

AMENDED IN SENATE APRIL 27, 2023

AMENDED IN SENATE APRIL 13, 2023

AMENDED IN SENATE FEBRUARY 23, 2023

SENATE BILL

No. 14

Introduced by Senators Grove, Caballero, and Rubio

**(Coauthors: Senators Alvarado-Gil, Dahle, Glazer, Jones, Newman,
Nguyen, Niello, Ochoa Bogh, Seyarto, and Wilk)**

(Coauthors: Assembly Members Alanis, Bains, Chen, Megan Dahle,
Davies, Dixon, Essayli, Flora, *Vince Fong*, Garcia, Lackey, Low,
Mathis, Joe Patterson, Ramos, Rodriguez, Blanca Rubio, Sanchez,
Ta, and Waldron)

December 5, 2022

An act to amend Sections 667.1, 1170.125, and 1192.7 of the Penal Code, relating to felonies.

LEGISLATIVE COUNSEL'S DIGEST

SB 14, as amended, Grove. Serious felonies: human trafficking.

Existing law defines the ~~terms~~ term “serious felony” and “~~violent felony~~” for various purposes, including, among others, enhancing the punishment for felonies pursuant to existing sentencing provisions commonly known as the Three Strikes Law.

This bill would include human trafficking *of a minor* within the definition of a serious felony for all purposes, including for purposes of the Three Strikes Law. By expanding the scope of an enhancement, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) California consistently ranks number one in the nation in
4 the number of human trafficking cases reported to the National
5 Human Trafficking Hotline.

6 (b) The Attorney General notes that California is one of the
7 largest sites for human trafficking in the United States and
8 recognizes the serious nature of this crime.

9 (c) Human trafficking is among the world's fastest growing
10 criminal enterprises and is estimated to be a \$150,000,000,000 a
11 year global industry.

12 (d) Native American women and girls are victims of human
13 trafficking at a much higher rate compared to the overall
14 population.

15 (e) California has the sixth highest death rate of indigenous
16 women in urban cities.

17 (f) California was chosen to be the first pilot location for the
18 United States Department of Justice Missing and Murdered
19 Indigenous Persons Initiative.

20 SEC. 2. Section 667.1 of the Penal Code is amended to read:

21 667.1. (a) Notwithstanding subdivision (h) of Section 667, for
22 all offenses committed on or after November 7, 2012, but before
23 January 1, 2024, all references to existing statutes in subdivisions
24 (c) to (g), inclusive, of Section 667, are to those statutes as they
25 read on November 7, 2012.

26 (b) Notwithstanding subdivision (h) of Section 667, for all
27 offenses committed on or after January 1, 2024, all references to
28 existing statutes in subdivisions (c) to (g), inclusive, of Section
29 667, are to those statutes as they read on January 1, 2024.

30 SEC. 3. Section 1170.125 of the Penal Code is amended to
31 read:

32 1170.125. (a) Notwithstanding Section 2 of Proposition 184,
33 as adopted at the November 8, 1994, statewide general election,

1 for all offenses committed on or after November 7, 2012, but before
2 January 1, 2024, all references to existing statutes in Sections
3 1170.12 and 1170.126 are to those sections as they read on
4 November 7, 2012.

5 (b) Notwithstanding Section 2 of Proposition 184, as adopted
6 at the November 8, 1994, statewide general election, for all offenses
7 committed on or after January 1, 2024, all references to existing
8 statutes in Sections 1170.12 and 1170.126 are to those sections as
9 they read on January 1, 2024.

10 SEC. 4. Section 1192.7 of the Penal Code is amended to read:

11 1192.7. (a) (1) It is the intent of the Legislature that district
12 attorneys prosecute violent sex crimes under statutes that provide
13 sentencing under a “one strike,” “three strikes” or habitual sex
14 offender statute instead of engaging in plea bargaining over those
15 offenses.

16 (2) Plea bargaining in any case in which the indictment or
17 information charges any serious felony, any felony in which it is
18 alleged that a firearm was personally used by the defendant, or
19 any offense of driving while under the influence of alcohol, drugs,
20 narcotics, or any other intoxicating substance, or any combination
21 thereof, is prohibited, unless there is insufficient evidence to prove
22 the people’s case, or testimony of a material witness cannot be
23 obtained, or a reduction or dismissal would not result in a
24 substantial change in sentence.

25 (3) If the indictment or information charges the defendant with
26 a violent sex crime, as listed in subdivision (c) of Section 667.61,
27 that could be prosecuted under Sections 269, 288.7, subdivisions
28 (b) through (i) of Section 667, Section 667.61, or 667.71, plea
29 bargaining is prohibited unless there is insufficient evidence to
30 prove the people’s case, or testimony of a material witness cannot
31 be obtained, or a reduction or dismissal would not result in a
32 substantial change in sentence. At the time of presenting the
33 agreement to the court, the district attorney shall state on the record
34 why a sentence under one of those sections was not sought.

35 (b) As used in this section, “plea bargaining” means any
36 bargaining, negotiation, or discussion between a criminal
37 defendant, or their counsel, and a prosecuting attorney or judge,
38 whereby the defendant agrees to plead guilty or nolo contendere,
39 in exchange for any promises, commitments, concessions,
40 assurances, or consideration by the prosecuting attorney or judge

1 relating to any charge against the defendant or to the sentencing
2 of the defendant.

3 (c) As used in this section, “serious felony” means any of the
4 following:

5 (1) Murder or voluntary manslaughter; (2) mayhem; (3) rape;
6 (4) sodomy by force, violence, duress, menace, threat of great
7 bodily injury, or fear of immediate and unlawful bodily injury on
8 the victim or another person; (5) oral copulation by force, violence,
9 duress, menace, threat of great bodily injury, or fear of immediate
10 and unlawful bodily injury on the victim or another person; (6)
11 lewd or lascivious act on a child under 14 years of age; (7) any
12 felony punishable by death or imprisonment in the state prison for
13 life; (8) any felony in which the defendant personally inflicts great
14 bodily injury on any person, other than an accomplice, or any
15 felony in which the defendant personally uses a firearm; (9)
16 attempted murder; (10) assault with intent to commit rape or
17 robbery; (11) assault with a deadly weapon or instrument on a
18 peace officer; (12) assault by a life prisoner on a noninmate; (13)
19 assault with a deadly weapon by an inmate; (14) arson; (15)
20 exploding a destructive device or any explosive with intent to
21 injure; (16) exploding a destructive device or any explosive causing
22 bodily injury, great bodily injury, or mayhem; (17) exploding a
23 destructive device or any explosive with intent to murder; (18) any
24 burglary of the first degree; (19) robbery or bank robbery; (20)
25 kidnapping; (21) holding of a hostage by a person confined in a
26 state prison; (22) attempt to commit a felony punishable by death
27 or imprisonment in the state prison for life; (23) any felony in
28 which the defendant personally used a dangerous or deadly weapon;
29 (24) selling, furnishing, administering, giving, or offering to sell,
30 furnish, administer, or give to a minor any heroin, cocaine,
31 phencyclidine (PCP), or any methamphetamine-related drug, as
32 described in paragraph (2) of subdivision (d) of Section 11055 of
33 the Health and Safety Code, or any of the precursors of
34 methamphetamines, as described in subparagraph (A) of paragraph
35 (1) of subdivision (f) of Section 11055 or subdivision (a) of Section
36 11100 of the Health and Safety Code; (25) any violation of
37 subdivision (a) of Section 289 where the act is accomplished
38 against the victim’s will by force, violence, duress, menace, or
39 fear of immediate and unlawful bodily injury on the victim or
40 another person; (26) grand theft involving a firearm; (27)

carjacking; (28) any felony offense, which would also constitute a felony violation of Section 186.22; (29) assault with the intent to commit mayhem, rape, sodomy, or oral copulation, in violation of Section 220; (30) throwing acid or flammable substances, in violation of Section 244; (31) assault with a deadly weapon, firearm, machinegun, assault weapon, or semiautomatic firearm or assault on a peace officer or firefighter, in violation of Section 245; (32) assault with a deadly weapon against a public transit employee, custodial officer, or school employee, in violation of Section 245.2, 245.3, or 245.5; (33) discharge of a firearm at an inhabited dwelling, vehicle, or aircraft, in violation of Section 246; (34) commission of rape or sexual penetration in concert with another person, in violation of Section 264.1; (35) continuous sexual abuse of a child, in violation of Section 288.5; (36) shooting from a vehicle, in violation of subdivision (c) or (d) of Section 26100; (37) intimidation of victims or witnesses, in violation of Section 136.1; (38) criminal threats, in violation of Section 422; (39) any attempt to commit a crime listed in this subdivision other than an assault; (40) any violation of Section 12022.53; (41) a violation of subdivision (b) or (c) of Section 11418; (42) ~~human trafficking~~, *trafficking of a minor*, in violation of *subdivision (c) of Section 236.1*; and (43) any conspiracy to commit an offense described in this subdivision.

(d) As used in this section, “bank robbery” means to take or attempt to take, by force or violence, or by intimidation from the person or presence of another any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, any bank, credit union, or any savings and loan association.

As used in this subdivision, the following terms have the following meanings:

(1) “Bank” means any member of the Federal Reserve System, and any bank, banking association, trust company, savings bank, or other banking institution organized or operating under the laws of the United States, and any bank the deposits of which are insured by the Federal Deposit Insurance Corporation.

(2) “Savings and loan association” means any federal savings and loan association and any “insured institution” as defined in Section 401 of the National Housing Act, as amended, and any

1 federal credit union as defined in Section 2 of the Federal Credit
2 Union Act.

3 (3) "Credit union" means any federal credit union and any
4 state-chartered credit union the accounts of which are insured by
5 the Administrator of the National Credit Union administration.

6 (e) The provisions of this section shall not be amended by the
7 Legislature except by statute passed in each house by rollcall vote
8 entered in the journal, two-thirds of the membership concurring,
9 or by a statute that becomes effective only when approved by the
10 electors.

11 SEC. 5. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the penalty
16 for a crime or infraction, within the meaning of Section 17556 of
17 the Government Code, or changes the definition of a crime within
18 the meaning of Section 6 of Article XIII B of the California
19 Constitution.