



RE: No On AB 2034

February 27, 2024

Dear California Legislators,

The Erotic Service Providers Legal, Education and Research Project (ESPLERP) urges you to oppose AB 2024 - which seeks to re-criminalize 'loitering with intent to commit prostitution' (also known as 'walking while trans').

California Penal Code §653.22 ('loitering with intent to commit prostitution') allowed law enforcement to disproportionately target members of the LGBTQ+, Black, and Brown communities. For example, a report from UCLA Law students found that Black adults accounted for 56.1% of the §653.22 charges in Los Angeles between 2017-2019, despite only making up 8.9% of the city's population. See <https://www.youtube.com/watch?v=GGNu7EEGO7Q>

§653.22 was repealed by Senator Scott Weiner's SB 357, the Safer Streets for All Act, which only took effect on January 1, 2023.

The proponents of AB 2034 falsely claim that the repeal of §653.22 facilitated forced labor in the sex trade. There is absolutely no evidence of that.

- There is no data to show that those arrested for §653.22 were ever victims of forced labor.
- Plus law enforcement do not need reasonable suspicion of prostitution to investigate forced labor in the sex trade.
- And under existing legislation everyone has immunity from arrest for prostitution if a victim or witness to serious crimes like trafficking.

In addition, our 2023 report "How The War On Sex Work Is Stripping Your Privacy Rights" (<https://esplerp.org/wp-content/uploads/2023/02/Consumer-Privacy-Final.pdf>) showed some police agencies arresting actual sex trafficking victims for prostitution. This is clearly a failed policy.

Finally, a report from the USC Gould International Human Rights Clinic notes that arrest 'operations' are detrimental to actual victims of trafficking - see <https://humanrightsclinic.usc.edu/2021/11/15/over-policing-sex-trafficking-how-u-s-law-enforcement-should-reform-operations/>

"Anti-sex trafficking operations identify few victims or traffickers and instead result in the arrest, physical, verbal and sexual abuse of many victims and sex workers—a

disproportionate number of whom are LGBTQ people, undocumented immigrants and people of color, particularly Black women and minors,” says IHRC Director Professor Hannah Garry.

Arresting people for §653 placed an already vulnerable population at risk of exploitation and violence. And those arrests and/or convictions created barriers to accessing safe housing and legal employment.

AB 2034 is a retrograde step that allows for law enforcement to resume the criminalization and harassment of LGBTQ+, Black, and Brown communities for perfectly legal activities like walking or standing in public - just because a law enforcement officer arbitrarily decided that they look like prostitutes.

We all deserve to exist in public spaces without fear of arrest. We urge your committee's unanimous vote to oppose AB 2034.

Sincerely, Maxine Doogan, President
Erotic Service Providers Legal, Education and Research Project

The Erotic Service Providers Legal, Education and Research Project (ESPLERP) is a diverse community-based coalition advancing sexual privacy rights through litigation, education, and research.