

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: July 12, 2011  
POSITION: Neutral

BILL NUMBER: AB 90  
AUTHOR: S. Swanson

**BILL SUMMARY: Human Trafficking: Minors**

This bill would provide that any crime involving a minor that is coerced or forced to engage in a commercial sex act can be the basis of criminal profiteering asset forfeiture.

**FISCAL SUMMARY**

This bill would increase the proceeds to the Victim-Witness Assistance Fund (VWAF). The VWAF funds programs related to minor victims of sexual abuse or exploitation and human trafficking.

The California Emergency Management Agency cannot estimate how much additional money would be generated as a result of this measure because it would be contingent upon the number of crimes committed under this statute and whether any property was forfeited as a result of the crimes.

Any local government costs resulting from the mandate in this measure would not be state-reimbursable, because the mandate only involves the definition of a crime or the penalty for conviction of a crime.

**COMMENTS**

The Department of Finance is neutral on this bill.

Current law, the California Control of Profits of Organized Crime Act, provides the procedure for the forfeiture of property and proceeds acquired through a pattern of criminal profiteering activity, as specified. Under existing law, criminal profiteering activity is defined to include specified crimes, including human trafficking.

Under current law, in any case involving human trafficking of minors for purposes of prostitution or lewd conduct, or in any case involving abduction or procurement by fraudulent inducement for prostitution, in lieu of the distribution procedure described above, the proceeds shall be deposited in the VWAF to be available for appropriation to fund child sexual exploitation and child sexual abuse victim counseling centers and prevention programs.

This bill would:

- Include within the definition of criminal profiteering activity any crime in which the perpetrator induces, encourages, or persuades, or causes through force, fear, coercion, deceit, violence, duress, menace, or threat of unlawful injury to the victim or to another person, a person under 18 years of age to engage in a commercial sex act.
- Include the proceeds from the added crimes to be deposited in the VWAF to be available for appropriation to fund child sexual exploitation and child sexual abuse victim counseling centers and prevention programs.

Analyst/Principal (0232) J. Howard	Date	Program Budget Manager Lisa Ann L. Mangat	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

**BILL ANALYSIS** Form DF-43 (Rev 03/95 Buff)

**BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)**

**AUTHOR**

**AMENDMENT DATE**

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AB 90

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							Fund Code
	LA	(Dollars in Thousands)							
	CO	PROP							
	RV	98	FC	2011-2012	FC	2012-2013	FC	2013-2014	
0690/Cal EMA	SO	No		-----	No/Minor	Fiscal Impact	-----		0425
<u>Fund Code</u>	<u>Title</u>								
0425	Victim - Witness Assistance Fund								