

Date of Hearing: March 24, 2026
Deputy Chief Counsel: Stella Choe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2582 (Schultz) – As Introduced February 20, 2026

SUMMARY: Requires a person who commits prostitution with intent to receive compensation, money, or anything of value from another person to, for a first or second violation of those provisions, be offered a diversion program, if a program for which the defendant is eligible is available.

EXISTING LAW:

- 1) Makes it a misdemeanor to solicit, agree to engage in, or engage in any act of prostitution with the intent to receive compensation, money, or anything of value from another person. (Pen. Code, § 647, subd. (b)(1).)
- 2) Makes it a misdemeanor to solicit, agree to engage in, or engage in, any act of prostitution with another person who is 18 years of age or older in exchange for the individual providing compensation, money, or anything of value to the other person. (Pen. Code, § 647, subd. (b)(2).)
- 3) Makes it a misdemeanor to solicit, or agree to engage in, or engage in, any act of prostitution with another person who is a minor in exchange for the individual providing compensation, money, or anything of value to the minor. (Pen. Code, § 647, subd. (b)(3).)
- 4) Provides that if the crime of solicitation of a minor is committed and the defendant knew or should have known that the person solicited was a minor at the time of the offense, the violation is punishable by imprisonment in a county jail for a minimum of two days and not more than one year, or by a fine not \$10,000, or by both that fine and imprisonment. (Pen. Code, § 647, subd. (l)(1)(A).)
- 5) States, notwithstanding the above punishment for solicitation of a minor, a defendant 18 years of age or older may be punished with an alternate felony-misdemeanor, if the solicited minor was under 16 years of age at the time of the offense or if the solicited minor was more than 3 years younger than the defendant at the time of the offense. (Pen. Code, §647, subd. (l)(2)(A)-(B).)
- 6) Specifies that a second or subsequent violation of the above is punishable as a felony. (Pen. Code, § 647, subd. (l)(3).)
- 7) Provides that a person who is convicted of soliciting a minor shall be ordered by the court, if granted probation, to successfully complete an education program on human trafficking and the exploitation of children. A fee shall not be imposed for participation or enrollment in an education program. (Pen. Code, § 647, subd. (l)(4).)

- 8) Requires an individual who provides compensation, money, or anything of value in violation of paragraph (2) or (3) of subdivision (b), above, in addition to any other punishment, be punished by a fine of \$1,000. Fines collected pursuant to this paragraph shall be deposited in the Survivors Support Fund. (Pen. Code, § 647, subd. (1)(5).)
- 9) Authorizes a judge of the superior court in which a misdemeanor case is being prosecuted, at the judge's discretion and over the objection of a prosecuting attorney, to offer diversion to a defendant except if the defendant is charged with any of the following offenses:
 - a) Any offense for which the defendant, if convicted, would be required to register as a sex offender;
 - b) Any offense involving domestic violence; or,
 - c) An offense of stalking. (Pen. Code, § 1001.95., subd. (a) & (c).)
- 10) States that a judge may continue a diverted case for a period not to exceed 24 months and order the defendant to comply with terms, conditions, or programs that the judge deems appropriate based on the defendant's situation. (Pen. Code, § 1001.95., subd. (b).)
- 11) States that if the defendant has complied with the imposed terms and conditions, at the end of the period of diversion, the judge shall dismiss the action against the defendant. (Pen. Code, § 1001.95., subd. (c).)
- 12) States that if it appears that the defendant is not complying with the terms and conditions of diversion, after notice to the defendant, the court shall hold a hearing to determine whether the criminal proceedings should be reinstated. If the court finds that the defendant has not complied with the terms and conditions of diversion, the court may end the diversion and order resumption of the criminal proceedings. (Pen. Code, § 1001.95, subd. (d).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, "Many individuals who are charged with prostitution in California have been victimized by sex traffickers and buyers. These survivors often face extreme barriers to exiting sex work or escaping trafficking, such as repeated instances of physical and sexual violence, isolation from support networks, high rates of mental health issues such as PTSD, substance use, and employment difficulties. AB 2582 builds on California's efforts to combat trafficking and commercial sex exploitation by requiring diversion to be offered for an individual's first or second charge of committing prostitution with the intent to receive compensation. Through emphasizing the redirection of survivors out of criminal proceedings, California can more effectively and compassionately address the unique needs and circumstances of these survivors.

"Diversion programs have been documented as an effective tool for interrupting cycles of violence and recidivism for this population. One study found that participants who completed a prostitution diversion program had a 68% lower risk of being rearrested and that 77.3%

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were employed, volunteering, or enrolled in an educational program. This bill will only apply to defendants who are charged with the intent to receive compensation, and not the solicitors of prostitution. It additionally will only require diversion to be offered when it is already available in a jurisdiction. By ensuring access to diversion where it already exists, AB 2582 supports a survivor-centered response that prioritizes long term recovery and more effectively addresses recidivism.

- 2) **Background on Diversion:** Diversion is the suspension of criminal proceedings for a prescribed time period with certain conditions. A defendant may not be required to admit guilt as a prerequisite for placement in a pretrial diversion program. If diversion is successfully completed, the criminal charges are dismissed and the defendant may, with certain exceptions, legally answer that he or she has never been arrested or charged for the diverted offense. If diversion is not successfully completed, the criminal proceedings resume, however, a hearing to terminate diversion is required.

Diversion programs may be pre-plea or post-plea (often called deferred entry of judgement). Pre-plea programs allow a defendant to participate in the program without admitting guilt. In post-plea programs, the defendant must first admit guilt before participating in the program. The main difference between the two types of diversion is that in a pre-plea program, if the defendant does not successfully complete the program, criminal proceedings resume and the defendant has the option to plead guilty or pursue a defense against their case. In a post-plea diversion program, if a defendant does not successfully complete the program, the defendant having already plead guilty, would be sentenced.

In recent years, the Legislature has enacted several pre-plea diversion programs such as military diversion (SB 1227 (Hancock), Ch. 658, Stats. 2013), mental health diversion (SB 215 (Beall), Ch. 1005, Stats. 2017), diversion for primary caretakers (SB 394 (Skinner), Ch. 593, Stats. 2019), and court-initiated misdemeanor diversion (AB 3234 (Ting), Ch. 334, Stats. 2020). Drug diversion was enacted as a preplea program and changed to a postplea program in 1997 (SB 1369 (Kopp), Ch. 1132, Stats. 1996), then in 2017 changed back to a preplea program (AB 208 (Eggman), Ch. 778, Stats. 2017).

Existing law authorizes a city or county prosecuting attorney or county probation department, until January 1, 2031, to create a diversion or deferred entry of judgment program for persons who commit a theft offense or repeat theft offenses and specifies that the prosecuting attorney is to determine who to refer to the program and who is appropriate for placement in the program. For purposes, of the program, "repeat theft offenses" means being cited or convicted for misdemeanor or felony theft from a store or vehicle two or more times in the previous 12 months and failing to appear in court when cited for these crimes or continuing to engage in these crimes after release or after conviction. (Pen. Code, § 1001.81.)

This bill does not create a new diversion program. Rather, it requires a defendant who violates existing law that prohibits soliciting another person to engage in an act of prostitution with the *intent to receive compensation, money, or anything of value* from the other person, on a first or second violation, to be offered diversion, if a program for which the defendant is eligible is available. As discussed in more detail in note 3, misdemeanor diversion would likely be available, however, it is unclear whether each county would have appropriate programs in place to address this population. The bill does specify whether the

diversion program must be preplea or postplea, thus a deferred entry of judgement program may be available in addition to preplea misdemeanor diversion.

- 3) **Misdemeanor Diversion:** As referenced above, existing law authorizes a judge to suspend criminal proceedings and divert a misdemeanor defendant, over the objection of the prosecution, except in cases of stalking, domestic violence and any offense requiring sex offender registration. The judge has broad authority to order the defendant to comply with terms, conditions, or programs that the judge deems appropriate based on the specific situation, however the case may not be diverted for a period exceeding 24 months. Similar to other existing diversion programs, if a defendant successfully completes diversion, the charges would be dismissed; if not, the judge is to hold a hearing to determine whether the defendant has not complied with the terms and conditions of diversion and whether the criminal proceedings should be reinstated. Unlike some of the other existing pre-plea diversion programs such as mental health diversion or military diversion, court-initiated diversion contains no statutory requirements for the defendant to satisfy in order to be eligible other than the crimes that are specifically excluded.

Whether or not to divert a misdemeanor defendant is in the trial court's discretion. However, judicial discretion is not without limits. "[A]ll exercises of legal discretion must be grounded in reasoned judgment and guided by legal principles and policies appropriate to the particular matter at issue." (*People v. Russel* (1968) 69 Cal.2d 187, 195.) A trial court abuses its discretion when it exceeds the bounds of reason, all of the circumstances before it being considered. (*Id.* at p. 194.)

This bill states that a defendant who violates existing law that prohibits soliciting another person to engage in an act of prostitution with the intent to receive compensation, money, or anything of value from the other person, on a first or second violation, *shall* be offered diversion, if a program for which the defendant is eligible is available. Currently, court-initiated diversion for misdemeanor offenses is at the court's discretion. This would require the court to offer diversion on a first or second violation, if the program is available and the defendant would be eligible.

- 4) **Argument in Support:** According to *California Catholic Conference*, "California has one of the highest rates of human trafficking in the country, and disproportionately impacts women of color – Black, Indigenous, and Latina women – and the most vulnerable with a history of family breakdown, sexual abuse, homelessness, poverty, substance use disorders, undocumented status, and involvement with the foster care or juvenile justice systems.

"Similarly, nearly 9 in 10 individuals in adult prostitution want to leave the life, with its universal experiences of violence, brain injury, mortality and suffering. No one should have to trade the most personal and intimate of acts that is sex for basic human rights like food, water, shelter, or clothing. The Vatican has called the buying of sexual services "a serious offence against human dignity and human integrity and an affront to human sexuality," especially because of its impact on women and girls.

"Providing diversion to help women leave prostitution will help break this cycle for the most vulnerable in our society. Exploited children often remain trapped in prostitution as adults and the state has a responsibility to safeguard them."

- 5) **Argument in Opposition:** According to *Erotic Service Providers Legal, Education and Research Project* (ESPLER Project), “Diversion programs do not reduce prostitution. And this bill effectively creates a state “slush fund” for already highly problematic programs.
- Diversion programs are frequently run by faith-based organizations with close ties to law enforcement. This creates an obvious conflict of interest where police are incentivized to arrest people for consensual adult sex work – which then generates revenue for these organizations.
 - Diversion programs are already in receipt of significant public funds without any requirement for transparency and accountability as to how those funds are used, or any independent ethics oversight.
 - Diversion programs do not have any independent ethics oversight.
 - Diversion programs frequently violate the extorted participants' consent to HIV testing.
 - Diversion programs require participants' unpaid labor to attend.
 - Diversion programs are arbitrary in length and allow the controlling parties to decide if they sign off on the participants' participation – effectively holding them hostage.
 - Diversion programs for prostitution do not address the harms caused by criminalization – in that prostitution arrest is a basis for discrimination in housing, employment, parental rights, education, and access to financial institutions.
 - Diversion programs undermine trust between law enforcement and the public. AB 233 provides immunity for anyone reporting serious crimes without the threat of being arrested for prostitution – but does not exclude the reporter being forced into a diversion program.”
- 6) **Related Legislation:**
- a) AB 1231 (Elhawary) would authorize a court to exercise its discretion to grant pretrial diversion for felony offenses, except as specified. AB 1231 is pending vote on the Assembly Floor.
 - b) AB 2217 (Zbur) would reauthorize, upon appropriation by the Legislature, law enforcement assisted prebooking diversion for specified offenses. AB 2217 is scheduled to be heard by the Committee today.
- 7) **Prior Legislation:**
- a) AB 379 (Schultz), Chapter 82, Statutes of 2025, relevant to this bill, increased the punishment applicable for solicitation of a minor who was more than 3 years younger than the defendant at the time of the offense and required a person who commits prostitution in exchange for *providing compensation, money, or anything of value* to the other person to pay an additional fine of \$1,000, which would be deposited in the Survivor Support Fund, established by the bill.
 - b) SB 1282 (Smallwood-Cuevas), of the 2023-2024 Legislative Session, would have authorized felony pretrial diversion, with specified exceptions. SB 1282 failed passage on the Senate Floor.

- c) SB 1025 (Eggman), Chapter 924, Statutes of 2024, expanded military diversion to apply to specified felonies.
- d) SB 1223 (Becker), Chapter 735, Statutes of 2022, made various changes to the mental health diversion program recommended by the Committee on the Revision of the Penal Code including requiring the court, if a defendant has been diagnosed with a mental disorder, to find that the defendant's mental disorder was a significant factor in the commission of a charged offense unless there is clear and convincing evidence that it was not a motivating factor, causal factor, or contributing factor to the alleged offense.
- e) AB 3234 (Ting), Chapter 334, Statutes of 2020, authorized a judge in the superior court in which a misdemeanor is being prosecuted to offer misdemeanor diversion to a defendant over the objection of a prosecuting attorney, except as specified.
- f) SB 394 (Skinner), Chapter 593, Statutes of 2019, authorized the presiding judge of the superior court, in consultation with the presiding juvenile court judge and criminal court judges and together with the prosecuting entity and the public defender, to create a pretrial diversion program for defendants who are primary caregivers of a child under 18 years of age, as specified.
- g) SB 215 (Beall), Chapter 1005, Statutes of 2018, made specified changes to mental health diversion established by AB 1810 of the same year.
- h) AB 1810 (Committee on Budget), Chapter 34, Statutes of 2018, established mental health diversion for defendants with mental disorders through which the court would be authorized to grant pretrial diversion, for a period no longer than 2 years, to a defendant suffering from a mental disorder, on an accusatory pleading alleging the commission of a misdemeanor or felony offense, in order to allow the defendant to undergo mental health treatment.
- i) AB 208 (Eggman), Chapter 778, Statutes of 2017, make the deferred entry of judgment program for drugs a pretrial diversion program.
- j) AB 725 (Jackson), Chapter 179, Statutes of 2017, authorized driving under the influence offenses to be diverted under the military diversion program.
- k) SB 1227 (Hancock), Chapter 658, Statutes of 2013, established the military diversion program for a defendant who was, or currently is, a member of the United States military and if they may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of his or her military service.

REGISTERED SUPPORT / OPPOSITION:

Support

California Attorneys for Criminal Justice
California Catholic Conference
California Public Defenders Association
1 Private Individual

Opposition

Access Reproductive Justice
California State Sheriffs' Association
Community Health Project LA
Erotic Service Providers Legal, Education, and Research Project
Healthright 360
Stripper Worker Center
The Sidewalk Project
8 Private Individuals

Analysis Prepared by: Stella Choe / PUB. S. / (916) 319-3744