



SENATOR BEN HUESO, 40TH DISTRICT

SB 448 (Hueso) – Californians Against Sexual Exploitation Act

Summary

SB 448 makes technical changes to Proposition 35 to address constitutional concerns raised by the 9th Circuit Court of Appeals. Specifically, this bill addresses the portion of the Proposition requiring registered sex offenders to report their internet identifiers to law enforcement.

Background

In November of 2012 California voters overwhelmingly approved Proposition 35, also known as the Californians Against Sexual Exploitation Act (CASE Act). The act is the most popular initiative in California's history, and was approved with 81% of the vote and is the first initiative to receive over 10 million votes.

In order to provide law enforcement with a tool to investigate sex trafficking online, Proposition 35 required all registered sex offenders in California to submit their internet identifiers to the local law enforcement agencies in the jurisdiction in which they are registered.

Between July 1, 2010 and June 30, 2012, California's nine anti-trafficking task forces initiated 2,552 investigations, identified 1,277 victims of human trafficking, and arrested 1,798 individuals. 72% of the individuals trafficked were Americans.

In the age of the internet, human trafficking has become increasingly easier for traffickers to find and abuse their victims. According to a 2012 report by the Attorney General, "The business of sex trafficking, in particular, has moved online. Traffickers use the Internet to increase their reach, both in recruiting victims through social media and finding clients via advertisements posted on classified advertising websites."

Why this bill is needed

The 9th Circuit Court of Appeals recently preliminarily enjoined a provision of Proposition 35 requiring registered sex offenders to report their internet identifiers due to First Amendment concerns. The district court in April issued a stay allowing the Legislature to clarify Proposition 35 to address the constitutional concerns of the court by September 17th.

This bill, with the support of the sponsors of Proposition 35, addresses those concerns by:

1. Providing a clearer definition of what an internet identifier is.
2. Because the 9th Circuit ruled a one day reporting requirement was too onerous, this bill allows sex offenders to report their identifiers within five working days.
3. Preventing the release of the identifiers to members of the general public, but allowing the Attorney General to share the identifiers with a member of the public if the Attorney General determines, based upon specific facts, that the information will likely protect the public from sex related crimes, kidnappings, or human trafficking and the person signs an oath promising to use the information only for the identified purpose and to maintain confidentiality.
4. Only allows law enforcement agencies to access the identifiers if it is being used for the purposes of investigating a sex related crime, a kidnapping or human trafficking.

Support:

Safer California Foundation (Co-Sponsor)

San Diego Police Officer Association (Co-Sponsor)



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For More Information Call

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