

Date of Hearing: April 22, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Buffy Wicks, Chair
AB 2582 (Schultz) – As Introduced February 20, 2026

Policy Committee: Public Safety Vote: 8 - 0

Urgency: No State Mandated Local Program: Yes Reimbursable: Yes

SUMMARY:

This bill requires that a person who commits prostitution with intent to receive compensation, for a first or second violation, be offered a diversion program, if a program for which the defendant is eligible is available.

FISCAL EFFECT:

- 1) Unknown, potentially moderate costs to trial courts (Trial Court Trust Fund) and counties for mandatory diversion offers to defendants charged with prostitution with intent to receive compensation. Under existing law, judges already have discretion to offer diversion for most misdemeanors, including Section 647(b) offenses, under Penal Code Section 1001.95. According to the Judicial Council, defendants charged under Section 647(b) are regularly offered diversion under existing authority. This bill would shift diversion from discretionary to mandatory for first and second violations, which may increase the number of defendants offered and placed into diversion programs. The Judicial Council does not collect statewide data on Section 647(b) filings or on the share of defendants currently being offered diversion, so the incremental impact of the mandate is unknown.
- 2) County costs for diversion program services — including treatment, counseling, education, and case management for this population — would increase to the extent more defendants enter diversion programs as a result of the mandate. By requiring that diversion be offered, this bill creates a state-mandated local program. If the Commission on State Mandates determines the provisions of this bill create a new program or impose a higher level of service for which the state must reimburse local costs, counties could claim reimbursement from the state (General Fund). The magnitude of these costs is unknown, but potentially in excess of \$150,000 across all counties, depending on the number of mandated diversions.

COMMENTS:

- 1) **Purpose.** According to the author, many individuals charged with prostitution have been victimized by sex traffickers and face extreme barriers to exiting, including violence, isolation, mental health issues, and substance use. The author cites research finding that participants who completed a prostitution diversion program had a 68% lower risk of re-arrest. This bill applies only to defendants charged with intent to receive compensation — not to buyers of sex — and requires diversion to be offered only where a program is already available.

- 2) **Background.** Under existing law, it is 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. It is separately a misdemeanor to solicit or engage in prostitution in exchange for providing compensation to another person—the “buyer” offense. This bill applies only to the former — individuals who receive or intend to receive compensation. Existing law under Penal Code Section 1001.95, enacted by AB 3234 (Ting), Chapter 334, Statutes of 2020, authorizes judges to offer misdemeanor diversion over the objection of the prosecution for most misdemeanors, excluding offenses requiring sex offender registration, domestic violence offenses, and stalking. Section 647(b)(1) is eligible for this existing judicial diversion. According to the Judicial Council, defendants charged under Section 647(b) are regularly offered diversion under this authority. This bill does not create a new diversion program — it mandates that defendants charged under Section 647(b)(1) be offered diversion for a first or second violation where a program is available. The shift from discretionary to mandatory is the basis for the bill’s state-mandated local program finding. The policy committee analysis notes it is unclear whether each county has appropriate programs in place to serve this population, and the bill does not specify whether diversion must be pre-plea or post-plea.

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