



April 24, 2017

The Honorable Travis Allen
State Capitol, Suite 4208
Sacramento, CA 94249
Fax: (916) 319-2172

RE: AB 1402 (Travis Allen): Prostitution: minors
AAP-CA Position: OPPOSE

Dear Assemblymember Allen:

The American Academy of Pediatrics, California (AAP-CA), representing the 5,000 board-certified pediatrician members of all four California AAP regional chapters statewide, respectfully opposes your proposed legislation AB 1402 (Travis Allen). This bill would hurt vulnerable youth by re-criminalizing minor victims of human trafficking and exploitation.

No child should be jailed for falling victim to exploitation and abuse at the hands of adults. Sadly, before the passage of last year's SB 1322 (Mitchell)—a bill supported by California pediatricians, which AB 1402 aims to repeal—it was common practice to incarcerate minors who had been coerced into sex work. As stated in 2015 in the AAP journal *Pediatrics*, “although federal anti-trafficking laws clearly indicate that a child cannot ‘consent’ to engage in commercial sex acts and must be considered a victim, many states view [commercial sexual exploitation of children] in terms of prostitution laws and treat minors engaging in these acts as criminals,” even though this “vastly decreases the likelihood that the child victim will receive critical services and protection and may lead to further trauma, including reentry into trafficking and involvement in other high-risk behaviors.” It is unconscionable to treat exploited children as criminals rather than victims, and as pediatricians, we are grateful that California no longer does so.

While we appreciate the bill's stated intent to make it easier for law enforcement to pursue those who exploit minors, we strongly disagree with the claim that “California has now provided pimps more incentive to recruit and exploit minors... by telling them that California's justice system no longer criminalizes this act.” Sexually exploited children do not enter sex work as a carefully considered career choice, but rather as an act of desperation that has little to do with whether it is a crime. We are also extremely concerned by the statement that “Without the threat of criminal charges, coerced child prostitutes have no incentive to turn in their pimps.” Trafficked children may wish to stop their abusers from harming them or future children again, without the threat of criminal prosecution; moreover, such threats and prosecution can have traumatic effects on abused children. Trafficked minors should be able to trust law enforcement to connect them with social services and to help them escape their circumstances, without fear that law enforcement will punish them for the abuse they have suffered. Child trafficking victims should not be faced with yet another adult in a position of authority who threatens their freedom in order to coerce them into situations they do not desire to be in.

As such, California pediatricians respectfully oppose AB 1402 (Travis Allen). We appreciate your concern for the health and well-being of children and youth in California, and hope to collaborate with you in the future to make sure that young survivors of commercial sexual exploitation have access to the resources they need to recover.

Sincerely,

A handwritten signature in black ink, appearing to read 'M Patel', written in a cursive style.

Mona Patel, M.D., Fellow of the American Academy of Pediatrics
State Government Affairs Committee, American Academy of Pediatrics, California

CC: Kris Calvin, CEO; AAP-CA Leadership; Lydia Bourne