

Resolution to Endorse S.B. 435 to End Online Sex Trafficking

WHEREAS online sex trafficking can destroy the lives of victims due to the fact that millions of child sexual abuse photos and videos, and millions of other naked or sexual photos and videos that are made, obtained, or distributed by coercion, trickery, subterfuge, or theft, or which are made, obtained, or distributed without the knowledge or without or beyond the express permission, freely given, of the person whose identifiable likeness is in the photographs or videos; and

WHEREAS current California civil law provides no effective means for victims of online sex trafficking to stop these photos and videos from being created, obtained, distributed, uploaded, re-uploaded, shared, or sold, and current California civil law creates a blanket exception from liability for distributing such photos or videos if they have already been distributed by anyone else at any time, an unfair practice for many victims who have no legal recourse to prevent their photos and videos from continuing to be circulated; and

WHEREAS online sex trafficking results in severe harm to its victims, primarily women and girls, whose lives are often destroyed by being abused and then being unable to remove these photos or videos from circulation, and who instead see laws that protect their abusers, traffickers, and rapists, and a law is needed that provides victims with civil damages and other effective remedies designed to put a stop to online sex trafficking; and

NOW THEREFORE BE IT RESOLVED that the Santa Clara County Democratic Party does hereby endorse and support S.B. 435 (2021) authored by State Senator Dave Cortese which will provide victims of online sex trafficking with a civil cause of action that effectively enables victims to protect themselves from being further trafficked online.

Authors: Michele Dauber, Jennie Hutchinson, Jean Cohen, and Angelica Ramos