



Kern County

SHERIFF

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Issue: 23-08

TRAINING BULLETIN

DATE: January 20, 2023

Senate Bill 357: Safer Streets for All Act

California State Senator. Scott Weiner (D-San Francisco) authored SB 357 (Safer Streets for all act). It was passed and signed into law by Governor Gavin Newsom and will take effect January 1st, 2023. SB 357 repeals provisions of California law criminalizing “loitering with the intent to engage in prostitution.”

Existing law prohibits soliciting or engaging in an act of prostitution, as specified. Existing law also prohibits loitering in a public place with the intent to commit prostitution, as defined, or directing, supervising, recruiting, or aiding a person who is loitering with the intent to commit prostitution, or collecting or receiving all or part of the proceeds of an act of prostitution. Under existing law, a violation of any of these provisions is a misdemeanor. This also includes those seeking to buy/purchase sex.

This bill would repeal those provisions related to loitering in a public place with the intent to commit prostitution and would make other conforming changes. This bill will also authorize a person convicted of a violation of loitering with the intent to commit prostitution to petition the court for the dismissal and sealing of their case, and resentencing, if applicable.

Staff should be familiar with these changes in the law as they will impact how crimes related to prostitution are handled by law enforcement. Please click on the link to review SB 357 in its entirety. This Senate Bill made several amendments to the Penal Code, Evidence Code, Public Utilities and Welfare and Institutions Codes.

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB357

SB 357 (Wiener)- Loitering for the purpose of engaging in a prostitution offense

Evidence Code Section 782.1 (Amend)

Penal Code Sections 647.3, 653.23 and 1203.47 (Amend), 653.29 (Add), 653.20 and 653.22 (Add and Repeal)

Public Utilities Code Section 99171 (Amend)

Welfare and Institutions Code Sections 18259 and 18259.3 (Amend)

Effective Date: January 1, 2023

SUMMARY:

Repeals provisions of law related to loitering with intent to commit prostitution.

HIGHLIGHTS:

- Authorizes a person currently serving a sentence for a conviction of the repealed section to petition the trial court for a recall or dismissal of sentence. Upon receiving a petition, the court shall presume the petitioner satisfies the criteria for recall and dismissal of sentence unless the party opposing the petition proves by clear and convincing evidence that the petitioner does not satisfy the criteria. If the petitioner satisfies the criteria, the court shall grant the petition and dismiss the sentence as legally invalid.
- Authorizes a person who has completed their sentence for a conviction of the repealed section to file an application before the trial court to have their conviction dismissed and sealed because the prior conviction is legally invalid. The court shall presume the petitioner satisfies the criteria unless the party opposing the application proves by clear and convincing evidence that the petitioner does not satisfy the criteria. If the petitioner satisfies the criteria, the court shall seal the conviction as legally invalid.
- Specifies that unless requested by the applicant, no hearing is necessary to grant or deny an application.
- Provides that if the court that originally sentenced the petitioner is not available, the presiding judge shall designate another judge to rule on the petition or application.
- States that this bill's provisions is not intended to diminish or abrogate any rights or remedies otherwise available to the petitioner or applicant.
- Requires the Judicial Council to promulgate and make available all necessary forms to enable the filing of the petitions and applications authorized by the provisions in this bill.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

(As provided by the Los Angeles County Sheriff's Department):

A repeal of this law will take a major tool away from law enforcement, especially patrol operations. Prostitution operations require the use of extensive undercover operations and there are limited amounts of personnel and funding to do this type of work.

Penal Code section 653.22 allows our patrol functions to enforce this section, and there are of course way more patrol officers than there are undercover officers available for extensive operations.

NOTES: