



KNOW YOUR RIGHTS – The Safer Streets for All Act

SB 357 – New Protections for Sex Workers in California

In 2022, California passed [SB 357](#), the Safer Streets for All Act. The new law aims to improve the health and safety of sex workers and people perceived as sex workers in two ways:

1. Police can no longer arrest people for violating Penal Code section 653.22, loitering for prostitution.¹
2. People that have been arrested and convicted of loitering for prostitution can clear their records.

FAQS -- No Criminalization for Loitering with the Intent to Engage in Prostitution

Did SB 357 decriminalize sex work?

No. Prostitution and other sex work-related offenses are still illegal in the state of California and may be punishable by up to 6 months in jail and a \$1000 fine. SB 357 creates new protections for sex workers by repealing a harmful anti-loitering policy that enabled police to target and arrest people, particularly sex workers of color, on the basis of “loitering with intent to commit prostitution.” **Still, police officers may try to use other ways to arrest you, such as if they witness you taking cash in exchange for engaging in sex work, agreeing to engage in sex work, or engaging in sex work.**

Know Your Rights: Stopped by Police

What do I do if I’m stopped by the police?

Ask, “Am I free to go?” If they say ‘yes,’ leave calmly. If they say ‘no,’ ask why by saying, “Can you tell me why you are stopping me?”

Make sure the officer knows you **do not agree to be searched**. Say, “I do not consent to a search.” Police can “pat down” your clothing if they suspect a weapon, but remember they **cannot** take your condoms as condoms may not be used as evidence of prostitution. **If they confiscate or photograph your condoms**, contact the ACLU affiliate in your region or the public defender’s office in your county.

¹ Cal. Penal Code § 653.22 (2022)

If the police arrest you, **exercise your right to remain silent.** Say, “I want to remain silent.” You cannot be punished for refusing to answer questions and the police **cannot ask you about your immigration status.**²

ACLU NorCal Legal Intake Line: (415) 621-2488

ACLU SoCal Legal Intake Line: (213) 977-5253

Office of the State Public Defender: (510) 267-3300 or (916) 322-2676

Clearing Your Record

I am currently serving a sentence in jail, am under probation or under community supervision for the charge of “loitering with the intent to engage in prostitution.” What can I do?

Under SB 357, you may request to have your sentence recalled, dismissed entirely and cleared from your record, and sealed, meaning you can treat the conviction as though it never occurred.

I have an old charge, and already served my sentence for loitering with the intent to engage in sex work. Am I eligible to get my record cleared?

Yes. Under SB 357 you are eligible to request to have your conviction cleared and sealed. Clearing and sealing your record can increase your access to employment, housing, public assistance, and education.

Will getting my record cleared help for immigration purposes?

No.³

Can I get rid of my arrest record for loitering with intent to commit sex work?

If you were previously arrested but never convicted (which could mean that no charges were filed, charges were dismissed, or you went to trial and were found not guilty), then your arrest records can be sealed and destroyed, meaning they would no longer be available to the public and your arrest can be treated as though it never occurred.⁴

How can I request to get my record cleared and sealed?

You can get your record cleared and sealed by contacting the Public Defender or legal aid in the county where you have convictions.

² Cal. Gov’t Code § 7284.6 (2018)

³ *In re Roldan-Santoyo*, 22 I&N Dec. 512 (BIA 1999).

⁴ Cal. Penal Code § 851.8(b) (2019)