

Date of Hearing: April 25, 2012

ASSEMBLY COMMITTEE ON ARTS, ENTERTAINMENT, SPORTS, TOURISM, AND
INTERNET MEDIA
Nora Campos, Chair

AB 1660 (Campos) - As Amended: April 23, 2012

SUBJECT : Representation of minors; permits.

SUMMARY : Prohibits a person, subject to specified exceptions, from representing or providing services to artists that are under the age of 18 unless he or she submits to the Labor Commissioner (LC) an application for a Child Performers Services Permit (Permit) and has received the Permit. Specifically, this bill :

- 1) States that no person shall represent any artists, who are minors under the age of 18, without first submitting an application to the LC for a Permit and is in receipt of that Permit from the LC, as specified.
- 2) Requires the LC to set and collect a filing fee to be paid by the applicant, and requires applicants to submit their fingerprints along with the fee when the application for the Permit is filed.
- 3) Further requires the LC to forward the name of each applicant with his or her fingerprint card to the Department of Justice (DOJ) to determine if the applicant is required to register as a sex offender before the LC can issue the Permit.
- 4) Prohibits a person who is identified as a sex offender, as specified, from being permitted to represent or provide certain services to artists who are minors, as defined.
- 5) Provides that the LC shall maintain a list of all persons holding a valid Permit and shall make this list publicly available on its Internet Web site.
- 6) Creates the Child Performers Services Permit Fund in the State Treasury where the LC shall deposit all filing fees from the Permit applications to pay for the costs of the administration of the Permit program, as specified.

EXISTING LAW :

- 1) Requires that persons or corporations that act as talent agencies pay a filing fee and obtain a license to represent artists who are minors from the LC.
- 2) Requires that applicants for the license provide their business history and financial information along with fingerprints and affidavits from personal references. Requires talent agencies to post a bond with the LC before the license may be issued.
- 3) Provides that licenses may not be granted to agencies that would endanger the health, safety, or welfare of the artists that are represented and provides that the LC may revoke the license of any agency for failure to comply with these provisions or if the licensee has ceased to be of good moral character.
- 4) Prohibits any person who is required to register as a sex offender under Penal Code Section 290 from holding a California Teaching Credential.

FISCAL EFFECT : Unknown

COMMENTS :

1) Author's Statement and Support :

According to the author, "Existing law only applies to licensed talent agents, where it requires that applicants for the license provide their business history and financial information along with fingerprints and affidavits from personal references. This bill would extend similar requirements to others who also work with children in entertainment.

The author further states, "This protection is needed because Hollywood is a unique environment, one where it is a common practice for children to be in the company of adults who are not their parents, have photos taken by strangers in order to obtain work, and befriend adults who can aid in their professional growth. Child predators can easily work as professional photographers, managers or talent agents and use their job to lure unassuming children and parents to trust

them."

According to the author, recent news reports reveal the concerns about pedophiles in the entertainment industry are not just Hollywood sensationalism. The author points out that, two managers in the industry were arrested here in California at the end of 2011 for child-abuse related offenses.

Finally, the author states, "Although the majority of child managers, modeling and acting agencies are legitimate, there are still loopholes within the law that make it too easy for a predator to gain access to children under false pretenses."

Supporters of this bill concur with the authors statements and believe this bill is necessary for the greater protection of child performers.

2) Background: Recent Events and Genesis of Legislation :

a) The Unique Environment of the Entertainment Industry :

According to BizParents, the sponsors of AB 1660, the issue of pedophiles working in the entertainment industry is not new. They write the committee to say, "Our organization has watched over two dozen questionable men in our industry since 1995. They were ALL, without exception, operating independently as photographers, publicists, acting coaches, and managers. They do not suddenly 'rape' children, so this isn't the issue of parents not 'watching their kid'. Rather, the pedophile slowly 'grooms' them, gains the trust of the family, and offers them professional advancement.

"Because the 'bad guys' are independent, there is no trade organization, no way for parents to check them out. Anyone can hang their shingle in these professions. Actors are a very target rich audience, and pedophiles see the opening in our system. They gravitate toward environments where children exist. It's easy for them to infiltrate our world."

The sponsors explain that the entertainment industry is unique, "Because our children are working in an adult world, there are instances that might be considered unusual

by the public. Acting coaches are almost always seen alone; photography for swimwear (shirtless) is expected. Obeying direction from a total stranger (the director) is normal. For this reason, it is tough for parents (especially those new to the industry) to sort out what are accepted business practices.

Anne Henry and Paula Dorn, founders of Bizparentz, state they were forced to educate themselves on the issue of pedophiles operating in Hollywood after photographs of their child-actor sons were sold for a large sum of money on eBay.

"Our children were not famous. The market for the photos was pedophiles, we eventually learned. In investigating that, we realized that we had some predators very, very close to us. Things went from there and we started to get complaints from parents. In some cases we were involved as an organization assisting law enforcement; in some cases we acted as liaisons to the families. When we first started this sad journey, there were no convictions."

b) Recent Arrests of Accused Child Predators :

December 2011 brought three separate reports of alleged child sexual abuse in the entertainment industry, according to published reports.

"Martin Weiss, a 47-year-old Hollywood manager who represented child actors, was charged in Los Angeles on December 1 with sexually abusing a former client. His accuser, who was under 12 years old during the time of the alleged abuse, reported to authorities that Weiss told him 'what they were doing was common practice in the entertainment industry.' Weiss has pleaded not guilty.

"On November 21, Fernando Rivas, 59, an award-winning composer for 'Sesame Street,' was arraigned on charges of coercing a child 'to engage in sexually explicit conduct' in South Carolina. The Juilliard-trained composer was also charged with production and distribution of child pornography.

"Registered sex offender Jason James Murphy, 35, worked as a casting agent in Hollywood for years before his past

Los Angeles Times on November 17, 2011." Recent Charges of Sexual Abuse of Children in Hollywood Just Tip of Iceberg, Experts Say, Meagan Murphy, December 5, 2011, FoxNews.com

c) Former Child Actors Come Forward as Victims of Sexual Abuse :

Recently two former child stars have come out as victims of childhood sexual abuse, and now Corey Feldman and Todd Bridges are pushing for more oversight of child actors.

In a Los Angeles Times article, "The two are speaking publicly about their personal experiences of being molested while working in the entertainment industry, and trying to help push the California Legislature to pass a bill that would require background checks for talent managers, photographers and others who work unsupervised with child actors. In 2006, a similar bill failed to get enough support to pass through the state Senate. Bridges told the Los Angeles Times, 'Without these types of precautions (contained in AB 1660), Hollywood will continue to attract pedophiles with an unmonitored playing field to commit their inhumane acts.' 'This is a very good idea,' Feldman said. 'I think it should have been implemented years ago.' Two Former Teen Idols Back Bill to Protect Child Actors, Dawn C. Chmielewsk, April 18, 2012, Los Angeles Times.

3)Recent Amendments Explained :

AB 1660 was recently amended to make a number of changes. Below are a summary of the major changes, and the author's explanation for making them.

- a) Changes the Permit name to better reflect the nature of the permit to Child Performer Services Permit. This change is made throughout the bill.
- b) Changes the age of the minor artists covered under the Permit from 16 to 18 years of age, to reflect the legal definition of minor. [Labor Code Section 1706 (a).]
- c) Changes the Penal Code section reference of registered sex offenders from the list of sex offenders which are required to be posted on the internet, (Penal Code Section

290.46), to the list in Penal Code Sections 290 - 290.006. This change is made in order to screen for a more

comprehensive list of persons required to register as sex offenders. ÝLabor Code Sections 1706 (a) (3) (A) and (B); 1706(b), et seq.]

- d) Redrafts the fingerprint collection and criminal background search language per the DOJ, to conform to their existing standard background check practices. Also clarifies the ability of the LC to collect fees from applicants and remit the costs of this service to the DOJ. ÝLabor Code Section 1706 (c).]
- e) Requires the LC to maintain a list of valid permit holders and post it on their Internet Website. This change is to provide notice to potential clients that a service provider has a valid permit prior to engaging their services, such as signing up for an acting camp. ÝLabor Code Section 1706 (d).]
- f) Clarifies that no one who is a registered sex offender may provide the services covered under the bill to child performers, even though talent agents, studio teachers, and other defined persons are given exceptions from the requirement to get the Permit. This change is consistent with existing law. ÝLabor Code Section 1706 (e).]
- g) Adds performers who work in "advertising, including print advertising" to the protected group of artists. This definition is consistent with existing law. ÝLabor Code Section 1706 (f) (1).]
- h) Adds "instruction, evaluation, or teaching of acting, singing, dance voice, or similar services," to the covered professions who perform child performer services. This change reflects current trends in the industry for performer's training services. ÝLabor Code Section 1706 (2) (E).]

4) Exceptions to the Permit Requirement :

This measure contains four express exceptions from the requirement of a person having to obtain a Permit. They are:

- a) A person licensed as a talent agent as specified in

The Talent Agents Act (TAA) of the California Labor Code provides that applicants for a Talent Agency license must provide their business history and financial information along with fingerprints and affidavits from personal references before the LC may issue a license. The TAA further provides that licenses may not be granted to agencies that would endanger the health, safety, or welfare of the artists that are represented and authorizes the LC to revoke the license of any agency for failure to comply with these provisions or if the licensee has ceased to be of good moral character. (Labor Code Section 1700, et seq.)

- b) A studio teacher certified by the LC as defined in Section 11755 of Title 8 of the California Code of Regulations.

Current law requires that all studio teachers must be credentialed in the state of California [Title 8 of California Code of Regulations (CCR) 11755]. No teacher may hold a credential if they are convicted of any crime which requires them to register as a sex offender (Education Code Section 44424). In addition, any teacher charged with such an offense is subject to a mandatory leave of absence and may not return to the classroom until the charges have been cleared. (Education Code Section 44940)

- c) A person whose contact with minor children is restricted to locations where, either by law or regulation, the minor must be accompanied at all times by a parent or guardian, and the parent or guardian must be within sight or sound of the minor.

Under Title 8 of CCR 11757, a parent or guardian must be present with and accompany any minor under 16 years of age while on a set or location. This exception essentially provides that those persons who come in contact with minors while at work on a lot or set, such as hair dressers, make-up, costume, production assistants, etc., need not obtain a Permit.

- d) A person who has only incidental and occasional contact

with minor children, unless the person works directly with minor children, has supervision or disciplinary power over minor children, or receives a fee.

This provision is consistent with existing law which limits the professions and voluntary activities of registered sex offenders in Penal Code Section 290.95. This language allows for normal and transient contact between persons which occurs in the regular course of business, but takes into account those situations where a person may have some authority or sway over the minor child.

5) Prior Related Legislation :

AB 2072 (Montanez) of the 2005-06 Legislative Session, was a substantially similar measure which passed the Assembly with bipartisan support but was held on the Suspense File in Senate Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION :

Support

BizParentz (Sponsors)
Brilliant Talent Management
Hollywood Mom Blog
Leonian Pictures
PORAC
Pafundi Law Firm
Stage Moms Network
84 Private Citizens

Opposition

None known

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