

Decriminalize Sex Work ♥

END HUMAN TRAFFICKING.
PROMOTE HEALTH & SAFETY.

www.DecriminalizeSex.Work

May 12, 2021

Re: **LD 1592 / HP 1181**

To the Committee on Criminal Justice and Public Safety:

We are writing to express our partial support of LD 1592 and to share our perspective on this particular approach to the decriminalization of sex work. Decriminalize Sex Work is a national organization pursuing a state-by-state strategy to end the prohibition of consensual adult prostitution in the United States. As experienced advocates, we know that the criminalization of sex work subjects sellers of sex - often already marginalized people - to increased violence and risk of exploitation. Sex work is a means of survival for many, and sex workers just want to work without fear of the police and fear of violence.

LD 1592 takes the critical first step of protecting sex workers from unnecessary criminalization. Fear of arrest often prevents sex workers and trafficked people from coming forward to police when they are victims of violence or when they are being exploited by traffickers. However, to truly ensure sex workers and survivors of trafficking can live safely and access resources necessary for their wellbeing without fear of devastating legal repercussions, we must fully decriminalize both sex workers *and* their clients. Just as sex workers cannot report violence or trafficking to the police out of fear of being arrested, a client who suspects a sex worker is being trafficked cannot safely report that to investigators without being arrested.

While this bill decriminalizes the *sale* of sex, it leaves the laws criminalizing the *purchase* of sex intact. This model is often referred to as “partial decriminalization” (among other names, such as the end demand, equality, or Nordic model). *Total* decriminalization, in contrast, eliminates criminal penalties for sellers *and* purchasers, i.e., all parties involved in any consensual adult sexual transaction. LD 1592 is a beginning step towards eliminating unnecessary and harmful legal consequences for sex workers, but total decriminalization is the model that best and most comprehensively protects the wellbeing of both sex workers and trafficked people. Total decriminalization of sex work is supported by expert organizations internationally, including Amnesty International,¹ Human Rights Watch,² the ACLU,³ and more. These organizations’ extensive research efforts have shown that total decriminalization is a necessary public health policy as well as a critical strategy in the fight against sex trafficking. Criminalizing sex work between consenting adults does not end the demand for sex work, nor does it improve the lives of people who participate in the sex trades by choice, circumstance, or coercion. We urge Maine legislators to take the next step in making the world safer for sex workers by *totally*, not partially, decriminalizing sex work. Instead of treating all people in the sex trades as criminals, victims, or both, it is time to create a more nuanced legal approach to the sex trades. For this reason, a victim assistance stakeholder group like the one created in Part C of this bill absolutely must include representatives from the sex work community in order to successfully meet its purpose.

LD 1592 also provides for expungement of prostitution convictions. Almost every state in the country offers some form of post-conviction relief for trafficked people whose criminal records arose out of their trafficking experience. In fact, Maine is one of only six states without criminal record relief for adult trafficking survivors.⁴ Two prior efforts in Maine, both in 2019, HB1381 (record relief for trafficking survivors) and HB326 (expungement of all prostitution convictions) failed. Melissa Sontag-Broudo, our legal director, has represented dozens of clients who are harmed by their criminal

¹ <https://www.amnesty.org/en/ga-policy-to-protect-the-human-rights-of-sex-workers/>

² <https://www.hrw.org/news/2019/08/07/why-sex-work-should-be-decriminalized>

³ https://www.aclu.org/sites/default/files/field_document/aclu_sex_work_decrim_research_brief.pdf

⁴ The other states are Alaska, Iowa, Minnesota, South Dakota, and Virginia. For more information on post-conviction relief for trafficking survivors, see this 2019 report from the Polaris Project: <https://polarisproject.org/grading-criminal-record-relief-laws-for-survivors-of-human-trafficking/>

records - continually stigmatized, marked, and shamed. She filed and won the first ever vacating convictions motion in the country in New York, and since has had the honor of successfully moving to vacate convictions for many clients, permitting them to truly move forward with their lives unencumbered by their record.

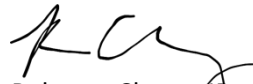
Now is the perfect time for Maine to not only join other states in providing post-conviction relief that helps trafficked people, but to pave the way for the rest of the country in providing an expungement option for *all* prostitution convictions, regardless of underlying circumstances. Other states are considering bills this session that would also allow for expungement of any sex work-related convictions, including Illinois, New York, and Massachusetts.⁵ Prostitution convictions bar access to housing, healthcare, immigration resources and other vital avenues to security, well-being, and the ability to transition into other forms of employment for those who choose to do so. These convictions serve as an unnecessary stain on the record of those who committed the victimless "crime" of working to support themselves and their families. Criminal records resulting from exploitation serve as a painful reminder for survivors of trafficking of their traumatic experience, preventing them from rebuilding their lives both practically and psychologically. We are at a critical turning point across our nation in redressing the wrongs created by mass criminalization and incarceration, especially for women and those who are the most vulnerable. We urge Maine to join other states in the critical effort to fight against stigmatization by allowing sex workers and survivors of trafficking to expunge unnecessary, harmful convictions from their records. It is imperative - especially during a global pandemic - that all people, especially those who are already the most marginalized and targeted, can live free of a burdensome and stigmatizing criminal record.

Thank you for your time and consideration on this matter. It is imperative - especially during a global pandemic - that all people, especially those who are already the most marginalized and targeted, can work safely and live free of a burdensome and stigmatizing criminal record.

Regards,



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⁵ Illinois SB2136, New York S3075 / A849, and Massachusetts H1867.