

AMENDED IN ASSEMBLY MARCH 27, 2025

AMENDED IN ASSEMBLY MARCH 24, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

**ASSEMBLY BILL**

**No. 63**

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**Introduced by Assembly Member Michelle Rodriguez**

December 2, 2024

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An act to add Sections 653.20 and 653.22 to the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 63, as amended, Michelle Rodriguez. Loitering with intent to commit prostitution.

Existing law, until January 1, 2023, prohibited loitering in a public place with the intent to commit prostitution, as defined, and made that crime a misdemeanor.

This bill would reinstate those provisions and would prohibit California law enforcement, as defined, from making an arrest pursuant to these provisions solely based on the individual's gender identity or ~~sexual preference~~ *orientation*. The bill would also require law enforcement, prior to making an arrest of the individual pursuant to these provisions, to document their attempts to offer the individual services. By creating a new crime, and by imposing new duties on local law enforcement, 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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. Section 653.20 is added to the Penal Code,  
 2 immediately following Section 653.2, to read:

3 653.20. For purposes of this chapter, the following definitions  
 4 apply:

5 (a) ~~“California law~~ “Law enforcement” means any department  
 6 or agency of the state or any local government, special district, or  
 7 other political subdivision thereof, that employs any peace officer,  
 8 as described in Section 830.

9 (b) “Commit prostitution” means to engage in sexual conduct  
 10 for money or other consideration, but does not include sexual  
 11 conduct engaged in as a part of any stage performance, play, or  
 12 other entertainment open to the public.

13 (c) “Loiter” means to delay or linger without a lawful purpose  
 14 for being on the property and for the purpose of committing a  
 15 crime as opportunity may be discovered.

16 (d) “Public place” means an area open to the public, or an alley,  
 17 plaza, park, driveway, or parking lot, or an automobile, whether  
 18 moving or not, or a building open to the general public, including  
 19 one that serves food or drink, or provides entertainment, or the  
 20 doorways and entrances to a building or dwelling, or the grounds  
 21 enclosing a building or dwelling.

22 SEC. 2. Section 653.22 is added to the Penal Code, immediately  
 23 following Section 653.20, to read:

24 653.22. (a) (1) Except as specified in paragraph (2), it is  
 25 unlawful for any person to loiter in a public place with the intent  
 26 to commit prostitution. This intent is evidenced by acting in a  
 27 manner and under circumstances that openly demonstrate the  
 28 purpose of inducing, enticing, or soliciting prostitution, or  
 29 procuring another to commit prostitution.

30 (2) Notwithstanding paragraph (1), this subdivision does not  
 31 apply to a child under 18 years of age who is alleged to have

1 engaged in conduct that would, if committed by an adult, violate  
2 this subdivision. A commercially exploited child under this  
3 paragraph may be adjudged a dependent child of the court pursuant  
4 to Section 300 of the Welfare and Institutions Code and may be  
5 taken into temporary custody pursuant to subdivision (a) of Section  
6 305 of the Welfare and Institutions Code, if the conditions allowing  
7 temporary custody without warrant are met.

8 (b) Among the circumstances that may be considered in  
9 determining whether a person loiters with the intent to commit  
10 prostitution are that the person:

11 (1) Repeatedly beckons to, stops, engages in conversations with,  
12 or attempts to stop or engage in conversations with passersby,  
13 indicative of soliciting for prostitution.

14 (2) Repeatedly stops or attempts to stop motor vehicles by  
15 hailing the drivers, waving arms, or making any other bodily  
16 gestures, or engages or attempts to engage the drivers or passengers  
17 of the motor vehicles in conversation, indicative of soliciting for  
18 prostitution.

19 (3) Has been convicted of violating this section, subdivision (a)  
20 or (b) of Section 647, or any other offense relating to or involving  
21 prostitution within five years of the arrest under this section.

22 (4) Circles an area in a motor vehicle and repeatedly beckons  
23 to, contacts, or attempts to contact or stop pedestrians or other  
24 motorists, indicative of soliciting for prostitution.

25 (5) Has engaged, within six months prior to the arrest under this  
26 section, in any behavior described in this subdivision, with the  
27 exception of paragraph (3), or in any other behavior indicative of  
28 prostitution activity.

29 (c) The list of circumstances set forth in subdivision (b) is not  
30 exclusive. The court shall consider the circumstances set forth in  
31 subdivision (b) particularly salient if they occur in an area that is  
32 known for prostitution activity. Any other relevant circumstances  
33 may be considered in determining whether a person has the  
34 requisite intent. Moreover, no one circumstance or combination  
35 of circumstances is in itself determinative of intent. Intent shall be  
36 determined based on an evaluation of the particular circumstances  
37 of each case.

38 (d) ~~California law~~ Law enforcement shall not make an arrest  
39 pursuant to this section against an individual solely based on their  
40 perceived gender identity or sexual ~~preference~~ *orientation*.

1 (e) Prior to making an arrest pursuant to this section, ~~California~~  
2 law enforcement shall document their attempts to offer services  
3 to the individual who is suspected of loitering with intent to commit  
4 prostitution.

5 (f) If it is determined by a peace officer that the person is a  
6 victim of human trafficking and crimes have occurred, Section  
7 236.23 shall apply, and the law enforcement agency employing  
8 the peace officer shall initiate an investigation of the violation of  
9 Section 236.1.

10 SEC. 3. No reimbursement is required by this act pursuant to  
11 Section 6 of Article XIII B of the California Constitution for certain  
12 costs that may be incurred by a local agency or school district  
13 because, in that regard, this act creates a new crime or infraction,  
14 eliminates a crime or infraction, or changes the penalty for a crime  
15 or infraction, within the meaning of Section 17556 of the  
16 Government Code, or changes the definition of a crime within the  
17 meaning of Section 6 of Article XIII B of the California  
18 Constitution.

19 However, if the Commission on State Mandates determines that  
20 this act contains other costs mandated by the state, reimbursement  
21 to local agencies and school districts for those costs shall be made  
22 pursuant to Part 7 (commencing with Section 17500) of Division  
23 4 of Title 2 of the Government Code.