

Introduced by Senator Wiener
(Principal coauthor: Assembly Member Quirk)
(Coauthor: Assembly Member Friedman)

February 7, 2019

An act to add Section 647.3 to the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

SB 233, as introduced, Wiener. Immunity from arrest.

Existing law criminalizes various aspects of sex work, including soliciting anyone to engage in, or engaging in, lewd or dissolute conduct in a public place, loitering in a public place with the intent to commit prostitution, or maintaining a public nuisance. Existing law, the California Uniform Controlled Substances Act (CUCSA), also criminalizes various offenses relating to the possession, transportation, and sale of specified controlled substances.

This bill would prohibit the arrest of a person for a misdemeanor violation of the CUCSA or other specified sex work crimes, if that person is reporting a crime of sexual assault, human trafficking, stalking, robbery, assault, kidnapping, threats, blackmail, extortion, burglary, or another violent crime. The bill would also state that possession of condoms in any amount, in and of itself, is not probable cause for arrest for specified sex work crimes.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 647.3 is added to the Penal Code, to read:

1 647.3. (a) A person who is reporting a crime of sexual assault,
2 human trafficking, stalking, robbery, assault, kidnapping, threats,
3 blackmail, extortion, burglary, or another violent crime shall not
4 be arrested for a crime, including a misdemeanor violation of the
5 California Uniform Controlled Substances Act (Division 10
6 (commencing with Section 11000) of the Health and Safety Code)
7 or a violation of subdivision (a) or (b) of Section 647 or of Section
8 372 or 653.22.
9 (b) Possession of condoms in any amount shall not, in and of
10 itself, be probable cause for arrest for a crime, including a violation
11 of subdivision (a) or (b) of Section 647 or of Section 372 or 653.22.