

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state, or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, existing law states that a person who deprives or violates another person's personal liberty with the intent to obtain forced labor or services or for the purpose of prostitution or sexual exploitation is guilty of human trafficking; and

WHEREAS, human trafficking survivors are often arrested and convicted for the crimes they committed while they were a victim of human trafficking, even though they are forced to commit these crimes under threat from their traffickers; and

WHEREAS, survivors of human trafficking suffer from sexual, emotional, and physical abuse at the hands of their traffickers; and

WHEREAS, currently pending before the State Assembly is AB 1761 (Weber) that will create a human trafficking affirmative defense applicable to non-violent crimes; and

WHEREAS, this bill requires the court to dismiss any charges arising from a commercial sex act against a person who was under 18 years of age, whether or not the defendant asserts the affirmative defense; and

WHEREAS, AB 1761 also grants a defendant who prevails on the human trafficking affirmative defense the right to have all records in the case sealed and to be released from all penalties and disabilities resulting from the charge; and

WHEREAS, this bill seeks to amend California's Evidence Code to make expert testimony regarding the effect of human trafficking on the victim admissible in a criminal action, so long as it is relevant and the expert provides the proper qualifications; and

WHEREAS, supporters of AB 1761 indicate that this bill will create important protections for trafficking survivors and the affirmative defense will create an additional pathway for survivors to be identified as victims; and

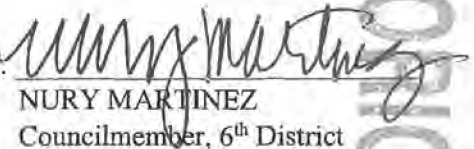
WHEREAS, thirty-four states have passed legislation to better protect trafficking victims and AB 1761 will allow California to join these other states in combatting human trafficking;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by adoption of this Resolution, the City of Los Angeles hereby includes in its 2015-2016 State Legislative Program support of AB 1761 (Weber) that would create a human trafficking affirmative defense applicable to non-violent crimes, grant immunity to minors for crimes constituting or arising from a commercial sex act, and amend California's Evidence Code to make expert testimony regarding the effect of human trafficking on the victim admissible in a criminal action, so long as it is relevant and the expert provides the proper qualifications.

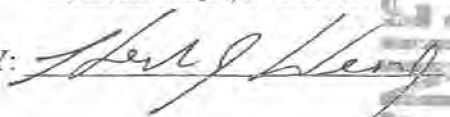


APR 13 2016

PRESENTED BY:

  
NURY MARTINEZ  
Councilmember, 6<sup>th</sup> District

SECONDED BY:



ORIGINAL