



**Pre-Proposition 35**  
 PC § 266, 266h, 266i, 267, 311.4, or 518,  
 or to obtain forced labor;

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MINOR; **OR**

Substantial and sustained restriction  
 of another's liberty accomplished  
 through  
 Force, fear, fraud, deceit, coercion,  
 violence, duress, menace, or threat.

**Post-Proposition 35**  
 PC § 266, 266h, 266i, **266j**, 267, **311.1**,  
**311.2**, **311.3**, 311.4, **311.5**, **311.6**, or 518  
 or to obtain forced labor

+

MINOR; **OR**

Substantial and sustained restriction  
 of another's liberty accomplished  
 through  
 Force, fear, fraud, deceit, coercion,  
 violence, duress, menace, or threat.

**Predicate Crimes**

- 266 PC/F: Enticing a female minor for prostitution or sex. (1872)
- 266h PC/F: Pimping.
- 266i PC/F: Pandering.
- 266j PC/F: Facilitating lewd or lascivious acts with a minor <16.
- 267 PC/F: Taking a minor from legal guardians for prostitution.
- 311.1 PC/F to 311.6 PC/F: Child pornography.
- 518 PC/F: Extortion.

## Sex vs. Labor

- | Pre-Proposition 35   | Post-Proposition 35  |
|--|--|
| <ul style="list-style-type: none"> <li>• 236.1(a) PC/F: Sex and Labor Trafficking (Adults)</li> <li>• 236.1(c) PC/F: Sex and Labor Trafficking (Minors)</li> </ul> | <ul style="list-style-type: none"> <li>• 236.1(a) PC/F: Labor Trafficking</li> <li>• 236.1(b) PC/F: Sex Trafficking (Adults)</li> <li>• 236.1(c)(1) PC/F: Sex Trafficking (Minors)</li> <li>• 236.1(c)(2) PC/F: Sex Trafficking (Minors with Force, Fear, Fraud...)</li> </ul> |

## Penalties

- | Pre-Proposition 35   | Post-Proposition 35  |
|--|--|
| <ul style="list-style-type: none"> <li>• Trafficking (Adults): 3-4-5 yrs. SP</li> <li>• Trafficking (Minors): 4-6-8 yrs. SP</li> </ul> | <ul style="list-style-type: none"> <li>• Labor Trafficking (Adults): 5-8-12 yrs. SP</li> <li>• Sex Trafficking (Adults): 8-14-20 yrs. SP</li> <li>• Sex Trafficking (Minors): 5-8-12 Yrs. SP</li> <li>• Sex Trafficking Minors with Force, Fear, Fraud...: 15 yrs. to Life SP</li> </ul> |

## Enhancements

- Post-Proposition 35
- 236.4(b) PC (GBI): 5-7-10 yrs. SP
  - 236.4(c) PC (Prior conviction): +5 yrs. SP

## Registration

- Post-Proposition 35
- 236.1(b)/(c) PC/F added to 290(c) PC
  - 290.014 PC; 290.015 PC; 290.024 PC:
    - Internet service providers
    - Internet identifiers

## Fines

- Post-Proposition 35
- 236.1(a)/(b)/(c) PC/F: Up to \$500,000
  - 236.4(a) PC: Up to an additional \$1,000,000

## Additional Tools

- 236.3 PC – Property used for HT – nuisance.
- 236.6 PC – Seize Assets AB 2466 – 1/1/2013.
  - TRO, Preliminary Injunction and Receiver to preserve and protect the value of property and assets for remedies – restitution and fines.
  - Relaxed rules of evidence – reliable.
  - Likely success of prosecution and risk of asset dissipation versus harm to defendant and relevant parties.

## Additional Tools

- **236.7 PC – Forfeiture SB 1133 – 1/1/2013.**
  - (a) Seizure and forfeiture of anything valuable (money, boats, cars, airplanes, property, etc.) substantially used for sex trafficking of minors (236.1(c) PC/F).
  - (b) Seizure and forfeiture of the monetary proceeds and anything valuable acquired through sex trafficking of minors.
- **236.9 PC – Proceedings SB 1133 – 1/1/2013**
  - (c) Decided by jury trial.
  - (d) Proof beyond a reasonable doubt.

## Additional Tools

- **236.12 PC – Forfeiture proceeds to be distributed:**
  - Innocent owners of interest in the property;
  - Government entities that incurred the costs of the sale of property;
  - 50% to the general fund of the government entity handling the prosecution/forfeiture;
  - 50% to the VW Assistance fund to be used for grants to community organizations that serve HT victims.

## Civil Action

- **CA Civil Code Section 52.5**
  - Actual damages + up to 3X or \$10,000;
  - Compensatory damages;
  - Punitive damages;
  - Injunctive relief;
  - Attorney's fees and costs.
- **5 years Statute of Limitations**
  - 8 years from age of majority;
  - Tolling for discovery, disabilities.
- **Civil actions stayed during criminal action.**

## Protection for Victims

- **293 PC / 6254 GC:**
  - Confidentiality of name and address.
- **1038 EC / 1038.1 EC:**
  - Privileged communications with HT Caseworker subject to court balancing in camera.
- **Added by Proposition 35 – 1161 EC:**
  - HT victim's commercial sexual acts inadmissible to prove criminal liability or to impeach.

