

FACT SHEET: SB 1129
AUTHOR: SENATOR BILL MONNING
REPEAL OF MANDATORY MINIMUM SENTENCES FOR PROSTITUTION

PROPOSED BILL

Senate Bill (SB) 1129 will remove the current mandatory sentencing statutes for the crime of prostitution that require incarceration upon an offender's second or third conviction. The bill will also repeal the court's ability to suspend or restrict an offender's driving privileges.

BACKGROUND

Mandatory minimum sentencing laws grew in the 1980's with the enactment of tough-on-crime laws and limit the courts ability to address the underlying issues that may cause a person to reoffend. Today, many of those who engage in prostitution are themselves victims of human trafficking and are often young, immigrant women forced into prostitution.

California's prostitution sentencing provisions are the harshest mandatory penalties of all the misdemeanor offenses and tie the hands of any judge who wishes to tailor a punishment to fit a specific situation.

For repeat convictions of prostitution, it is mandated that for a second conviction the offender must serve 45 days in county jail and for a third conviction the offender must serve 90 days in jail. The court can also restrict an individual's ability to drive for up to six months, if the offense involved the use of a vehicle or was within a thousand feet of a residence.

Additionally, current sentencing statutes specifically forbid judicial oversight and mandate incarceration even in situations where a judge orders alternative

probationary sanctions, such as participation in diversion and rehabilitation programs (Penal Code Section 647).

In 1996, SB 1820 (Marks), sponsored by the California State Bar, attempted to remove the mandatory jail sentences for prostitution in order to address state's increasing jail population, However, the bill failed passage in the Legislature.

In the subsequent 20 years, California's prison and jail overcrowding problem has reached crisis levels, culminating in the realignment of the entire criminal justice system. Continuing mandated jail sentences for prostitution convictions when there is a prison and jail overcrowding crisis has the potential to force the release of more serious offenders in order to make room for those convicted of prostitution.

SOLUTION

SB 1129 will remove California's mandatory minimum sentencing requirements for repeat offenders of prostitution and ensure that crowded jails are not burdened with these non-violent, non-serious offenders.

The bill ensures repeat offenders are still punished for breaking the law but allows for judicial discretion in determining the suitability of the punishment.

SUPPORT

California Public Defenders Association
(Sponsor)

OPPOSITION

None at this time

FOR MORE INFORMATION

Contact: Trevor Taylor
Phone: (916) 651-4017
Email: trevor.taylor@sen.ca.gov