

One Minute Brief

LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
DISTRICT ATTORNEY NATHAN J. HOCHMAN



da.lacounty.gov •    @LADAOOffice •   @LACountyDA

NUMBER: 2026-09

DATE: May 15, 2026

BY: Michele A. Hanisee

TOPIC: Human Trafficking – Changes to Penal Code §§ 647 & 653.25

ISSUE: What changes have been made to laws on loitering for prostitution, solicitation, and human sex trafficking, and how do they impact the investigation and prosecution of those offenses?

Recent legislative amendments effective January 1, 2026, reshape how law enforcement can investigate, charge and prove crimes related to prostitution and human sex trafficking. The changes reflect a policy shift away from criminalizing individuals providing commercial sex acts and toward targeting buyers and traffickers who profit from exploitation.

In 2022, the legislature repealed Penal Code § 653.22 which had criminalized loitering with intent to commit prostitution. The intent for that offense could be proved by circumstances such as repeated beckoning to, stopping or engaging in conversation with passersby, or attempts to stop vehicles by hailing the drivers. The primary focus was on the conduct of the individual loitering with intent to *sell* commercial sex.

The new Penal Code § 653.25 (effective January 1, 2026) shifts focus to criminalizing loitering in a public place with intent to *purchase* commercial sex. The intent for the offense can be proved by circumstances such as circling an area in a vehicle and repeatedly beckoning to, contacting, or attempting to contact or stop pedestrians or other motorists, or making unauthorized stops along known prostitution tracks. A violation is a misdemeanor. (P.C. § 653.25.)

Penal Code § 647(b) continues to prohibit soliciting or agreeing to engage in prostitution. “Prostitution” is defined as any lewd act between persons for money or other consideration. (P.C. § 647(b)(4).) To prove the offense, there must be an “act in furtherance” beyond the agreement—such as directing a person to remove clothing. (See *Kim v. Superior Court* (2006) 136 Cal.App.4th 936.) This offense remains a misdemeanor in most cases.

The prior Penal Code § 647 was punishable as a wobbler only if the person solicited was under the age of 16, or if the person solicited was under the age of 18 and it could be proved that they were a victim of human trafficking.

As amended, Penal Code § 647 is now a wobbler when:

- An adult solicits a minor under 16. (P.C. § 647(l)(2)(A).)
- An adult solicits a minor under 18 and the minor was caused, induced, or persuaded to engage in a commercial sex act. (P.C. § 647(l)(2)(A).)
- An adult solicits a minor who is more than three years younger than the adult. (P.C. § 647(l)(2)(B).)

These changes broaden the ability to file felony charges in cases involving minors.

Consistent with the shift in focus to traffickers and demand-side conduct, law enforcement can use Penal Code § 647(b) for completed solicitations along with the felony offenses of human trafficking (§ 236.1) and pimping and pandering (§§ 266h, 266i) where supported by the evidence.

BOTTOM LINE: The law now targets buyers and traffickers rather than commercial sex workers. Emphasize demand-side conduct and use expanded felony options—especially in cases involving minors—to disrupt trafficking activity.

This information was current as of publication date. It is not intended as legal advice. It is recommended that readers check for subsequent developments and consult legal advisors to ensure currency after publication. Local policies and procedures regarding application should be observed.