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ACLU OF RI POSITION: SUPPORT

TESTIMONY IN SUPPORT OF 24-H 7165 and 24-H 7307, BILLS RELATING TO COMMERCIAL SEXUAL ACTIVITY February 15, 2024

The ACLU of RI appreciates the opportunity to provide testimony in support of this legislation which would grant immunity to individuals who are engaged in commercial sexual activity and who report a crime that they are either the victim of or witness to. Such statutory protection will critically ensure that sex workers do not encounter legal consequences should they need to seek medical or law enforcement assistance during the course of their work.

Such immunity is particularly important for sex workers, who can find themselves in vulnerable situations where they may need help but fear seeking it because of the possible criminal repercussions based on their sex work. The ability to report abuse, violence, or crime with the guarantee of immunity is essential to make the lives of sex workers – and the public – safer. This legislation rightly ensures that a sex worker will not have to weigh the consequences of seeking help against any legal ramifications solely due to their occupation.

The legislation will also provide protection to sex trafficking victims who legitimately fear being arrested for their sex-related activity. That is no abstract fear. Over the years, some police departments have overtly stated that they will arrest a trafficking victim as leverage for getting them to provide information about their traffickers. That misuse of the law is even embedded in the prostitution law itself. R.I.G.L. §11-34.1-2(c) offers evidence of trafficking as an *affirmative defense* to a charge of prostitution. But no victim should be subject to arrest and detention and a criminal trial, and all the psychic toll that this entails, in order for their status as a trafficking victim to carry any weight.

We note that there are a few distinctions between these two pieces of legislation in terms of the extent and conditions of the immunity provided. We are hopeful that the bill sponsors, advocates and the committee can work out these differences and pass a strong piece of legislation to provide protection to these individuals.

Thank you for your consideration of our views, and we urge your support of these bills.