

AB 3042 (YEE)

CHILD PROTECTION – ENHANCEMENT PENALTIES FOR CHILD PROSTITUTION

PROBLEM

In a minimum estimate, 200,000 to 300,000 children are exploited through prostitution in the United States. Most studies show that children are victims of prostitution as early as the age of 13. In keeping with the international figures, the prostituted children in the U.S. face an increased risk of sexual and physical assault, suicide, pregnancy, abortions, and sexually transmitted diseases, including AIDS, post-traumatic stress disorder and death. Seventy-five to ninety-five (75-95%) of all 13-18 year old girls in our justice systems have been victims of abuse. Many of these girls have been exploited for pornography or have suffered or witnessed physical and sexual violence.

What we call “child prostitution” needs to be clearly and strongly defined as sexual abuse. In the Lancet Medical Journal, of May 2002, Dr. Barry Levy of Tufts University School of medicine in Boston states “The prostitution of children and related health consequences has been accepted for too long. The time has come to make them unacceptable.” An estimated 10 million children worldwide are already involved in the \$20 billion-a-year sex industry, and this number is increasing by about one million each year. Richard J. Estes, a University of Pennsylvania professor of social work and the author of The Commercial Sexual Exploitation of Children in the U.S., Canada and Mexico (2001) says “Child sexual exploitation is the most hidden form of child abuse in the U.S. and North America today. It is the nation’s least recognized epidemic.” According to his report, there are between 200,000 and 300,000 US children involved in the sex trade and/or trafficked into prostitution. Prostituted children faced an increased risk of AIDS, sexual and physical assault, suicide, pregnancy, STD’s, post-traumatic stress disorder and death.

The problem with current law is that it does not focus on the sexual abusers of the children—the solicitors of prostituted children. By enhancing penalties for crimes, we will send the message that there are severe

consequences to sexually abusing children through prostitution.

The abuse of children through prostitution is an immense and devastating problem. Although some children are prostituted by and/or specifically for pedophiles and preferential abusers, the majority of the men who exploit prostitutes under the age of 18 are first and foremost prostitute users who become child sexual abusers through their prostitute use, rather than the other way around. Many of these children have been entrapped, coerced, and beaten into prostitution. Their childhood is stolen, yet the law does little or nothing to protect them. It is time this changed. Enhancing the penalty for someone convicted of having sex with a minor is a start.

EXISTING LAW

Existing law proscribes the offenses of rape, unlawful sexual intercourse with a person under 18, sodomy, lewd and lascivious acts, continuous sexual abuse of a child, forcible acts of sexual penetration, and oral copulation.

THIS BILL

AB 3042 provides that a person convicted for any of those offenses, where the offense was committed with a minor for money or other consideration, shall be punished with an additional enhancement of 2 years imprisonment in state prison, or where the offense was committed while voluntarily acting in concert with another, shall be punished by an additional term of 3 years imprisonment in the state prison.

SUMMARY

Children who are abused through commercial sexual exploitation need to be protected--not further victimized.

This sexual abuse of prostituted children is made possible by a society that has created, sanctioned and institutionalized numbers of children for whom routine abuse, torture, rape, and kidnapping is considered acceptable. The legal, mental and medical health, and human rights consequences of this abuse remains with the child as he or she is arrested, prosecuted, jailed, placed on probation and forced into treatment.

In essence, what we, the adults, are saying and enforcing through laws and inappropriate interventions is that children and youth are consenting to their own sexual abuse, and by consenting to this abuse they are a danger to society.

By punishing sexual activity with a child more severely if done so for money or other consideration, AB 3042 is one step toward ending child prostitution by recognizing it as an aggravated form of child abuse.

QUESTION & ANSWER

Q: How are children impacted from being prostituted?

A: Physical impact – serial beatings, rape, AIDS, STD's, pregnancy; Psychological impact – low self esteem, self destruction or mutilation, suicidal tendencies, severe depression, PTSD; Sociological impact – inability to enter mainstream society, school failure, ostracism and criminalization of a child.

COMMENTS

Of estimated 200,000 to 300,000 prostituted children on the streets in nearly every city and county in the United States, many are only 11 or 12 years old, some as young as 9.

85% of prostituted American children previously suffered incest, rape or abuse at home.

More than 90% of those prostituted lost their virginity through sexual assault.

70% of prostituted adults believed that being sexually abused as children influenced their becoming prostituted as adults.

Venereal disease and suicide attempts are the two greatest health risks for prostituted children. 75% of prostituted women and girls attempted suicide.

Sex rings, trafficking, pimping and commercial sexual exploitation of children involves power structures which actively recruit vulnerable children and youth. Children used in sex rings are often subjected to terribly cruel and sadistic physical abuse in addition to sexual abuse.

The impact of the abuse can be life-long, often resulting in emotional and physical problems as well as contributing to crime and homelessness.

SUPPORT

San Francisco District Attorney's Office (sponsor)
Standing Against Global Exploitation (SAGE)

STATUS OF THE BILL

Passed by the California State Assembly and the California State Senate, and forwarded to the Governor's office for signature on August 18, 2004.