



Decriminalize
Sex Work ♡

END HUMAN TRAFFICKING.
PROMOTE HEALTH & SAFETY.

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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 strong support of H7452, which would remove fines assessed only to people convicted for commercial sexual activity; and repeal the loitering for prostitution law. Decriminalize Sex Work is a national organization pursuing a state-by-state strategy to advance legislation protecting the rights, health, and safety of adult consensual sex workers and victims of human trafficking in the United States. We are a group of experts, activists, and advocates, with decades of combined experience in policy, direct services, lived experience, and community engagement. We believe this legislation removes laws that punish already marginalized people while creating no benefit to the state and its inhabitants.

We ask you to pass this bill to ensure Rhode Island law doesn't add needless and harmful additional financial hardship and criminalization to already marginalized communities. The Special Legislative Study Commission Ensuring Racial Equity and Optimizing Health and Safety Laws Affecting Marginalized Individuals¹ issued its Final Report last year, finding that the additional fines and the loitering statute are harmful. The Commission report specifically urged the General Assembly to repeal both measures,² which are briefly explained below.

SECTION 2. “Community correctional program for women offenders”

Section 2 of H7452 repeals subsection (e) “Costs” from R.I. Gen. Laws § 42-56-20.3, “Community correctional program for women offenders”. Subsection (e) subjects only people who are charged with commercial sexual activity crimes to fines additional to those already required by law for criminal convictions. These extra fees range from \$350-\$500 or more, which are assessed in addition to fines ranging from \$250-\$1000 that are already given as a penalty for their conviction.³ An arrest already creates numerous financial hardships stemming not just from fines assessed by the court, but by all of the additional costs associated with being involved in a criminal case for things like transportation, childcare, missing work, losing employment etc. Adding such a significant additional financial burden to someone who is arrested can be devastating, and often people who are criminalized for commercial sexual activity are already experiencing financial instability.

¹ The 12-member Commission was established through the passage of House Resolution 5280 in 2021 and met eight times between November 2021 – August 2023 before issuing its Final Report.

² “Based on the testimony and information presented to the Commission, and given the varied nature of the Commission’s findings, the Commission proposes the following recommendations...2. Recommend the General Assembly repeal R.I.G.L. §42-56-20.3(e), which requires those convicted of prostitution to pay extra court costs... 12. Evaluate the “Loitering for Prostitution” Rhode Island statute §11-34.1-4(a) which provide that it shall be unlawful for any person to stand or wander in or near any public highway or street, or any public or private place, and attempt to engage passersby in conversation, or stop or attempt to stop motor vehicles, for the purpose of prostitution or other commercial sexual activity.” *Special Legislative Study Commission Ensuring Racial Equity and Optimizing Health and Safety Laws Affecting Marginalized Individuals* Final Report, Recommendations 2, 12, pp. 7-8.

³ See R.I. Gen. Laws Ch. 11.34.1, “Commercial Sexual Activity” for penalties associated with each specific statute.

The existing law states no justification for these additional costs and the legislative intent behind these fines is not clear. Per § 42-56-20.3(e)(3), these fines are to be deposited as “general revenue”; they do nothing to support people involved in the sex trade, instead sending money to the state for any purpose – money coming *only* from people convicted of commercial sexual activity. Not only is this unnecessarily punitive, it is also unproductive considering the state’s relatively low arrest rate for prostitution crimes: in 2023, prostitution-related arrests made up less than 0.1% of all arrests statewide.⁴ There is no significant financial benefit for the state, but for those people that are arrested, these costs can be debilitating.

SECTION 3. “Loitering for prostitution”

Section 3 of H7452 repeals R.I. Gen. Law § 11.34.1-4, “Loitering for prostitution”. Loitering for prostitution laws have been repealed in New York, California, and Seattle, Washington,⁵ citing evidence that these statutes are disproportionately enforced against communities of color and transgender people. Rhode Island’s law criminalizes a wide swath of behavior: it prohibits standing or wandering “in or near any public highway or street, or any public or private place,” and attempting to engage passersby in conversation, or stopping motor vehicles “for the purpose of prostitution or other commercial sexual activity.” It does not specifically describe what kind of behavior or conversation can be construed as having the purpose of prostitution. Because the law is constructed so vaguely, it forces law enforcement to rely on judging a person’s appearance or behavior 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, carrying with it fines from \$250-\$1000 *before* those required by the above “Community correctional program for women offenders” law, and up to a year of incarceration.

Additionally, this statute is rarely utilized: according to law enforcement reporting required by Rhode Island law, there have only been two arrests for loitering for prostitution over the past 15 years.⁶ This is another instance of an existing law lacking any tangible or frequently-reaped benefits to the state and its inhabitants, but wreaking devastating consequences on already marginalized people in the instances where the law is used.

Please heed the urges of our organization, many other local and national advocates, and the Special Commission, and advance H7452 in the interests of your constituents, and to protect our most marginalized from unnecessary financial hardship and criminalization. Please do not hesitate to contact us for additional information.

On behalf of Decriminalize Sex Work,



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⁴ According to data published by the Rhode Island Uniform Crime Reporting (UCR) Program, there were 20,234 arrests statewide January 1 - December 10, 2023. 19 were for prostitution. <https://riucr.nibrs.com/>

⁵ Seattle, Washington C.B. 119807 (2020); New York S.1351 (2021); California S.B.357 (2022).

⁶ Arrest data provided in 2020 for years 2009-2019 by the Rhode Island Department of Public Safety Office of Legal Counsel, and in 2024 for years 2020-2023 by the Rhode Island Office of the Attorney General. All law enforcement bodies in the state must submit semi-annual reports of commercial sexual activity arrests, case outcomes, etc., per R.I. Gen. Laws § 11-34.1-13.