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**TESTIMONY IN SUPPORT OF 19-H 5354,
CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY
COMMERCIAL SEXUAL ACTIVITY LAWS
April 30, 2019**

The ACLU of Rhode Island supports this resolution to create a study commission to examine the state's commercial sexual activity laws.

The ACLU has long opposed laws criminalizing sexual activity between consenting adults, and it is therefore, in our view, unquestionably worth having a commission formally examine the health, safety and personal privacy costs that are inflicted by such laws.

Every so often, a prostitution street sting is conducted by a local law enforcement agency. The sting receives some media attention, but ultimately has no lasting effect, other than embarrassing and penalizing consenting adults seeking sexual conduct for a fee. By humiliating and charging johns for seeking consensual sex and by giving sex workers arrest records in the name of 'helping' them, the law's major effect is just to make the lives of these workers more difficult and dangerous, driving this work even deeper into the shadows.

At about the same frequency, police will raid a massage parlor or a strip club like the Foxy Lady and claim to have acted in an effort to address the problem of human trafficking. However, these raids rarely end up with the filing of trafficking charges, but routinely do result in the arrests of sex workers – the people supposedly being helped by police enforcement of these laws.

Human trafficking is a scourge, and efforts to eradicate it are to be applauded. However, conflating sex work with sex trafficking does nothing to help trafficking victims. Some police have even stated that one reason they arrest women (and it is usually women) under the prostitution laws is with the intent of using the criminal charges as a tool to force alleged victims of trafficking to cooperate with the police in "naming names." But we emphatically reject the notion that the only way these individuals can be helped is if they are first put into handcuffs. Not only is this approach morally disconcerting, it has failed miserably as a practical matter as well. This misuse of the state's criminal laws deserves examination.

In 2009, the General Assembly cracked down on prostitution by allegedly fixing a so-called "loophole" in the law that allowed for indoor commercial sex. All it has done is make criminals out of people engaging in consensual sexual activity and put sex workers in more, not less, danger. It is a time for a fresh review of that law and the adverse consequences that have arisen from it.

The ACLU of RI therefore urges passage of this resolution.