

**March 24, 2025**

Assemblymember Nick Schultz  
Chair, Assembly Public Safety Committee  
1020 N Street, Room 111  
Sacramento, CA 95814

**RE: Opposition to AB-379 (Krell) Criminalizing “loitering”**

Dear Chair Schultz:

On behalf of the Woodhull Freedom Foundation, I write to express my strong opposition to AB 379 (Krell). By criminalizing loitering with intent to purchase sex, AB 379 would put sex workers, including those who are trafficked, at greater risk of harm, create opportunities for biased enforcement against communities of color and gay men, and increase the risk of arrest for queer teenagers in consensual relationships. While we support meaningful efforts to combat human trafficking and provide resources to survivors, this bill relies on ineffective, harmful, and historically discriminatory approaches that undermine the rights and safety of the very individuals it claims to protect.

**Criminalizing the Purchase of Sex Endangers People Who Sell Sex**

AB-379 perpetuates the flawed “end demand” approach, which has consistently resulted in the criminalization of vulnerable people, including trafficking survivors, rather than addressing the systemic conditions that lead to exploitation. The bill acknowledges the harms of criminalizing survivors while advancing the same failed law enforcement-centered tactics that have historically led to their arrests.

When buyers are criminalized, persons who sell sex have less time to screen clients for risks or negotiate safety.<sup>1</sup> Amnesty International reported on sex workers “feeling pressured to visit customers’ homes so that buyers can avoid the police – meaning sex workers have less control and may have to compromise their safety.”<sup>2</sup> The University of Southern California’s International Human Rights Clinic found that public health approaches to trafficking in commercial sex are far more effective than law

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<sup>1</sup> Charlotte Alter, *Catching Johns: Inside the National Push to Arrest Men Who Buy Sex*, Time Magazine, available at <http://time.com/sex-buyers-why-cops-across-the-u-s-target-men-who-buy-prostitutes/>.

<sup>2</sup> Amnesty International, *Q&A: Policy to Protect the Human Rights of Sex Workers*, available at <https://www.amnesty.org/en/qa-policy-to-protect-the-human-rights-of-sex-workers/>.

enforcement operations.<sup>3</sup> The recent police killing of a transgender trafficking victim who called law enforcement for help shows the perils of relying on a criminal justice response to trafficking.<sup>4</sup>

### California's Shameful History of Anti-Loitering Laws & Selective Use of Solicitation Laws

Anti-loitering and solicitation statutes, like the one at issue in AB 379, have been used disproportionately against people of color, LGBTQIA+ individuals, and those experiencing poverty under the pretext of public safety. California's initial loitering law, enacted by the first California Legislature in 1850, was written to arrest and indenture Indigenous people.<sup>5</sup> Vague and discriminatory laws like AB 379 that broadly criminalize a wide range of otherwise lawful behaviors have led to arbitrary and biased policing, where individuals—particularly Black and Brown women, transgender people, and those perceived to be engaging in sex work—are stopped, harassed, and arrested based on profiling rather than evidence of any criminal activity.

Solicitation laws have also been used for decades to police gay men's sexual activity.<sup>6</sup> Even after *Lawrence v. Texas* (the U.S. Supreme Court case finding unconstitutional a Texas law that banned homosexual adults from engaging in consensual sexual acts), police departments in California continue to regularly target and arrest gay men on charges of solicitation and other offenses such as lewdness.<sup>7</sup> LGBTQ people in many communities are also simply more frequently stopped by police than non-LGBTQ people.<sup>8</sup> Disproportionate enforcement is often fueled by purposeful or implicit bias on the part of law enforcement.<sup>9</sup> AB 379 will only exacerbate this issue.

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<sup>3</sup> International Human Rights Clinic, USC Gould School of Law, [Over-Policing Sex Trafficking: How U.S. Law Enforcement Should Reform Operations](#) (2021) at 52.

<sup>4</sup> Libor Janey, [A trans sex worker called 911 to reported being kidnapped. LAPD officers shot and killed her](#) Los Angeles Times (Mar. 9, 2025).

<sup>5</sup> Kimberly Johnson-Dodds, *Early California Laws and Policies Related to California Indians* (California Research Bureau: 2002) 8 at [https://www.csus.edu/college/education/engagement/\\_internal/\\_documents/indian\\_early\\_california\\_laws\\_and\\_policies\\_related\\_to\\_california\\_indians.pdf](https://www.csus.edu/college/education/engagement/_internal/_documents/indian_early_california_laws_and_policies_related_to_california_indians.pdf).

<sup>6</sup> [Brief of the American Civil Liberties Union Foundation of Southern California](#), et al as Amicus Curiae In Support of Plaintiffs-Appellants, Erotic Service Provider Legal, et al. v. George Gascon, No. 4:15-cv-01007 (9th Cir. October 7, 2016) at 17-20.

<sup>7</sup> *Id.*

<sup>8</sup> Dustin Gardiner, *Police Much More Likely to Stop Transgender People in California for 'Reasonable Suspicion'*, San Francisco Chronicle (July 31, 2022), available at <https://www.sfchronicle.com/politics/article/Transgender-California-police-LGBTQ-stop-report-17337333.php>; Winston Luhur et al., *Policing LGBQ People*, UCLA School of Law Williams Institute (May 2021), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Policing-LGBQ-People-May-2021.pdf>.

<sup>9</sup> [Brief of the American Civil Liberties Union Foundation of Southern California](#), et al as Amicus Curiae In Support of Plaintiffs-Appellants, Erotic Service Provider Legal, et al. v. George Gascon, No. 4:15-cv-01007 (9th Cir. October 7, 2016) at 20.

Similarly, data collected by the ACLU in California shows that police and prosecutors are far more likely to arrest or prosecute Black and Hispanic men for purchasing sex.

By relying on vague definitions of “intent,” AB-379 opens the door for biased policing that will ultimately harm survivors rather than support them. These types of laws have been widely criticized for enabling racial profiling, increasing incarceration rates, and diverting resources away from community-based solutions. Endorsing ineffective and harmful legal tools under the guise of trafficking prevention is a step backward in California’s fight for justice and human rights.

### **Unjust and Unreliable Funding Streams For Vitrally Needed Services**

AB-379 seeks to create new funding streams for services for survivors of trafficking in commercial sex, but it does so without adequate planning or engagement with current funding mechanisms within California. We support funding for services for sex workers and trafficking survivors – housing, jobs, training, record clearances – but it should be funded in a serious and sustained way from state or local general funds. Fines are unreliable, as they have to be extracted from low-income defendants. From year to year, public dollars would be spent on debt collection, and programs would be unable to plan their budgets each year. Furthermore, criminal debt burdens the convicted person’s family, robbing them of money for housing, food, and other necessities.

Arrest-driven funding structures are fiscally ineffective and unstable sources for critical services. True survivor support requires long-term investments in housing, economic opportunities, and voluntary, trauma-informed services—not an increase in policing and court involvement.

### **Attempts to Override Recent and Carefully Balanced Provisions Related to Minors**

The inclusion of provisions related to minors in AB 379 disregards legislation enacted just last year and considerations on this issue. Specifically, AB 379 attempts to undo key amendments made to SB 1414 (Grove - 2024), which ensured that young people would not be subjected to felony prosecutions and punishments for engaging in consensual relationships with other young people. The Legislature passed SB 1414, as amended, in recognition of concerns raised by youth advocates about how parents have used the criminal legal system to target relationships based on racism or anti-LGBTQIA+ discrimination. At the same time, the law passed last year recognizes that any case involving an exploited minor aged 16 or 17 should be subject to more serious consequences. This law has been in effect for less than three months.

AB-379 removes the careful balance struck by SB 1414, reinstating a broad criminalization approach that will only punish more young people. This is deeply problematic, as we know from public health models that punishment is not an effective strategy for behavior modification of young people. Rather than re-investing in failed criminalization tactics, California should prioritize comprehensive, survivor-centered solutions that address the root causes of trafficking. This includes expanding



economic opportunities, increasing access to permanent supportive housing, and ensuring the availability of voluntary, low-barrier services that empower individuals rather than entrenching them in the criminal justice system.

For these reasons, we strongly urge you to oppose AB-379.

Sincerely,

A handwritten signature in black ink that reads "Ricci Joy Levy".

Ricci Joy Levy  
President & CEO  
Woodhull Freedom Foundation

CC: Members of the Assembly Public Safety Committee