

Testimony Submitted 4/11/23 to the Joint Standing Committee on the Judiciary

Re: An Act to Reduce Commercial Sexual Exploitation – L.D. 1435

Senator Carney, Representative Moonen, and honorable members of the Judiciary Committee: my name is Christina Reese and I am a resident of South Portland. I am speaking today in support of LD 1435: An Act to Reduce Commercial Sexual Exploitation.

While I support this bill in its entirety, I will focus my testimony on why the crime of engaging in prostitution should be repealed, as LD 1435 would do.

For background, I am an attorney currently employed as a prosecutor in Maine. Prior to that, I worked at a local non-profit organization for a little over 2 years. For much of that time, I was a case manager working exclusively with survivors of commercial sexual exploitation. I am not making a statement as to the position of any NGO or State office. I am, however, speaking as a citizen of Maine with a background working alongside survivors.

As the Statute for “engaging in prostitution” is currently written, there are available defenses that could allow someone to avoid conviction based on their status as a victim, acknowledging the circumstances people are in when they commit this so-called “offense.” There is also a provision allowing the only penalty to be a fine, taking away the possibility of incarceration. These strike me as well-intentioned attempts to make it difficult to obtain a conviction, or to at least soften the associated punishment. However, this creates a catch-22.

If a prosecutor cannot seek jail time, an individual no longer has the right to counsel. A court cannot appoint an attorney to represent them. That means that anyone charged with engaging in prostitution has to either retain an attorney, or represent themselves. Most people who are being charged with this crime do not have means to hire an attorney. They are left to generate a complicated legal defense for themselves. Or, perhaps more simply, survivors will avoid the re-traumatization, financial loss, and emotional stress of fighting the charge, and accept a fine and criminal conviction on their record.

As a case manager, the first conversation I often had with clients revolved around an individual’s goals. Usually, this included housing and employment, which are made all the more difficult to obtain with a criminal record. The crime of engaging in prostitution is stigmatized and hard to explain without having to disclose intimate details about your life. Having to make a personal disclosure like that to anyone would be challenging – let alone making that disclosure to a prospective landlord or employer, the gatekeepers to much-needed resources and opportunities.

To think that continuing to criminalize someone’s exploitation can somehow save or empower them is misguided. We need a new approach and that approach is before you today in LD 1435.

For these reasons, and the reasons set forth by others testifying before you today, I urge you to vote in support of LD 1435. Thank you for your time and consideration of this important issue.