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OAKLAND

2019 MAR 21 PM 3:10

Approved as to Form and Legality

  
City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. 87604 C.M.S.

INTRODUCED BY COUNCILMEMBER NOEL GALLO AND CITY ATTORNEY  
BARBARA J. PARKER

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**RESOLUTION SUPPORTING CALIFORNIA STATE SENATE BILL NUMBER 233, AUTHORED BY SENATOR SCOTT WIENER AND CO-AUTHORED BY ASSEMBLY MEMBERS BILL QUIRK AND LAURA FRIEDMAN, WHICH WOULD PROHIBIT THE ARREST OF SEX WORKERS WHEN THEY REPORT SEXUAL ASSAULT, HUMAN TRAFFICKING, STALKING, ROBBERY, ASSAULT, KIDNAPPING, THREATS, BLACKMAIL, EXTORTION, BURGLARY OR OTHER VIOLENT CRIMES AGAINST THEM**

**WHEREAS**, sex workers are highly vulnerable to violence and their safety became even more precarious in April 2018 when two federal bills, the Stop Enabling Sex Traffickers Act (SESTA) and Allow States and Victims to Fight Online Sex Trafficking Act (FOSTA), made it illegal to knowingly assist, facilitate, or support sex trafficking, which led to the closure of websites and online platforms that sex workers used to screen clients, share knowledge and report dangerous and violent behavior; and

**WHEREAS**, those most affected by violence are predominantly women, and women of color, transgender women, and poor women and immigrant women are even more disproportionately affected by this violence; and

**WHEREAS**, in California police can assert probable to arrest a person for solicitation, prostitution, public nuisance or other crimes solely on the basis of the number of condoms they possess; and

**WHEREAS**, sex workers have a well-founded fear of arrest or harassment by police officers and/or other government officials who are responsible for enforcing the law, which at times may include misconduct, retaliation for not granting sexual favors and abuse of power to coerce a sex worker to grant sexual favors, and this fear discourages them from reporting crimes; and

**WHEREAS**, California State Senator Scott Wiener introduced Senate Bill No. 233 (SB 233), co-authored by Assembly Members Bill Quirk and Laura Friedman, which would prohibit the arrest of persons for misdemeanor violations of the California Uniform Controlled Substances Act (CUCSA) or other crimes when they report crimes of sexual assault, human trafficking, stalking, robbery, assault, kidnapping, threats, blackmail, extortion, burglary, or another violent crimes to law enforcement agencies; and

**WHEREAS**, SB 233 also provides that possession of condoms in any amount, in and of itself, is not probable cause to be arrested for a crime, including specified sex work crimes such as solicitation and prostitution, and public nuisance; now, therefore, be it

**RESOLVED:** That the Oakland City Council gives its full endorsement of SB 233; and be it

**FURTHER RESOLVED:** That the Oakland City Council hereby directs the City Administrator [or Council President?] to send a copy of the Resolution to Senator Scott Wiener, Assembly Members Bill Quirk and Laura Friedman and Governor Newsom.

2708472v2

IN COUNCIL, OAKLAND, CALIFORNIA,

**APR 16 2019**

PASSED BY THE FOLLOWING VOTE:

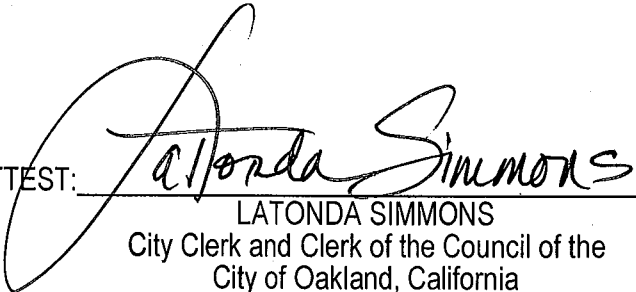
AYES - FORTUNATO BAS, GALLO, ~~GRONKOWSKI~~ KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

*Excused - 1 McElhannay*

ATTEST:   
LATONDA SIMMONS  
City Clerk and Clerk of the Council of the  
City of Oakland, California