

SOAR INSTITUTE

February 15, 2024

RE: Support for H7452 - "Relating to State Affairs and Government - Corrections Department"

To the House Judiciary Committee,

We would like to express our organization's strong support of H7452, repealing provisions that assess additional fees to those convicted prostitution related offenses, and repealing the crime of loitering for prostitution. As longtime attorneys, advocates, and service providers for survivors of human trafficking and sex workers, we know how unjust and discriminatory laws harm those who are the most marginalized. Additional court fees create a severe burden for those who are caught in the endless cycle of poverty and criminalization. Loitering laws traditionally target the most marginalized sex workers or people profiled as sex workers, leading to tremendous harm and furthers these cycles of poverty and criminalization.

Section 2 of this bill revises the "Community correctional program for women offenders" statute. Under the current law, people who are charged with commercial sexual activity crimes are subject to fines additional to those already required by law for criminal convictions. They face an extra fee of \$350-\$500 or more, in addition to the fines ranging from \$250-\$1000 that are given as a penalty for their conviction. An arrest already creates numerous financial hardships stemming not just from fines assessed by the court, but by additional costs for things like transportation, childcare, missing work, etc. Adding such a significant additional financial burden to someone who is arrested can be devastating.

The existing law states no justification for these additional costs, which are deposited as "general revenue". Considering the state's low arrest rate for prostitution crimes, there cannot be a significant financial benefit for the state, but for those people that are arrested, these costs can be debilitating. For that reason, it is critical that Rhode Island eliminate these unnecessary fees, rather than create a financial burden that creates barriers.

Section 3 of this bill repeals Rhode Island's "Loitering for prostitution" law. Loitering for prostitution laws have been repealed in New York, California, and Seattle, Washington, citing evidence that these statutes are disproportionately enforced against communities of color and transgender people. We were part of the "Walking While Trans" coalition that successfully repealed NY's law and it has made a positive impact on marginalized communities in that they no longer need to fear profiling simply because of their race/gender identity/neighborhood/how they are dressed. Because the law is constructed so vaguely, it allows law enforcement to rely on judging a person's appearance when determining if they're in a public place for the purpose of prostitution, allowing biases to influence their judgment. This leads to unnecessary criminalization of communities that are already marginalized. Additionally, this statute is rarely utilized: according to law enforcement reporting on arrests required by Rhode Island law, there have only been two arrests for loitering for prostitution over the past 15 years.

Rhode Island's "Special Legislative Study Commission Ensuring Racial Equity and Optimizing Health and Safety Laws Affecting Marginalized Individuals" issued a report in 2023 recommending the removal of additional penalties for commercial sexual activity and the repeal of loitering for prostitution. Heeding the Commission's recommendations would ensure that already marginalized people are not further burdened by unnecessary criminalization and financial hardship.

It is critical that you pass H7452 in order to protect marginalized communities, ensure that biases cannot lead to unnecessary criminalization, and stop creating devastating financial burdens to those already experiencing hardship.

