

Talking Points – NO on Prop 35

Prop 35 unconstitutionally infringes upon protected free speech activities such as the right to engage in political dialogue anonymously on the internet vis-à-vis penalties which include registering all internet user names [First Amendment of the U.S. Constitution; specifically, the freedom of speech]

Prop 35 unconstitutionally limits a defendant's right to assert a defense at trial - the law prevents a defense attorney from questioning an alleged victim about her potential voluntary participation in criminal activity [Fifth and Six Amendments to U.S. Constitution – due process of law and rights of the accused; specifically, the defendant's rights to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense]

Prop 35 is unconstitutionally vague – a law must be clearly written so as to give adequate notice regarding what is the illegal activity

Prop 35 is overbroad - it makes duplicating and selling obscene materials depicting children a form of human trafficking

Prop 35 is overbroad - it could result in the arrest of and prosecution of teenagers for human trafficking who date, consume alcohol or a controlled substance, and engage in sexual activity

Prop 35 is overbroad - it would require individuals who engage in extortion to register with the CA sex registry as sex

offenders even though the particular crime may not have been a sexual offense

Prop 35 is overbroad – it will give police too much discretion and will likely result in further police abuse of homosexuals and other disfavored minority groups

Prop 35 will be challenged, and likely struck down, as unconstitutional and will cost the state of CA untold sums to defend it in court

Prop 35 will cost the state of CA millions of dollars to implement and perform the required training police officers to enforce the law and expand the sex registry

Prop 35 will cost the state of CA substantial funds to support the chosen anti-trafficking non-profit group with no oversight or accountability for the performance of the non-profit

Prop 35 relies on and will result in the further criminalization and discrimination of prostitutes and consensual private adult sexual activity

Prop 35 could result in children and domestic partners of prostitutes, who benefit financially from a prostitutes' labor, to be accused of engaging in human trafficking and forced to register on the CA sex registry as sex offenders

Prop 35 will result in further disenfranchisement and abuse of prostitutes, and will force the sex industry further underground, making it harder for law enforcement to find and rescue actual human trafficking victims

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