

February 25, 2025

RE: Support for H5348 / H5357 / H5358

To the House Judiciary Committee,

I would like to express my strong support of H5348, H5357, and H5358, three bills that make amendments to Rhode Island's Commercial Sexual Activity statutes in order to protect the health, safety, and wellbeing of sex workers and survivors of human trafficking. All three of these bills ensure that people in the sex trade (whether by choice, circumstance, or force, fraud, or coercion) are able to access critical services without being further marginalized and burdened by unnecessary criminalization. I am a Rhode Island resident and know how important this legislation is, both because of my work as a criminal defense attorney as well as my work in the HIV field.

H5348 - "An Act Relating to Health and Safety - Prevention and Suppression of Contagious Diseases - HIV/AIDS"

H5348 ensures that HIV testing is provided optionally to those convicted of commercial sexual activity. Existing law requires all persons convicted under any commercial sexual activity statute to be tested for HIV, and authorizes healthcare providers to test those persons without obtaining consent. H5348 maintains existing access to HIV testing, counseling, and treatment for persons convicted of commercial sexual activity but ensures that testing cannot be done without consent. All persons convicted of commercial sexual activity will still be provided the option to be tested for HIV and access services. Mandated testing can create additional time and financial burdens after arrest. Those burdens are especially unnecessary for those who may already know their status and receive treatment, and mandated testing of those individuals is an unnecessary use of state resources. The Centers for Disease Control and Prevention and the World Health Organization both recommend that testing for HIV never be mandatory, including within vulnerable populations. The principle of informed consent ensures that individuals have agency in their healthcare decisions; informed consent leads to better healthcare outcomes, with patients who are more comfortable seeking care. Additionally, privacy and confidentiality concerns are heightened when working with vulnerable populations, especially in the course of legal proceedings. Under this proposed law, all persons convicted of commercial sexual activity will be provided with an opportunity to be tested for HIV, which maintains the purpose of existing law to connect at-risk individuals with critical services.

H5357 "An Act Relating to State Affairs and Government - Corrections Department"

H5357 repeals provisions that assess additional fees to those convicted of prostitution-related offenses. It amends the "Community correctional program for women offenders" statute, which currently subjects people who are charged with commercial sexual activity crimes 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.

H5358 - “An Act Relating to Criminal Offenses - Commercial Sexual Activity”

H5358 grants immunity from arrest and prosecution for certain prostitution crimes to victims and witnesses of crime who report that crime to law enforcement, aid in the investigation of that crime, and/or seek healthcare services in relation to the crime. Immunity protections create an important tool for law enforcement in their efforts to identify and prosecute perpetrators of violence and trafficking. People involved in the sex trade are especially vulnerable to violence and exploitation, but frequently don't report crimes perpetrated against them due to fear of arrest. When those abusers aren't discovered by law enforcement, they are able to continue violence and exploitation with impunity. Thus, immunity policies serve a dual purpose: they allow victims and witnesses of crime to safely seek the services they need without fear of arrest, and they also provide invaluable tools for law enforcement investigating crimes including human trafficking, assault, and even murder. Nine states have recently enacted their own immunity laws, and four other states are considering similar legislation so far this year. Individuals and organizations with a breadth of priorities and experiences have openly supported these policies across the country, including trafficking survivors, advocates, sex workers, prosecutors, and police departments. To make communities safer, it is in the public interest to encourage victims of crime to come forward, aid law enforcement, and receive needed medical care.

The “Special Legislative Study Commission Ensuring Racial Equity and Optimizing Health and Safety Laws Affecting Marginalized Individuals” was created by House Resolution 5280 in 2021 to “provide recommendations on the health and safety impact of revising laws related to commercial sexual activity, identifying the methods of human trafficking and exploitation to develop strategies to reduce these activities, and ensuring accountability in the treatment of marginalized and targeted communities by police.” In 2023, the Commission released a report specifically recommending the policy changes within all 3 of these bills.

These bills all ensure that at-risk individuals will have access to needed services without unnecessarily burdening those convicted of commercial sexual activity. I strongly urge you to pass H5348, H5357, and H5358 to promote the health, wellbeing, and social support of all Rhode Islanders.

Sincerely,
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