

ACLU OF RI POSITION: SUPPORT

**TESTIMONY ON 21 – H 5250,
HOUSE RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY
ENSURING RACIAL EQUITY AND OPTIMIZING HEALTH AND SAFETY LAWS
AFFECTING MARGINALIZED INDIVIDUALS
February 25, 2021**

The ACLU of RI appreciates the opportunity to testify in support of this resolution which would create a study commission to examine the state’s commercial sex activity laws. Our organization has long opposed laws which criminalize 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 will typically receive some media attention but ultimately has no lasting effect beyond embarrassing and penalizing consenting adults for 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 only to make the lives of sex workers both more difficult and more dangerous.

At about the same frequency, police will raid a massage parlor or a strip club – like in the 2018 Foxy Lady incident – and claim to have acted in an effort to address the problem of human trafficking or in response to unsubstantiated claims of “prostitution” on the premises. However, these raids rarely end with the filing of trafficking charges while routinely resulting in the arrests of sex workers – the workers supposedly being helped by police enforcement of these laws.

Human trafficking is a scourge, and efforts to eradicate it are to be applauded. However, the conflation of sex work with sex trafficking does nothing to help trafficking victims. Some police have even stated that one reason that they arrest female sex workers under our state prostitution laws (and, disproportionately in Rhode Island, female sex workers are those who are most often arrested) 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.” Yet, we emphatically reject the notion that the only way such individuals can be helped is if they are first put in handcuffs. Not only is this approach morally disconcerting, but 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 time for a fresh review of this law and the adverse consequences which have arisen from it.

Thank you for your consideration, and the ACLU of RI urges passage of this resolution.

Submitted by: Hannah Stern, Policy Associate

