

MEASURE [], CITY OF LOS ANGELES

TEXT OF MEASURE

The ballot question is as follows:

“Shall the City: help end sex trafficking and protect sex workers, their children and their human rights by ceasing to enforce laws against adult safe sex work so sex workers may come to authorities for help and protection, allowing them to live lives as normal citizens and join society, by ceasing the funding or support of anti-sex work programs, by enforcing existing criminal laws that prohibit crimes such as battery, extortion, or rape, regardless of the victim's status as a sex worker; and by fully disclosing the investigation and prosecution of violent crimes against sex workers and clients?”

THE SITUATION:

State and local laws currently prohibit adult consensual sex work. However, numerous national and international organizations, including Amnesty International, the World Health Organization, the United Nations and the American Civil Liberties Union, have now concluded that the criminalization of adult sex work results in an increase in violence, abuse and other crimes against sex workers and their families, children and clients and an increase in the spread of sexually transmitted diseases. Laws criminalizing adult sex work also violate human rights and restrict liberty, perpetuate antiquated views concerning sex, and promote stigmatization of, and discrimination against, sex workers and their clients. The enforcement of such laws also diverts valuable resources that could be better spent prosecuting serious crimes such as battery, sexual assault, rape human trafficking and prostitution involving minors.

THE PROPOSAL:

This measure would:

- Prohibit the City’s Police Department and the City Attorney from enforcing laws against adult safe sex work
- Prohibit the City from funding or supporting anti-sex worker programs
- Require the City’s Police Department to enforce existing criminal laws that prohibit crimes such as battery, extortion and rape, regardless of the victim's status as a sex worker
- Require the City’s Police Department and the City Attorney to fully disclose the investigation and prosecution of violent crimes against sex workers and clients

ORDINANCE NO. _____

An ordinance adding a new Article 16 to Chapter IV of the Los Angeles Municipal Code, to prohibit the enforcement of laws against adult safe sex work and protect the rights of sex workers and clients, to combat human trafficking and child prostitution, and to amend other sections of the Los Angeles Municipal Code consistent therewith.

WHEREAS, the criminalization of adult safe sex work results in an increase in violence, abuse and other crimes against sex workers and their families, children and clients, an increase in the spread of sexually transmitted diseases in the City of Los Angeles, and an increase in human trafficking and child

prostitution;

WHEREAS, the criminalization of adult safe sex work also violates human rights and restricts liberty among consenting adults, perpetuates antiquated views concerning sex, and promotes the stigmatization of, and discrimination against, sex workers and their clients; and

WHEREAS, a prohibition of enforcement of laws against adult safe sex work should reduce violence, abuse and other crimes a sex workers and their families, children and clients, reduce the spread of sexually transmitted diseases, decrease human trafficking and child prostitution, reduce discrimination against sex workers and clients, promote human rights and freedom with respect to sexual intimate activities, and eliminate stereotypes and stigmatization of sex workers and clients.

NOW THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. A new Article 16 shall be added to the Los Angeles Municipal Code, which shall read as follows:

**ARTICLE 16: DECRIMINALIZATION OF ADULT SAFE SEX WORK TO COMBAT
HUMAN TRAFFICKING, CHILD PROSTITUTION AND VIOLENT CRIMES AND TO
PROMOTE PUBLIC SAFETY AND WELFARE**

Sec. 51.01. Definitions

- A. "Child prostitution" shall mean the provision of sexual services by a person under the age of 18 in exchange for money or other compensation.
- B. "Client" shall mean a person who willfully pays money or other compensation to a sex worker in exchange for sexual services, with the specific intent to be aroused or gratified sexually.
- C. "Human trafficking" shall mean the recruitment, harboring, transportation, provision, or obtaining of a person for sexual services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
- D. "Procurer" shall mean a person who (a) receives financial support or maintenance from the earnings of a sex worker; (b) receives or tries to receive compensation for soliciting for a sex worker (that is, finding clients for him or her); (c) receives, gives, or agrees to receive or give any money or compensation for persuading someone to become a sex worker; or (d) procures another person for the purposes of sexual services.
- E. "Safe sexual services" shall mean any sexual services other than unsafe sexual services.
- F. "Sex worker" shall mean an adult age 18 or over person who is engaged in the business of providing sexual services in exchange for money or other compensation, with the specific intent to arouse or gratify someone sexually.
- G. "Sexual services" shall mean sexual intercourse or any other act that involves touching the genitals, buttocks, body or breast of another person with an adult human body, hands, or devices such as sexual toys for sexual or erotic gratifications.
- H. "Unsafe sexual services" shall mean sexual intercourse, anal intercourse or oral sex without the use of a proper STD safe condom such as latex, polyurethane, or polyisoprene condoms, or any other sexual services that involve the transmission of fluid to or from a person's genitals, anus or mouth or to the sex worker or client's genitals, anus or mouth without an STD safe condom, dental dam, or other

proven safe STD guard(s).

Sec. 51.02. Decriminalization of Adult Safe Sex Work.

Notwithstanding any other provision of the Los Angeles Municipal Code or other applicable laws, the Los Angeles Police Department, the Office of the City Attorney, and any other agency of the City of Los Angeles and their designates, shall not investigate, arrest or prosecute:

- A. any sex worker for providing safe sexual services in exchange for money or other compensation;
- B. any client of a sex worker; or
- C. any procurer, provided that the procurer did not engage in violence, threats or intimidation to coerce or persuade the sex worker to provide the sexual services.

Notwithstanding the foregoing, nothing in this Section 51.02 shall prevent the Los Angeles Police Department, the Office of the City Attorney, or any other agency of the City of Los Angeles or their designates, from investigating, arresting or prosecuting any person for battery, sexual assault, bestiality, rape or any other violent crime, or for human trafficking or child prostitution. Furthermore, nothing in this Section 51.02 shall prevent the Los Angeles Police Department, the Office of the City Attorney, or any other agency of the City of Los Angeles or their designates, from investigating, arresting or prosecuting any person for engaging in unsafe sexual services in exchange for money or other compensation.

Sec. 51.03. Enforcement of Criminal Laws Regardless of the Victim's Sex Worker Status

The Los Angeles Police Department, the Office of the City Attorney, and associated law enforcement agencies shall be required to practice (a) consistent and rigorous enforcement against coercion, extortion, battery, sexual assault, rape and other violent crimes, regardless of the victim's status as a sex worker; and (b) full disclosure in the investigation and prosecution of charges of coercion, extortion, battery, sexual assault, rape and other violent crimes against sex workers.

Sec. 51.04. No Use of Public Resources to Target Sex Workers

Law enforcement agencies shall not allocate any resources for the investigation and prosecution of sex workers for providing sexual services; provided that this shall not in any way limit any law enforcement agency from investigating and prosecuting battery, sexual assault, rape or any other violent crime, or human trafficking or child prostitution.

Sec. 51.05. Effective Date

This ordinance shall become effective on January 1, 2021.

Sec. 51.06. Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application. To this end, the provisions of this ordinance shall be deemed severable.

Section 2. Sections 12.27.1, 41.03, 41.23, 41.24, 91.9002, of the Los Angeles Municipal Code shall be amended to delete the word “prostitution” in every place in which it appears and replace it with the phrase “unsafe sexual services in exchange for compensation.”

Section 3. Section 103.34.1 of the Los Angeles Municipal Code shall be amended to delete subsections 3(d) and (4).

Section 4. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located in the Main Street lobby to the City Hall; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance to the Los Angeles Police Department; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.