



COUNTY OF SAN DIEGO

BOARD OF SUPERVISORS

1600 PACIFIC HIGHWAY, ROOM 335, SAN DIEGO, CALIFORNIA 92101-2470

AGENDA ITEM

DATE: September 11, 2012

19

TO: Board of Supervisors

SUBJECT: SUPPORT FOR PROPOSITION 35—THE CALIFORNIANS AGAINST SEXUAL EXPLOITATION ACT (DISTRICTS: ALL)

SUMMARY:

Overview

Human trafficking is one of the most heinous crimes plaguing modern society. Children as young as 4 years old are coerced, deceived, and threatened into servitude for sexual exploitation and labor. Proposition 35 will enact the Californians Against Sexual Exploitation Act, strengthening existing laws to provide law enforcement with improved tools to combat human trafficking, increasing protections for trafficking victims and toughening prison sentences for offenders.

The Resolution proposed today will demonstrate this Board's support for Proposition 35, the Californians Against Sexual Exploitation Act, and reaffirm the County's commitment to protecting people against human trafficking for both sex and labor.

Recommendation(s)

SUPERVISOR JACOB AND SUPERVISOR SLATER-PRICE

Adopt a resolution entitled: A RESOLUTION OF THE COUNTY OF SAN DIEGO IN SUPPORT OF PROPOSITION 35—THE CALIFORNIANS AGAINST SEXUAL EXPLOITATION ACT. |

Fiscal Impact

There is no fiscal impact associated with this action.

Business Impact Statement

N/A

Advisory Board Statement

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N/A

BACKGROUND:

Human trafficking is the last form of bondage known in the United States. Children and adults are held against their will and forced to perform labor and/or sexual acts.

Freedom from bondage is a basic human right, and to address the scourge of human trafficking for both sexual exploitation and forced labor, Proposition 35 will appear on the ballot this fall. When passed, it will enact the Californians Against Sexual Exploitation Act (“CASE Act”).

The Californians Against Sexual Exploitation Act

The Californians Against Sexual Exploitation Act’s Findings and Declarations set forth several facts that warrant this Board’s support of Proposition 35:

- Some 300,000 American children are at risk of sexual exploitation.
- Young children –as young as four years old—are trafficked.
- The rise of the Internet has only heightened this risk. Sexual predators can lure children and young adults through anonymous contact.
- Stronger laws are needed to combat human trafficking in California.

Accordingly, the Californians Against Sexual Exploitation Act, also known as the CASE Act, focuses on human trafficking for sexual exploitation but also addresses human trafficking for involuntary servitude and labor. The CASE Act has the following stated purposes:

- To combat human trafficking by imposing effective punishment on traffickers
- To protect the rights of persons who have been trafficked, recognizing them as victims, not criminals
- To strengthen laws regarding sexual exploitation and track and prevent online sex offenses and human trafficking

To meet these stated purposes and goals, Proposition 35 and the CASE Act will strengthen and expand the scope of California’s anti-trafficking laws. With passage of Proposition 35 and enactment of the CASE Act, California’s anti-trafficking laws would be similar to those at the Federal level. The CASE Act includes a number of highly-commendable provisions, including but not limited to the following:

Expanded definition of human trafficking -- The CASE Act expands the definition of human trafficking to include more crimes related to the creation and distribution of obscene materials depicting minors, even if the offender had no contact with the minor depicted.

Increased punishment – The CASE Act increases the maximum criminal penalties for human trafficking. For example, the forced sexual trafficking of a minor would result in a life term in prison. Potential fines increase from \$100,000 to up to \$1.5 million.

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Protection for victims in court – Persons who have been trafficked are considered victims and they are afforded new protections in court proceedings. For example, if they are the victim of trafficking, evidence of their sexual conduct cannot be used to impeach their testimony against traffickers.

Funding programs for victims and law enforcement -- Proposition 35 supports programs for human trafficking victims and law enforcement agencies across California. Human trafficking victims and programs designed to assist their recovery would be eligible for 70 percent of the money paid by perpetrators. The other 30 percent would be used to offset the costs of training local law enforcement agencies in identifying and assisting human trafficking victims.

Digital tracking of offenders -- Under Proposition 35 law enforcement would be provided the ability to digitally track the movements of sexual offenders. All registered sex offenders would be required to disclose their e-mail addresses, user names, and other pertinent information about their computer use to local law enforcement.

We encourage your support.

Respectfully submitted,

SUPERVISOR JACOB
District 2

SUPERVISOR SLATER-PRICE
District 3

ATTACHMENT(S)
Resolution

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AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: Yes No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED
 Yes No

PREVIOUS RELEVANT BOARD ACTIONS:

April 27, 2010 (21)

June 22, 2010 (19)

BOARD POLICIES APPLICABLE:

N/A

BOARD POLICY STATEMENTS:

N/A

MANDATORY COMPLIANCE:

N/A

**ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION
NUMBER(S):**

N/A

ORIGINATING DEPARTMENT: District 2 and District 3, Board of Supervisors

OTHER CONCURRENCE(S): N/A

CONTACT PERSON(S):

Marc Regier

Name

619-531-5533

Phone

Fax

A500

Mail Station

Marc.regier@sdcounty.ca.gov

E-mail

Robert Spanbauer

Name

619-531-5522

Phone

Fax

A500

Mail Station

Robert.spanbauer@sdcounty.ca.gov

E-mail