



FOR IMMEDIATE RELEASE - July 9, 2022

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Sex Workers Applaud Repeal Of Loitering Law

Sex Workers Applaud Governor Newsom's Signature Of Senate Bill 357 Which Repeals The California Law Criminalizing Loitering With Intent To Engage In Prostitution

SAN FRANCISCO — The Erotic Service Providers Legal, Education and Research Project (ESPLERP) applauds California Governor Gavin Newsom for signing Senator Scott Weiner's Senate Bill (SB) 357, the Safer Streets for All Act, into law. SB 357 repeals Section 653.22 of the California Penal Code that criminalizes loitering for the intent to engage in sex work. It will take effect on January 1, 2023.

"This 'walking while trans law' was always a horribly discriminatory law that allowed law enforcement enormous leeway in deciding who they would arrest," said Claire Alwyne, Chair of ESPLERP. And people of color and transgender folks always seemed to be targeted regardless of whether they actually worked as a sex worker or not. And then that resulted in a criminal arrest record that would invariably be used to further discriminate against them when applying for work and housing."

Section 653.22 was always bad law - with entirely subjective wording. After all, how can anyone decide intent? In practice, it allowed law enforcement to harass people based on how they looked, what they were wearing, or where they were standing. And law enforcement used that power in an entirely discriminatory manner - targeting Black and Brown women and trans women at an alarming rate. For example, [a recent report from UCLA Law students](#) found that Black adults accounted for 56.1% of the Section 653.22 charges in Los Angeles between 2017-2019, despite only making up 8.9% of the city's population.

Ironically, Los Angeles District Attorney George Gascon referenced those damning statistics in [a tweet supporting SB 357](#). But back in 2015, as San Francisco District Attorney, he was one of the District Attorneys named as defendants in ESPLERP's groundbreaking lawsuit *ESPLERP v Gascon* [case 16-15927] (<https://esplerp.org/case3-esplerp-vs-gascon/>), which challenged California's anti-prostitution law, Penal Code 647(b), arguing for the decriminalization of sex work. Back then, when asked for comment, George Gascon clearly did not understand the nature of sex work, commenting "there may be some consenting workers and if there are, how do we differentiate one from the other".

SB 357 means that law enforcement will no longer be allowed to criminalize LGBTQ+, Black, and Brown communities for perfectly civil activities like walking or standing in public - just because a law enforcement officer somehow deduces that the person intends to engage in sex work. Additionally, SB 357 will enable persons who have previously been convicted of loitering with the intent to commit prostitution to clear their records.

The Erotic Service Providers Legal, Education and Research Project (ESPLERP) is a diverse community-based coalition advancing sexual privacy rights through litigation, education, and research.

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