recitation of the facts of an alleged offense of human trafficking.

**AB 32 (Waldron) Computer Crimes**

*An act to amend Section 502 of the Penal Code, relating to computer crimes.*

Existing law establishes various crimes relating to computer services and systems, including to knowingly and without permission disrupt or cause the disruption of computer services including government computer services or public safety infrastructure computer system computer services, add, alter, damage, delete, or destroy any computer data, software, or program, introduce a computer contaminant, use the Internet domain name or profile of another. Existing law makes a violation of these provisions punishable by specified fines or terms of imprisonment, or by both those fines and imprisonment.

This bill would clarify the criminal penalties for specified computer crimes by making a person who violates those provisions guilty of a felony, punishable by imprisonment in a county jail for 16 months, or 2 or 3 years and a fine not exceeding $10,000, or a misdemeanor, punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding $5,000, or by both that fine and imprisonment.

**AB 1311 (Cooper) Temporary services employees: wages**

*An act to amend Section 201.3 of the Labor Code, relating to employment, and declaring the urgency thereof, to take effect immediately*

Existing law generally requires that an employee of a temporary services employer, as defined, be paid weekly. Existing law provides that a violation of these provisions is punishable as a misdemeanor.

This bill would, with certain exceptions, make the weekly pay requirement applicable to a security guard employed by a private patrol operator who is a temporary services employer, as provided.

**SB 588 (De León) Employment: nonpayment of wages: Labor Commissioner: judgment enforcement**

*An act to add Chapter 10 (commencing with Section 690.020) to Division 1 of Title 9 of Part 2 of the Code of Civil Procedure, and to amend Section 98 of, and to add Sections 96.8, 238, 238.1, 238.2, 238.3, 238.4, 238.5, and 558.1 to, the Labor Code, relating to employment.*

Under the Enforcement of Judgments law, a judgment creditor may levy upon the property of a judgment debtor to satisfy a judgment, and a levying officer holds the property until the final determination of any exemptions claimed by the judgment debtor.

This bill would provide for the enforcement of judgments against an employer arising from the employer’s nonpayment of wages for work performed in this state. The bill would authorize the Labor Commissioner to use any of the existing remedies available to a judgment creditor and to act as a levying officer when enforcing a judgment pursuant to a writ of execution, as provided.

Existing law authorizes the Labor Commissioner to investigate employee complaints and to provide for a hearing in any action to recover wages, penalties, and other demands for compensation and to determine all matters arising under his or her jurisdiction. Any employer found in violation wage and hour orders of the Industrial Welfare Commission can be subject to a civil penalty. A violation of the general provisions governing working hours is also a crime.

This bill would authorize the Labor Commissioner to provide for a hearing to recover civil penalties against any employer for a violation of those provisions regulating hours and days of work in any order of the Industrial Welfare Commission. Existing law authorizes the parties to file an appeal for a de novo hearing.

The Labor Commissioner would be further empowered, with the consent of the prevailing employee, to collect any outstanding judgment by mailing a notice of levy and serving the judgment debtor. The bill would make any person noticed with a levy who fails or refuses to surrender any credits, money, or property or pay any debts owed to the judgment debtor liable in his or her own person or estate to the Labor Commissioner in an amount equal to the value of the credits, money, or property or in the amount of the levy.

If a final judgment against an employer arising from the employer’s nonpayment of wages for work performed in this state remains unsatisfied after a specified period of time after the time to appeal has expired and no appeal is pending, the bill would establish certain prohibitions against an employer from continuing to conduct business in the state unless the employer obtains a bond or files an accord with judgment holder. Any employer failing to satisfy these requirements would be subject to civil penalties and failure to comply with a stop work order would subject employer to misdemeanor criminal penalties. The Labor Commissioner would also have authority to create a lien against employer property and deny licensure to long term care facilities in violation of provisions.

**SB 633 (Hill) Consumer protection: “Made in U.S.A.” label**

*An act to amend Section 17533.7 of the Business and Professions Code, relating to false advertising.*

Existing law prohibits the sale or offering of sale in the state of any merchandise on which merchandise or on its container appears the words, “Made in U.S.A.,” “Made in America,” “U.S.A.,” or similar words when the merchandise or any article, unit, or part thereof, has been entirely or substantially made, manufactured, or produced outside of the United States.

This bill would exempt from the prohibition merchandise made, manufactured, or produced in the United States if either the merchandise has one or more articles, units, or parts from outside the United States if they do not constitute more than 5% of the final wholesale value of the product or the manufacturer makes a specified showing regarding the articles, units, or parts from outside the United States and they do not constitute more than 10% of the final wholesale value of the product. The bill would also not apply to merchandise sold for resale to consumers outside of the state. Merchandise offered or sold outside the state would not be deemed mislabeled if the label conforms to the law of that state or country.

**SB 504 (Lara) Free Juvenile Record-Sealing**

*An act to amend Section 1203.45 of the Penal Code, and to amend Sections 781 and 903.3 of the Welfare and Institutions Code, relating to court records.*

Existing law authorizes a person to petition the court for an order sealing the record of conviction and other official records in a case in which that person was under 18 years of age at the time of commission of a misdemeanor and is eligible for, or has previously received, specified relief. Existing law authorizes that person to be required to reimburse the court, the county, or any city for the actual cost of services rendered. This bill would only make persons 26 years of age or older liable to reimburse the court, the county, or any city for the cost of services.

Existing law authorizes in a case in which a petition has been filed with a juvenile court to commence proceedings, the person or the county probation officer to petition the court for the sealing of arrest records and records relating to the person’s case in the custody of the juvenile court and the probation officer and any other agencies, including law enforcement agencies and public officials as the petitioner alleges to have custody of the records.

This bill would:

* Prohibit an unfulfilled order of restitution that has been converted to a civil judgment from barring the sealing of a record pursuant to the above provisions;
* Prohibit outstanding restitution fines and court-ordered fees from being considered when assessing whether a petitioner’s rehabilitation has been attained to the satisfaction of the court and from barring the sealing of a record pursuant to the above provisions;
* Provide that a minor is not relieved of the obligation to pay victim restitution, restitution fines, and court-ordered fines and fees because the minor’s records are sealed;
* Provide that sealing a record does not prohibit a court from enforcing a civil judgment for an unfulfilled order of restitution, and that a victim or a local collection program may continue to enforce victim restitution orders, restitution fines, and court-ordered fines and fees after a record is sealed.

Existing law makes a father, mother, spouse, or other person liable for the support of a minor person, the minor when he or she becomes an adult, or the estates of those persons, liable for the cost to the county and court for any investigation related to the sealing and for the sealing of any juvenile court or arrest records pursuant to the above-mentioned provisions. Existing law also authorizes those persons to be required to reimburse the court, county, or a city for the actual cost of services rendered, as specified. This bill would only require persons 26 years of age or older who petition for an order sealing his or her record to be liable for the investigative costs and to reimburse the costs of services rendered.

**AB 418 (Chiu) Tenancy: termination: victims of violent crimes**

*An act to amend and repeal Section 1946.7 of the Civil Code, relating to tenancy.*

Existing law, until January 1, 2016, authorizes a tenant to notify the landlord in writing that he or she or a household member was a victim of an act of domestic violence or sexual assault and that the tenant intends to terminate the tenancy. Existing law requires that the tenant attach to the notice to terminate a tenancy a copy of a temporary restraining order or protective order that protects the tenant or household member from further domestic violence or sexual assault or to attach a report by a peace officer stating that the tenant or household member has filed a report alleging he or she or the household member is a victim of domestic violence or sexual assault.

Existing law authorizes the use of a tenant’s security deposit to compensate a landlord for a tenant’s default in the payment of rent. Existing law provides that existing law governing security deposits applies to these terminations.

This bill would extend these provisions indefinitely and would reduce the time limit for a tenant to give a notice of intent to vacate to the landlord under these provisions from 30 days to 14 days.

**SB 420 (Huff) Prostitution**

*An act to amend Section 647 of the Penal Code, relating to prostitution.*

Existing law provides that a person who solicits or agrees to engage in or engages in any act of prostitution is guilty of disorderly conduct, a misdemeanor.

This bill would recast these provisions to distinguish between the different individuals who are guilty of disorderly conduct by soliciting, agreeing to engage in, or engaging in, any act of prostitution based on whether the person is soliciting or agreeing to receive compensation, money, or anything of value for an act of prostitution, or the person is soliciting or agreeing to provide compensation, money, or anything of value for an act of prostitution with a minor or with an adult.

This bill would incorporate additional changes to Section 647 of the Penal Code, proposed by SB 1129, SB 1322, and AB 1708, that would become operative only if this bill and one or more of those other bills are enacted and become effective January 1, 2017, and this bill is chaptered last.

**SB 794 (Committee on Human Services) Child Welfare Services**

*An act to amend Section 7950 of the Family Code, to add Section 1522.44 to the Health and Safety Code, to amend Sections 11165.1 and 11166 of the Penal Code, and to amend Sections 309, 362.04, 362.05, 362.1, 366, 366.21, 366.22, 366.25, 366.26, 366.3, 366.31, 706.5, 706.6, 727.2, 727.3, 10618.6, 11386, 16002, 16003, 16118, 16131, 16131.5, 16501, and 16501.1 of, and to add Sections 16501.35, 16501.45, and 16519.51 to, the Welfare and Institutions Code, relating to child welfare.*

This bill would require county child welfare agencies and probation departments, by September 29, 2016, to implement policies and procedures to identify, document, and determine appropriate services for children and youth who are receiving child welfare services pursuant to federal law and are, or are at risk of becoming, victims of commercial sexual exploitation. The bill would also require county child welfare agencies and probation departments to develop and implement specific protocols to expeditiously locate any child missing from foster care.

This bill would require county child welfare agencies to develop case plans for youth 14 years of age or older and non-minor dependents in consultation with the youth, and would authorize each youth to choose up to 2 members of the case planning team, as specified. The bill would require that case plans for these youth include a description of specified rights and entitlements, as well as an acknowledgment signed by each youth that he or she was provided with this information. The bill would also require the case plan for a child or non-minor dependent who is, or who is at risk of becoming, the victim of commercial sexual exploitation, to document the services provided to address that issue.

This bill would require that training for various categories of caregivers include knowledge and skills relating to the reasonable and prudent parent standard for participation in age or developmentally appropriate activities. The bill would also require each licensed community care facility that provides care and supervision to children, except licensed foster family homes and certified family homes, to designate at least one onsite staff member to apply the reasonable and prudent parent standard to decisions involving the participation of the child in age or developmentally appropriate activities.

Existing law requires a county welfare department, county probation department, or the State Department of Social Services to annually obtain a credit report, as specified, for a child in foster care who is 16 years of age or older. This bill would require that these services be provided to a child in foster care who is 14 years of age or older.

Existing law requires the State Department of Social Services to implement a statewide Child Welfare Services/Case Management System to effectively administer and evaluate the state’s child welfare services and foster care programs. This bill would require the department to ensure that the Child Welfare Services/Case Management System is capable of collecting specified information relating to the number of foster children who are, or are at risk of becoming, victims of commercial sexual exploitation.

The Child Abuse and Neglect Reporting Act requires mandated reporters to report to a police department, sheriff’s department, county probation department, or the county welfare department whenever he or she knows or reasonably suspects that a child has been the victim of child abuse or neglect, as specified. The county probation or welfare department must immediately, or as soon as practicably possible, report to the law enforcement agency having jurisdiction over the case, to the agency given the responsibility for investigation of cases of child abuse and neglect, and to the district attorney’s office every known or suspected instance of child abuse or neglect.

This bill would additionally require the county probation or welfare department to immediately, or in no case later than 24 hours from receipt of the information, report to the law enforcement agency having jurisdiction over the case any known or suspected instance of child abuse involving an allegation of commercial sexual exploitation of a child or youth receiving child welfare services. The bill would also require the county probation or welfare department to make a report to the appropriate law enforcement authority for entry into the National Crime Information Center database of the Federal Bureau of Investigation and to the National Center for Missing and Exploited Children within 24 hours of becoming aware that a child or youth who is receiving child welfare services and who is known or suspected to be the victim of commercial sexual exploitation is missing or has been abducted.

This bill would require that at least 30% of the savings realized from the enactment of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 be spent on postadoption services, post-guardianship services, and services to support and sustain positive permanent outcomes for children who might enter foster care, as specified.

The Kinship Guardianship Assistance Payment (Kin-GAP) Program provides financial assistance to children who are eligible for foster care maintenance payments and are placed in legal guardianship with a relative. Under existing law, termination of the guardianship terminates eligibility for Kin-GAP, unless an alternate kinship guardian or co-guardian is appointed, as provided. This bill would instead provide that if a successor kinship guardian is appointed, the successor guardian is entitled to receive Kin-GAP on behalf of the child if the reason for the appointment is the death or incapacity of the kinship guardian and the successor guardian is named in the kinship guardianship assistance agreement.

The federal Adoption and Safe Families Act of 1997 establishes a permanent placement option for older children as an alternative to long-term foster care, referred to in the act as “another planned permanent living arrangement”. This bill would revise various provisions relating to foster care and the placement of dependent children and wards of the juvenile court, to delete references to long-term foster care and to provide a minor 16 years of age and older, under certain circumstances, with another planned permanent living arrangement, as prescribed. The bill would require the court conducting the permanency hearing to make specified findings in this regard. The bill also would impose additional requirements on the county social worker or probation officer preparing the case plan and the social study required for children and non-minor dependents placed in another planned permanent living arrangement.

**SB 14 (Lara) Sexual battery: consent defense: minor’s sexual conduct**

*An act to add Section 1708.5.5 to the Civil Code, and to amend Section 1106 of the Evidence Code, relating to civil actions*

Existing civil law makes a person who commits a sexual battery upon another liable to that person for damages and authorizes a court to award equitable relief. Existing civil law provides that he or she who consents to an act is not wronged by it. This bill would prohibit consent from being a defense in any sexual battery civil action if the person committing the sexual battery is a specified adult who is in a position of authority and is able to exercise undue influence, as defined, over the minor.

This bill, in any sexual battery civil action involving a minor and an adult who is in a position of authority as described above, would prohibit evidence of the plaintiff minor’s sexual conduct with the defendant adult from being admissible to prove consent by the plaintiff or the absence of injury to the plaintiff. The bill would authorize such evidence of the plaintiff’s sexual conduct to be introduced only to attack the credibility of the plaintiff or to prove something other than consent by the plaintiff if, upon a hearing of the court out of the presence of the jury, the defendant proves that the probative value of that evidence outweighs the prejudice to the plaintiff.

**AB 899 (Levine) Juveniles: confidentiality of records**

*An act to add Section 831 to the Welfare and Institutions Code, relating to juveniles.*

Existing law requires the case file of a dependent child or ward of the juvenile court to be kept confidential, except as specified. Existing law authorizes only certain persons to inspect the case file, including, among others, the attorneys for the parties, judges, referees, other hearing officers, and law enforcement officers who are participating in proceedings involving the dependent child or ward.

This bill would provide that:

* Nothing in these provisions authorizes the disclosure of juvenile information to federal officials absent a court order upon filing a petition. The bill also would provide that
* Nothing in these provisions authorizes the dissemination of juvenile information to, or by, federal officials absent a court order upon filing a petition.
* Nothing in these provisions authorizes the attachment of juvenile information to other documents given to, or provided by, federal officials absent prior approval of the presiding judge of the juvenile court.

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**Coalition to Abolish Slavery and Trafficking**

Systemic change is at the core of CAST’s mission. Taking a survivor-centered approach to ending modern slavery, CAST has a proven track record of working directly with survivors of human trafficking which builds an important bridge between practice and policy to inform effective policy initiatives. . By developing broad-based partnerships, CAST effectively advocates for policies that work to end human trafficking and help survivors rebuild their lives.

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