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April 8, 2026

TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

House Bill No. 7201

ENTITLED, AN ACT RELATING TO RELATING TO CRIMINAL OFFENSES -- COMMERCIAL SEXUAL ACTIVITY

Chairwoman Hagan McEntee and Members of the House Judiciary Committee:

The Office of the Public Defender **opposes** House Bill 7201, which proposes to establish a commercial sex buyer's accountability program consisting of instruction on prostitution and human trafficking as well as a mandatory \$1000 fee, in addition to any other assessed fines, for certain commercial sex crimes. While the bill aims to address the serious issues related to unregulated sex work and human trafficking, it does so in a way that will disproportionately impact low-income people.¹

This legislation unfairly targets indigent defendants, for whom \$1000 is an insurmountable financial burden. The proposed bill provides no discretion for judges to reduce the fee based on a defendant's inability to pay, meaning those in financial distress could quickly find themselves in violation of terms they simply cannot meet.

In addition, the bill requires individuals convicted of these crimes to complete an instructional program run by "a local government entity, alone or in partnership with a non-profit." However, the bill does not mandate multiple program locations, potentially creating transportation barriers for indigent defendants. The bill also lacks details about the number of hours of instruction required for the program, or who will bear the cost, beyond the \$1000 fee itself, which would be partially disbursed to the program.

Finally, the bill allocates \$100 of the \$1000 collected in each case to the law enforcement agency responsible for the arrest. Our office is concerned about the fact that law enforcement would be incentivized to make arrests under this chapter. Accordingly, we urge the Senate Judiciary Committee to consider tackling these legitimate problems with more equitable solutions.

¹ See Levine, Eleanor, *The Impact of John Schools on Demand for Prostitution*, Carolina Academic Press, at 13 (2019) available at https://cap-press.com/pdf/HeilNichols2eOnlineOnlyChapters/heil%20nichols%20online%20chapter%2003%20Levine.pdf?srsId=AfmBOorclqS0g3VXH7BKjE19hmBr9Bkbb4Ze2_sQWxuRvdKZ9aROmH1R (last accessed April 7, 2026).

Sincerely,
/s/ Angela M. Yingling

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