

SOAR INSTITUTE

February 25, 2025

RE: Support for H5348 / H5357 / H5358

To the House Judiciary Committee,

I am writing to express my strong support of H5348, H5357, and H535.

In 2000 the Trafficking Victims Protection Act was signed into law. At that time, I received the first ever federal grant for human trafficking services and started one of the first Human Trafficking Programs in the United States. I have personally provided direct services and psychotherapy to hundreds of trafficking survivors (using the federal definition of trafficking). Years after I started that program, we expanded services to include those in the sex industry who were not trafficked but were in need of supportive services. I personally served, and oversaw direct service to, hundreds of sex workers with a variety of needs. My Co-director at the SOAR institute provided legal services to these same clients and lead community efforts to expand those services. **We have also worked in all levels of government to guide policy based on our combined over 30 years of direct engagement with the populations effected by these bills.** The SOAR Institute strongly supports the following bills.

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

H5357

- Stops adding additional fees to those convicted of prostitution.
- Addresses the “Community correctional program for women offenders” law, which adds even more fines to those already required by law.
- The accused 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. This should end.

Ironically, these fines are devastating to a woman who would like to exit the sex industry and are guarantees of the need for additional sex work for those who are struggling financially. This makes no sense.

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

Sex workers are unfortunately often victims of crimes. As a result of working in an unregulated, underground economy in the United States, they are vulnerable to violence, theft, and other crimes. Criminals notoriously pose as client to have access to victims they

enact violence on. Women who survive these crimes most often do not come forward to law enforcement, fearing that they themselves will be arrested.

- This bill 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.

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.

Sincerely,
Crystal DeBoise, LCSW
Co-Executive Director
SOAR Institute
Brooklyn, NY
(917) 650-6615