

Rocio V. Sierra
City Attorney

OFFICE OF THE CITY CLERK

OAKLAND CITY COUNCIL

2007 MAY -3 PM 3:24 RESOLUTION No. 80618 C.M.S.

**RESOLUTION (1) IN SUPPORT OF ASSEMBLY BILL #499 (SWANSON),
IF AMENDED AS PROVIDED HEREIN, AUTHORIZING A LENGTHIER
DETENTION OF MINORS FOR PROSTITUTION OFFENSES AND
PROVIDING FOR THEIR PLACEMENT IN A SECURED FACILITY FOR
TREATMENT AS SEXUALLY EXPLOITED MINORS IN LIEU OF
CRIMINAL PROSECUTION AND (2) DIRECTING THE CITY'S
LEGISLATIVE LOBBYIST TO ADVANCE THE CITY'S INTERESTS**

WHEREAS, AB499 (Swanson) is currently pending in the California Legislature; and

WHEREAS, this bill will provide for prolonged detention of minors engaged in specified acts of prostitution and states that they shall not be criminally prosecuted in order that they may be placed in a secure facility for treatment as sexually exploited minors; and

WHEREAS, since 1999, the Oakland Police Department (Department) has investigated hundreds of cases involving sexually exploited minors working as prostitutes and has observed a large number of these victims returning to prostitution before adequate services could be provided and/or a criminal investigations conducted; and

WHEREAS, the bill affords minor victims of sexual exploitation a safe and non-threatening environment in which to receive care and assistance; and

WHEREAS, the Department recommends that AB499 be amended to address the following issues under the United States Constitution: (1) the minor's right to due process of law under the Fourteenth Amendment, (2) the minor's right to a speedy public trial under the Sixth Amendment, and (3) the minor's right to an attorney under the Sixth Amendment; and

WHEREAS, once amended to address the minor's constitutional rights as identified above, the Department recommends that AB499 be endorsed and supported by the City of Oakland; and

WHEREAS, the bill enhances the Department's abilities to apprehend those who exploit children and prevents the future victimizations of minors; now therefore be it

RESOLVED: That the City of Oakland declares its support for AB499 (Swanson), if amended to provide for the protection of a minor's constitutional rights as described above; and be it

FURTHER RESOLVED: That the City Administrator and the City's legislative lobbyists are directed to take all steps necessary toward advancing and advocating the City's interests respecting AB499.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 5 2007, 20

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST LaTonda Simmons
LaTonda Simmons
City Clerk and Clerk of the Council,
City of Oakland, California