

# Yes on California Prop 35

## California Law on Human Trafficking Falls Short of Federal Law

By Genice Jacobs and Juliana Zhu, Esq.

Did you know that California is a hub for human trafficking? Three California metropolitan areas are among the FBI’s designated highest intensity child sex trafficking regions in the nation. Why? Current California law does not adequately reflect the severity of this heinous crime. A recent study gave California an “F” for its weak laws against child sex trafficking. California law falls short of federal law on human trafficking in criminal penalties. Federal law provides that for forced labor and/or services, the penalty is up to 20 years in prison, whereas in California, the penalty is 5 years. For sex trafficking of an adult, the federal penalty is 15 years or more in prison. In California, the maximum is 5 years imprisonment. There is currently no stated penalty for sex trafficking of minors without force.

For sex trafficking of minors, Federal law imposes 15 years to life imprisonment, whereas in California, the maximum penalty is 8 years imprisonment. Furthermore, the State has to prove that the minor was forced into the commercial sex act,

|                             | CA Penalty | Federal Penalty |
|-----------------------------|------------|-----------------|
| <b>Forced Labor</b>         | 5 yrs      | Up to 20 yrs    |
| <b>Trafficking an adult</b> | 5 yrs max  | 15 yrs or more  |
| <b>Trafficking a minor</b>  | 8 yrs max  | 15 yrs to life  |

which federal law does not require. Current law makes it easy for traffickers to continually exploit children in California. So, even if traffickers are caught and prosecuted, they are out on the streets after only a few years. This makes California an attractive venue for traffickers to perpetrate their crimes.

In recent years, sex trafficking in California has become more of an epidemic in middle and high schools. The average age of victims is 12-14 years old; some victims are as young as 9 years old. At risk and naïve youths are tricked, manipulated and coerced into the sex trade by traffickers who promise them love and protection. These traffickers are recruiting vulnerable children at schools, parks, malls and foster homes for sex with strangers. If we don’t address this epidemic by setting up deterrents, the problem

will only get worse.

Slated for the November 2012 ballot, Proposition 35 will fight back against human trafficking and the sexual exploitation of women and children. Prop. 35 will increase prison terms for human traffickers, require convicted sex traffickers to register as sex offenders, require all registered sex offenders to disclose their Internet accounts, increase criminal fines from convicted human traffickers to fund services to help victims, and provide for training of law enforcement officers. If passed, it would bring California law on par with Federal laws, a step closer to solving the problem of human trafficking.

Resources:

[www.CaliforniaAgainstSlavery.org](http://www.CaliforniaAgainstSlavery.org)

[www.CaseAct.org](http://www.CaseAct.org)

