
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair
2023 - 2024 Regular Session

SB 236 (Jones) - Human trafficking: vertical prosecution program

Version: April 11, 2023

Urgency: No

Hearing Date: April 24, 2023

Policy Vote: PUB. S. 5 - 0

Mandate: No

Consultant: Matthew Fleming

Bill Summary: Requires the Office of Emergency Services (OES), to the extent that funds are available for this purpose and until January 1, 2029, to allocate and award funds to district attorney offices that employ a vertical prosecution methodology for human trafficking crimes, as specified.

Fiscal Impact: Cost pressures of approximately \$2.6 million in order to fund grants to district attorney offices that employ vertical prosecution strategies (General Fund). See Staff Comments for additional details.

Background: The former Governor's Office of Criminal Justice Planning (OCJP) was established in 1968 to provide funding for criminal justice and victim assistance programs. OCJP was abolished in the 2003-2004 State Budget on December 31, 2003. Starting January 2004, all of the programs, with the exception of those in the Juvenile Justice Delinquency Prevention Branch (which transferred to the California Department of Corrections and Rehabilitation), were incorporated into OES. These programs include criminal justice and victim service grant programs administered by OES, including the Violence Against Women Vertical Prosecution Program, the Human Trafficking Advocacy Program, and Internet Crimes and Children Program.

"Vertical Prosecution" refers to a method in which a prosecutor is assigned to the case from the initial point of referral to the completion of the prosecution. Many argue this method of prosecution results in continuity and improved prosecution success, as well as benefits for crime victims, such as allowing prosecutors to build a rapport with victims by remaining with the case from intake to sentencing, which ensures that victims do not have to tell their story repeatedly to prosecutors at various stages of the case. The prosecutor may develop ongoing relationships with community organizations and be able to connect victims to appropriate resources. This methodology is often used for complex cases like homicide or gangs, or in cases where victims are particularly vulnerable such as child abuse, elder abuse, domestic violence or human trafficking. Several district attorney offices, including San Diego County, Contra Costa County, San Joaquin County, Ventura County, and Napa County, already use this methodology to prosecute these types of crimes. This bill would create a grant program, subject to funding, for OES to award and allocate funds to district attorney offices that employ a vertical prosecution methodology for the prosecution of human trafficking crimes.

Proposed Law:

- Establishes within OES a program of financial and technical assistance for county district attorney offices for the prosecution of human trafficking crimes.

- Provides that the Director of OES shall, to the extent that funds are available for this purpose, allocate and award funds to up to 11 district attorney offices that apply for funding.
- Requires each county selected for funding to meet all of the following minimum requirements:
 - Employ a vertical prosecution methodology for human trafficking crimes;
 - Dedicate at least one-half of the time of one deputy district attorney and one-half of the time of one district attorney investigator solely to the investigation and prosecution of human trafficking crimes;
 - Provide the office with annual data on the number of human trafficking cases filed by that county, the number of human trafficking convictions obtained, and the sentences imposed for those convicted of human trafficking in that county;
 - Enter into an agreement, either by contract or a memorandum of understanding, with an advocacy agency funded by the office that provides services, counseling, or both, to victims of human trafficking in order to ensure that victims and witnesses of human trafficking, as appropriate, receive services; and,
 - Funding received by district attorney offices pursuant to this program shall be used to supplement, and not supplant, existing financial resources.
- Provides that OES shall select applications based upon a competitive process and may establish selection criteria. Provides that at minimum, an applicant shall demonstrate the ability to comply with the specified criteria and include an estimate of the number of potential human trafficking crimes in that county.
- Requires, on or before January 1, 2026, OES to submit to the Legislature and the Governor's office a report that describes the counties that received the funding and the number of conviction and lengths of sentences for human traffickers in those counties.
- Specifies that "human trafficking" includes any violation of Penal Code section 236.1 or the offense of soliciting a minor to engage in an act of prostitution.
- Provides that not more than 10 percent of funds appropriated for this program shall be retained by OES for administrative costs, including technical assistance, training, and the cost of producing the required report.
- Sunsets these provisions on January 1, 2029.

Related Legislation:

- AB 959 (Melendez, 2019) was nearly identical to this bill. AB 959 was held on the Assembly Appropriations Suspense File.

- AB 229 (Baker), of the 2017-2018 Legislative Session, would have established the Human Trafficking Prevention Vertical Prosecution Program, and appropriated \$2,600,000 from the General Fund for that purpose, AB 229. AB 229 was held on the Senate Appropriations Committee suspense file.
- AB 2124 (Rubio), of the 2017-2018 Legislative Session, established the Human Trafficking Prevention Vertical Prosecution Program, and was identical to this bill in that it would only have become operative to the extent that funds were provided in the Budget Act. AB 2124 was held on the Senate Appropriations Committee suspense file.
- AB 2202 (Baker), of the 2015-2016 Legislative Session, would have established the Human Trafficking Prevention Vertical Prosecution Program. AB 2202 was held on the Assembly Appropriations Committee suspense file.

Staff Comments: This bill does not appropriate funding for the grants it creates, nor does it specify a level of funding. As introduced, the bill would have appropriated \$2,600,000 from the General Fund in order to support vertical prosecution programs in up to 11 district attorney offices. OES reports that it would require \$182,000 in order to fund .5 Associate Governmental Program Analyst (AGPA) and .25 Staff Services Manager (SSM), ongoing until the bill sunsets. The bill authorizes OES to use up to 10% of the funds appropriated for vertical prosecution programs for administrative costs, including technical assistance, training, and a report to the Legislature.

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