

## WRITTEN TESTIMONY

BILL NO: House Bill 1592  
TITLE: An Act to Decriminalize Engaging in Prostitution, Strengthening the Laws Against Commercial Sexual Exploitation and Allow a Person Convicted of Engaging in Prostitution to Petition the Court to Expunge the Record of Conviction.  
COMMITTEE: Criminal Justice and Public Safety (Joint)  
DATE: May 12, 2021  
POSITION: SUPPORT

Dear Chairpersons Deschambault and Warren, and Committee Members:

Shared Hope International is a national NGO focused on addressing the root causes of commercial sexual exploitation for the purpose of preventing child and youth sex trafficking in the U.S. Since our organization's inception in 1998, we have proactively pursued and supported policies that protect the inherent right of individuals to be free from sexual violence, including commercial sexual exploitation. Shared Hope strongly supports House Bill 1592 because it centers necessary policy reform on the wellbeing of youth and adult survivors of the sex trade.

The Joint Committee on Criminal Justice and Public Safety played an instrumental role in laying the groundwork for LD 1592. During the 2019 session, this Committee heard and provided a favorable report on LD 548, which, upon enactment, [protected minors from being unjustly arrested, charged, or prosecuted for prostitution](#). LD 548 was premised on the realities of commercial sexual exploitation and the inherent harm experienced by children engaged in commercial sex; relatedly, LD 1592 addresses and seeks to prevent harm experienced by youth and adults in the sex trade (i.e. those purchased or sold for sex).

The harm experienced by those in the sex trade is neither diminished nor eliminated once a person reaches age 18. While psychological, sexual, emotional, and physical abuse and exploitation may impact children differently, youth and adults engaged in commercial sex experience horrifically high [levels of violence](#) and long-lasting harm at the hands of sex buyers, traffickers, and facilitators. Yet, our laws and systems of justice treat those "selling" sex as offenders of their own victimization. LD 1592 seeks to rectify this injustice and hold true offenders to account.

Repealing the prostitution law, while reclassifying the purchase of sex as "commercial sexual exploitation" importantly recognizes the conflation of "choice" and consent. For a vast majority of youth and adults in the sex trade, engagement in commercial sex reflects the presence of coercion, force, fraud, fear, or survival. However, "choosing" sex to survive is not consent and treating the youth or adult as a consensual actor not only misplaces criminal liability, it directly re-victimizes the individual. A majority of those in the sex trade carry years of [trauma, economic vulnerabilities, and abuse](#), significantly influencing the notion of "choice" and safer opportunities. Some youth and adults have trusted a nefarious or malicious actor, been fed a false promise, or have fallen for an exploiter who later sold the person to another who was all too willing to pay for the chance to rape him or her. Persons with unsafe or unstable housing may find the streets safer and, resultantly, trade sex in exchange for something to eat or a place to sleep. This is not the presentation of choice; youth and adults living with such realities deserve, at a minimum, access to care, systems of support, and services, not the traumatizing and long-lasting impact of arrest, detention, prosecution, or criminal records.



LD 1592 seeks to adopt a well-established [policy to reduce such harm and increase justice](#). We appreciate the Committee's dedication to this issue and for allowing Shared Hope the opportunity to highlight the importance of legislation that seeks non-criminal, service-oriented responses for survivors.

Respectfully,

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