

Date of Hearing: April 7, 2026
Deputy Chief Counsel: Stella Choe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 2749 (Sharp-Collins) – As Introduced February 20, 2026

SUMMARY: Revises the crime of loitering in a public place with the intent to purchase commercial sex. Specifically, **this bill:**

- 1) States that a person is only guilty of the offense of loitering in a public place with the intent to purchase commercial sex if the person takes a direct but ineffectual act done towards its commission that indicates a definite and unambiguous intent to purchase commercial sex.
- 2) Requires the act to go beyond planning and preparation.
- 3) Specifies that a completed communication is not required.
- 4) Deletes from existing law that intent to commit the existing crime may be evidenced by acting in a manner and under circumstances that openly demonstrate the purpose of inducing, enticing, or soliciting prostitution, or procuring another to commit prostitution, as specified.

EXISTING LAW:

- 1) Makes it a misdemeanor to solicit anyone to engage in, or engage in, lewd or dissolute conduct in any public place or in any place open to the public or exposed to public view. (Pen. Code, § 647, subd. (a).)
- 2) 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).)
- 3) 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).)
- 4) States it is unlawful for any person to direct, supervise, recruit, or otherwise aid another person in the commission of prostitution or collect or receive proceeds earned from prostitution. (Pen. Code, § 653.23, subd. (a)(1) & (2).)
- 5) Makes it a misdemeanor for a person to loiter in a public place with intent to purchase commercial sex. This intent is evidenced by acting in a manner and under circumstances that openly demonstrate the purpose of inducing, enticing, or soliciting prostitution, or procuring another to commit prostitution such as circling an area in a motor vehicle and repeatedly beckoning to, contacting, or attempting to contact or stop pedestrians or other motorists,

making unauthorized stops along known prostitution tracks, or engaging in other conduct indicative of soliciting to procure another to engage in commercial sex. (Pen. Code, § 653.25, subd. (a).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, “I have concerns about the vagueness in criminalizing something like loitering. History has shown that these types of crimes are disproportionately used against people of color and those experiencing poverty. This bill allows for the crime of loitering to target purchasers of sex but instills guardrails to help law enforcement focus on those violating the law without the unintended consequences of targeting people of color or the LGBTQIA+ community.”
- 2) **History of Loitering with Intent to Solicit a Commercial Sex Act:** Until 2022, it was a misdemeanor offense to loiter in a public place with intent to participate in a commercial sex transaction as a sex buyer or sex worker. In 2022, the Legislature enacted legislation to repeal provisions of law criminalizing loitering with intent to commit prostitution. The repealed law made it a misdemeanor to loiter in a public place with the intent to commit prostitution. (Former Pen. Code, § 653.22 and 653.26.) The repealed law specified non-exclusive circumstances that could be considered in determining whether a person was loitering with intent to commit prostitution (former Pen. Code, § 653.22, subd. (b)):
 - a) Repeatedly beckons to, stops, engages in conversations with, or attempts to stop or engage in conversations with passersby, indicative of soliciting for prostitution;
 - b) Repeatedly stops or attempts to stop motor vehicles by hailing the drivers, waving arms, or making any other bodily gestures, or engages or attempts to engage the drivers or passengers of the motor vehicles in conversation, indicative of soliciting for prostitution;
 - c) Has been convicted of violating this section, or other offenses related to or involving prostitution, within five years of the arrest under this section;
 - d) Circles an area in a motor vehicle and repeatedly beckons to, contacts, or attempts to contact or stop pedestrians or other motorists, indicative of soliciting for prostitution;
 - e) Has engaged, within six months prior to the arrest under this section, in any behavior described in this subdivision or any other behavior indicative of prostitution activity.

The repealed law defined “loiter” to mean delay or linger without a lawful purpose for being on the property and for the purpose of committing a crime as opportunity may be discovered. (Former Pen. Code, § 653.20.)

The author of the legislation that repealed loitering with intent to commit prostitution¹ stated the need for the bill²:

¹ SB 357 (Wiener), Ch. 86, Stats. 2022

This bill does not decriminalize soliciting or engaging in sex work. SB 357 simply eliminates an anti-loitering offense that results in the legal harassment of LGBTQ+, Black, and Brown communities for simply existing and looking like a ‘sex worker’ to law enforcement. Due to the broad subjective nature of the language that criminalizes loitering for the intent to engage in sex work, this offense permits law enforcement to stop and arrest people for discriminatory reasons, such as wearing revealing clothing while walking in an area where sex work has occurred before. The creation and enactment of this offense began to cause more harm than help, because of the power it gave law enforcement to profile, target, harass, and criminalize without accountability, and the consequences of criminalization on the livelihood and safety of specifically targeted communities.

The Senate Committee on Public Safety’s analysis of the bill referenced a study conducted in 2019 through the Los Angeles County Public Defender’s office that compiled data from all of the charges of violations of Penal Code section 653.22 reported from the Compton Branch of the Public Defender’s office. During a one-week period of time, a total of 48 cases were reported.³

The study found that the majority of arrests were made up of young Black women. 42.6 percent of arrests were for people aged 21-24 with the next highest rate being 23.4 percent for people aged 18-20.⁴ As for race, 72.3 percent were Black with the next highest rate being 17 percent for Hispanic.⁵

The study shows that probable cause was most commonly established by the arrestee’s presence in an area known for sex work, their clothing, and motioning in a flirtatious manner to vehicles.⁶ Twenty-five percent (25%) of people arrested for loitering with intent had no prior sex work-related convictions. In 76.7 percent of cases, alleged suspects were characterized as wearing revealing clothing as evidence in support of intent to solicit a sex act.⁷ Finally, in 45 out of 46 cases, the suspect’s state of dress was the stated basis for probable cause to arrest.⁸ Other stated reasons for establishing probable cause for the arrest include possession of a cellphone, possession of cash, reacting to presence of police, giving conflicting information about activities, among many other stated reasons.⁹

According to the Yale Global Health Partnership in June 2020, arrest and conviction records for prostitution-related crimes make it harder for sex workers, and those cited for unlawful sex work, to find alternative employment – holding them in street economies and economic hardships – “exacerbating ongoing race and gender discrimination.”¹⁰ Criminalization

² Sen. Com. on Public Safety, Analysis of Sen. Bill No. 357 (2021-2022 Reg. Sess.) as amended Apr. 5, 2021.)

³ Demeri, *Policing of People in the Sex Trades in Compton: Analysis of Section 653.22 Clients*, Law Offices of the Los Angeles County Public Defender (2019).

⁴ *Id.* at p. 2.

⁵ *Id.* at p. 4.

⁶ *Id.* at p. 14.

⁷ *Id.* at p. 12.

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ Yale Global Health Justice Partnership, Sex Workers and Allies Network, “*The Harmful Consequences of Sex Work Criminalization on Health and Rights*” (June 2020) <https://law.yale.edu/center.ghip.documents>.)

exacerbates the barriers to housing, public benefits, and other social supports especially needed by street-based sex workers. These harms most often fall on People of Color and members of the LGBTQ+ community because there are higher rates of arrest and conviction for those groups.

The University of Southern California, Gould School of Law, International Human Rights Clinic's November 15, 2021 report, "*Over-Policing Sex Trafficking: How U.S. Law Enforcement Should Reform Operations*," also noted many sex workers reported abusive and even violent and dehumanizing encounters with law enforcement.

Last year, the Legislature passed legislation to add a new crime for loitering with intent to purchase commercial sex. (AB 379 (Schultz), Ch. 82, Stats. 2025.) The law largely reenacted the circumstances that can be used to prove a person's intent, including being in a public place known for prostitution (former Pen. Code, § 653.22, subd. (c)), circling an area in a motor vehicle (former Pen. Code, § 653.22, subd. (b)(4)) and repeatedly beckoning to, contacting, or attempting to contact or stop pedestrians or other motorists or making unauthorized stops (former Pen. Code, § 653.22, subd. (b)(1)-(2)). The crime would be punishable as a misdemeanor with up to 6-month imprisonment and a fine of up to \$1,000. (Pen. Code, §§ 19, 653.26.)

According to supporters of AB 379, the repeal of the loitering law has resulted in an increase in solicitation of commercial sex in public areas and that youth were disproportionately exploited by traffickers. Opponents of the bill raised concerns that reenacting criminal liability for loitering with intent to purchase commercial sex will also increase negative interactions with law enforcement for both sex workers and trafficking victims. Additionally, opponents argued that the language in AB 379 that defines the types of behavior evidencing intent – which are largely based on repealed Penal Code section 653.22—are unconstitutionally vague and would permit broad discretion and subjective interpretation on the part of law enforcement which will result in disproportionate enforcement just like the original loitering law.

- 3) **Attempt:** This bill would revise the misdemeanor offense of loitering in a public place with intent to purchase a commercial sex act in several ways, including deletion of the non-exhaustive list of circumstances that could evidence such intent. As discussed above, these circumstances have been argued as being vague and overbroad. This bill would instead provide that a person is only guilty of the offense if the person takes a direct but ineffectual act done towards its commission that indicates a definite and unambiguous intent to purchase commercial sex. The bill would further specify that the act must go beyond planning or preparations and does not require a completed communication.

The revised language appears to mirror the elements of attempt to commit a crime which requires a specific intent to commit the crime and a direct but ineffectual act done toward its commission. (Pen. Code, § 21a.) The jury instructions for attempt (for a crime other than attempted murder) provide that a direct step requires more than merely planning or preparation and shows that a person is putting their plan into action. A direct step indicates a definite and unambiguous intent to commit the target offense. (CALCRIM No. 460.)

In essence, the crime of loitering in a public place with intent to purchase a commercial sex act is an attempt to purchase a commercial sex act. This bill would align the elements more

closely to attempt of the offense rather than using the potentially vague circumstances currently specified in existing law.

- 4) **Argument in Support:** According to *Ella Baker Center for Human Rights*, “Historically, anti-loitering and solicitation statutes have disproportionately been used against communities of color, LGBTQ+ individuals, and people with low and no income. Current law allows for arrests based on loosely defined identifications of intent and includes a wide scope of otherwise lawful behaviors, such as circling an area in a car or waiving at pedestrians. The current law facilitates arrests based on subjective perceptions and implicit bias, rather than clearly defined actions.

“AB 2749 will reduce the disparity in enforcement by providing a clearer standard. With more specific statutory language, there should be a reduction in harassment of low-income people of color, and members of our LGBTQ communities. Ending disparities is not only just and moral, but it also strengthens relationships between law enforcement organizations, and vulnerable communities. Relationships between communities and law enforcement organizations are key to effective crime prevention, investigation and public safety.”

- 5) **Argument in Opposition:** According to the *California State Sheriffs’ Association*, “Existing law provides that it is unlawful for any person to loiter in any public place with the intent to purchase commercial sex. This intent is evidenced by acting in a manner and under circumstances that openly demonstrate the purpose of inducing, enticing, or soliciting prostitution, or procuring another to commit prostitution such as circling an area in a motor vehicle and repeatedly beckoning to, contacting, or attempting to contact or stop pedestrians or other motorists, making unauthorized stops along known prostitution tracks, or engaging in other conduct indicative of soliciting to procure another to engage in commercial sex.

“AB 2749 provides that a person is guilty of this offense only if the person takes a direct but ineffectual act done towards its commission that indicates a definite and unambiguous intent to purchase commercial sex and that the act must go beyond planning or preparation.

“Not only does this more rigorous definition of the crime of loitering with the intent to purchase sex make it more difficult to prove, it also does so only months after this updated statute took effect. Changing the law now provides no opportunity to understand the outcomes of language that was adopted as part of a bill that was approved just last year with wide bipartisan majorities.”

- 6) **Related Legislation:** AB 2582 (Schultz) would require 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. AB 2582 is pending a hearing in the Assembly Appropriations Committee.

- 7) **Prior Legislation:**

- a) AB 63 (Rodriguez), of the 2025-2026 Legislative Session, would have reenacted the crime of loitering in a public place with intent to commit prostitution. The hearing on AB 63 was canceled at the request of the author.

- b) AB 379 (Schultz), Chapter 82, Statutes 2025, relevant to this bill, made it a misdemeanor for any person to loiter in any public place with the intent to purchase commercial sex, as specified.
- c) SB 1219 (Seyarto), of the 2023-2024 Legislative Session, would have made it a misdemeanor for an individual to operate a motor vehicle in any public place and repeatedly beckon to, contact, or attempt to contact or stop pedestrians or other motorists, or impede traffic, with the intent to solicit prostitution. SB 1219 failed passage in the Senate Public Safety Committee.
- d) SB 357 (Wiener), Chapter 86, Statutes of 2022, repealed provisions of law related to loitering with the intent to commit prostitution and authorized a person convicted of a violation of repealed law to petition the court for dismissal and sealing of their case.

REGISTERED SUPPORT / OPPOSITION:

Support

Ella Baker Center for Human Rights
Local 148 Los Angeles County Public Defender's Union
Smart Justice California, a Project of Beyond Impact
West Oakland Punks With Lunch

Oppose

City of Stanton
California District Attorneys Association
California State Sheriffs' Association
California Survivor Coalition
Peace Officers Research Association of California (PORAC)

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