



Roll Call Training Bulletin

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Senate Bill 357 and the repeal of 653.22 PC: “Loitering for the Purposes of Prostitution”

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On July 1, 2022, Governor Newsom signed Senate Bill (SB) 357 repealing Penal Code (PC) section 653.22 – Loitering for the Purpose of Engaging in a Prostitution Offense. The repeal goes into effect on January 1, 2023, and **653.22 PC will no longer provide reasonable suspicion for a detention or probable cause for an arrest.**

Despite the prohibition on the use of loitering for the purpose of engaging in prostitution as a basis for a detention or arrest, officers may still detain individuals for other potential violations of the law such as prostitution under section 647(b) PC, or public nudity under Sacramento City Code (SCC) section 9.04.060, respectively.

Officers may rely on section 647(b) PC to detain and investigate individuals who are engaged in lewd acts or other acts of prostitution, including solicitation. However, solicitation must be coupled with acts in furtherance of prostitution such as the exchange of compensation.

Officers may also rely upon Sacramento City Code (SCC) section 9.04.060 to detain and investigate individuals who expose their genitals, pubic area, anus, or buttocks with less than a fully opaque covering; or exposure of a female breast below a horizontal line across the top of the areola at the areola’s highest point with less than a fully opaque covering on any property owned or controlled by the City of Sacramento, including, but not limited to, any building, street, sidewalk, bike path, alley, parking lot, plaza, park, playground, pool, beach or adjacent waters, or other place open to the public, or upon any portion of private property that is visible from public property.