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TESTIMONY OF MICHAEL KEBEDE, Esq.

LD 1592 – Ought To Pass As Amended

An Act To Decriminalize Engaging in Prostitution, Strengthen 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

JOINT STANDING COMMITTEE ON
CRIMINAL JUSTICE AND PUBLIC SAFETY

May 12, 2021

Senator Deschambault, Representative Warren, and members of the Joint Standing Committee on Criminal Justice and Public Safety, good afternoon. My name is Michael Kebede, and I am policy counsel for the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions through advocacy, education, and litigation. On behalf of our members, we urge you to vote *ought to pass as amended*.

The ACLU has advocated for the decriminalization of prostitution since 1975, for many reasons. First, while people of all genders exchange sex for goods or services, laws against prostitution are most frequently applied to cisgender and transgender women. Such laws have traditionally represented one of the most direct forms of discrimination against women. Second, prostitution laws violate the right of individual privacy, criminalizing private sexual conduct of consenting adults. Third, to the extent that many Mainers engage in prostitution because they are either trafficked or coerced by financial or other circumstances, prostitution is a prime example of the way our criminal legal system punishes victims for their victimization. For these reasons, we urge the committee to unequivocally support the provision of this bill decriminalizing prostitution.

This bill would also set in motion a promising approach to healing survivors of sexual trafficking and coercion: a stakeholders group made up of representatives of interested groups. Moreover, it would allow for survivors to have their criminal records expunged. We applaud the bill sponsor for adding these provisions, but urge the committee to strengthen this

provision. Expungement and sealing of criminal records should extend not only to the crime of prostitution, but also to other criminal acts committed during the period in which the petitioner was trafficked. The coercion of survivors typically extends well past prostitution and to drug trafficking and other unlawful behavior. We urge the committee to take this opportunity to truly give survivors a clean slate.

There are parts of this bill we urge the committee to reject. Like other bills before the committee this session, this bill would increase the classification of engaging in prostitution with a minor to a Class C crime, enhancing criminal penalties for behavior that is already criminalized. It also increases the classification of solicitation of a child to engage in prostitution and patronizing prostitution of a person with mental disabilities from a Class D to Class C crime. Imposing tougher punishments for behavior that is already criminalized will only swell failed systems. It punishes after the fact but does not prevent the victimization of children. It will not get to the root of the problem: the exploitation of impoverished families and their children, especially families and communities of color, in whom the government does not invest sufficient resources. The bill also creates a Class D crime for “commercial sexual exploitation.” This doubles-down on the current system of criminalization, which we oppose. This committee should do everything it can to alleviate Maine’s jails crisis and the human suffering it perpetuates.

We urge you to amend this bill in accordance with our suggestions and vote *ought to pass as amended*.

Thank you for your time and attention.