

OFFICE OF THE PUBLIC DEFENDER

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TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

**House Bill 5348, ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY—
PREVENTION AND SUPPRESSION OF CONTAGIOUS DISEASES—HIV/AIDS,**

**House Bill 5357, ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND
GOVERNMENT—CORRECTIONS DEPARTMENT,**

**and House Bill 5358, ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES—
COMMERCIAL SEXUAL ACTIVITY**

Chairman Craven and Members of the House Judiciary Committee:

The Office of the Public Defender supports HB5348, HB5357, and HB5358, all of which recognize the need to approach issues related to sex work with a more compassionate and nuanced perspective and would represent significant steps toward gender equity, criminal justice reform, and the fair treatment of individuals involved in the criminal legal system. In addition, the proposed legislation corresponds with three of the recommendations made in the August 14, 2023, Final Report of the Special Legislative Commission to Study Ensuring Racial Equity and Optimizing Health and Safety Laws Affecting Marginalized Individuals.

HB5348 would eliminate the mandatory HIV-testing requirement for all individuals convicted of commercial sexual activity, a law that disproportionately impacts women. The proposed bill would keep intact access to resources for those persons living with HIV who are arrested for commercial sexual activity and who elect to be tested or to utilize other resources. Similar amendments to repeal mandatory HIV testing have passed in Nevada, Virginia, and Colorado.

HB5357 would repeal a provision that imposes disproportionate financial burdens on women by assessing specific costs for prostitution-related offenses in addition to any costs imposed by the court for having been convicted of a crime. The imposition of these costs is financially burdensome to individuals who may already be facing economic hardship, which can continue cycles of poverty. In addition, singling out prostitution-related offenses when assessing costs perpetuates stigma and discrimination against women.

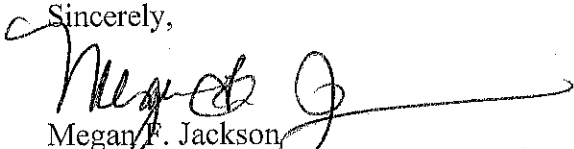
HB5358, which would grant immunity from prosecution to individuals who are victims of a crime or who witness a crime while engaged in commercial sexual activity, would improve access to justice for those who might otherwise fail to report a crime for fear of prosecution. This important legislation would protect the health and safety of sex workers who may face violence and exploitation.

Administration	Appeals	Felony Division	Misdemeanor/PAC	Licht VOP Unit	Family Court	Investigations
222-1511	222-1510	222-1540	222-1520	222-1312	222-1530	222-3492

All three of the proposed bills embody a more humane approach to addressing the needs of the individuals to whom they apply. The legislation aligns with a broader movement towards treating individuals involved in sex work with dignity and focusing on harm reduction and support rather than punitive measures.

The Office of the Public Defender urges the House Judiciary Committee to recommend HB5348, HB5357, and HB5358 for passage.

Sincerely,



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