



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS
770 L Street, Suite 1240 • Sacramento, California 95814-3368
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

STEVEN JAHR
Administrative Director of the Courts

CORY T. JASPERSON
Director, Office of Governmental Affairs

May 23, 2014

Hon. Nora Campos
Member of the Assembly
State Capitol, Room 3160
Sacramento, California 95814

Subject: AB 1887 (Campos), as introduced – Support, if amended

Dear Assembly Member Campos:

The Judicial Council is pleased to support, if amended, AB 1887, which authorizes a person to petition a court to set aside a conviction for an offense relating to solicitation or prostitution, based on finding the person is factually innocent of the charge if the person is a victim of human trafficking and the offense is a result of the petitioner's status as a victim of that crime. In that case, the bill would require the court to order the records of the arrest to be sealed and destroyed, and to take other action appropriate under the circumstances or as justice requires.

The Judicial Council supports AB 1887, if it is amended to prohibit the filing of such petitions by individuals who (1) affirmatively raised human trafficking as a duress defense during trial, but for whom the jury or judge still convicted the individual of solicitation or prostitution based on the evidence; or (2) had the opportunity to raise human trafficking as a duress defense but failed to do so.

These amendments address the Judicial Council's concern that AB 1887, as currently written, inappropriately allows a court to overturn sentencing court and jury decisions without ordering a new trial or going through the appeals or habeas process. For example, it could allow an

Hon. Nora Campos
May 23, 2014
Page 2

individual who raised a human trafficking defense at trial that was rejected by the jury, to turn around and petition the court for a different result based on the same facts.

With the proposed amendments, the Judicial Council supports AB 1887. The bill furthers the interests of justice by providing an avenue for victims of human sex trafficking to clear their criminal record if they were convicted of prostitution. Without such opportunity, the existence of a criminal record could prevent such victims from obtaining some of the most basic necessities in life.

In summary, the council supports the policy of recognizing the plight of victims of human trafficking, and at the same time believes the foregoing concerns should be addressed through amendments. The council's proposed amendments will uphold the public policy underlying the bill while ensuring the remedy is not extended in a manner that would duplicate prior criminal proceedings.

For these reasons, the Judicial Council is pleased to support, AB 1887, if amended.

Sincerely,

A handwritten signature in black ink, appearing to read "Nina Tantraphol". The signature is fluid and cursive, with the first name "Nina" and last name "Tantraphol" clearly distinguishable.

Nina Tantraphol
Judicial Administration Fellow

NT/yc-s

cc: Ms. June Clark, Deputy Legislative Secretary, Office of the Governor