NO ON PROP. 35

We are firmly against human trafficking of all kinds however, Proposition 35 is not the answer to address trafficking in our state. California already has strong anti-trafficking legislation that protects all survivors of human trafficking. Prop. 35 is a misleading proposition that has the potential to do more harm than good. We oppose Prop. 35 for the following reasons:

- Anyone that associates with a person **under the age of 18 who trades sex could be criminalized and considered a trafficker even if there was no force, fraud or coercion involved**. This includes:
    - Young people in the sex trade who have combined efforts to share housing, food, resources and increase their personal safety
    - People of color, queer, immigrant, and low-income communities that are already unfairly targeted by the criminal justice system for prostitution could be inappropriately and maliciously criminalized with this proposition
- Proposition 35 re-defines commercialized sex for minors so broadly that **any trade of value would be seen as commercialized sex. This could include going to the movies or buying dinner.**[1]
- Under prop 35**, all sex offenders, including those convicted of less serious crimes such as indecent exposure, (which you can get for urinating on the side of the street) must register as sex offenders and their Internet use will be monitored for life.** This drastic law would infringe on what could be thousands of non-sex criminals first amendment rights.[2]
- Proposition 35 muddles the sex offender registry. The Los Angeles Times explains, "**It expands the sex offender registry and, in so doing, converts it from a useful tool to help police and residents track the whereabouts of potentially dangerous sexual predators into a list that includes non-sex criminals**."[3] The cost of tracking this potential explosion of sex offenders would increase the burden to California budget which already is in deficit meeting the basic human service needs of California.
- Prop 35 increases police power to detain and question people they suspect may be involved in trafficking**. This puts immigrant communities at extreme risk of increased policing and deportation.**
- **If unjustly charged, many people of color and low-income people will not have the resources or money to go to trial.** Under prop 35, the penalties include mandatory lengthy sentences as well as having to register as a sex offender. There are sections in Prop. 35 that make it difficult for a person, once charged as a trafficker, to present an effective defense case.

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[1] www.youtube.com%2Fwatch%3Fv%3DWHlUSGZUMSY&ei=w-2KUMinAcTz0gHLv4HwDw&usg=AFQjCNGaySZRPmD4izbIQ0mifbXZyfd1RQ

[2] https://www.aclunc.org/legislation/ca_propositions/index.shtml

[3] http://www.latimes.com/news/opinion/editorials/la-ed-end-prop35-20121010,0,4382854.story

- "The CASE Act [Proposition 35] circumvents compensation for victims." Kathleen Kim, Professor of Law at Loyola Law School and author of AB 22, California's current human trafficking law, says, "**Survivors who would be entitled to hundreds of thousands of dollars in damages for enduring forced labor conditions, restriction of movement and severe psychological and physical abuse, would be redirected to special interest non-profits and government agencies."**[4]

- **This proposition will hijack efforts already being done to address trafficking in California**. Kamala D. Harris, California's Attorney General has created a working group with more than 100 stakeholders from various organizations and places to hear their concerns and recommendations around trafficking. Harris says, "My office plans to update the *Human Trafficking in California Report* and explore partnerships with key leaders and officials – in California and Mexico – to strengthen collaborative efforts, share best practices for investigating and prosecuting human trafficking cases, and assist victims."[5] Instead of implementing Prop. 35, we should wait for recommendations from this working group and for the release of California's updated "Human Trafficking in California" report.

- This Proposition does NOT address the real issues that survivors of trafficking need. **Survivors of trafficking, especially those under the age of 18, need access to non-mandated social and health services such as housing, job training, and quality education.** We should ensure all people who have been trafficked, especially youth, have access to services and benefits without being forced to testify against the person who trafficked them.

Please join the organizations below in voting no on Proposition 35

Access Women Health Justice, American Civil Liberties Union of California (ACLU) Bay Area Sex Workers Advocacy Network (BAYSWAN), Best Practices Policy Project, Black Women for Wellness, California Council of Churches IMPACT, California Latina for Reproductive Justice (CLRJ), California Religious Coalition of Reproductive Choice, Community United Against Violence (CUAV), Desire Alliance, Different Avenues, Ella Baker Center, Forward Together, Harm Reduction Coalition, Justice, Now, Law Students for Reproductive Justice, The Labor Community, Strategy Center. Oakland Rising, Positive Women's Network, Sex Workers Outreach Project - New York City Chapter Sex Workers Action New York , St James Infirmary, Worksafe Inc.

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[4] http://noonprop35.wordpress.com/2012/09/26/analysis-of-the-case-act-by-kathleen-kim/

[5] [6] http://oag.ca.gov/human-trafficking California Attorney General - Kamala D. Harris