



May 12, 2021

Senator Deschambault, Representative Warren, and Members of the Joint Standing Committee on Criminal Justice and Public Safety:

My name is Elizabeth Ward Saxl, and I am submitting testimony today on behalf of the Maine Coalition Against Sexual Assault (MECASA), the organization which represents and serves Maine's [sexual violence prevention and response programs](#). MECASA initiates and advocates for victim-centered public policy; provides expert training, technical assistance, and resources for providers and partners; and funds the service providers in your communities. We also oversee the [Maine Sex Trafficking and Exploitation Network](#) which is a program of MECASA. We are here today in favor of LD 1592, "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."

Repealing Crime Engaging in Prostitution

MECASA believes that repealing the crime of Engaging in Prostitution would increase the safety of individuals engaged in commercial sex by protecting them from being criminally punished for that behavior. While not all people who are trading sex are victims of human trafficking, we also know that they *are* more likely to experience sexual violence in the form of sexual assault, harassment, or trafficking ([World Health Organization, 2013](#)). Being part of a marginalized group, people who are engaged in commercial sex are also at risk of other adverse experiences like poverty, homelessness, substance use disorder, and justice system involvement ([Strathdee et al., 2015](#)). Prosecuting people for commercial sex has a host of negative consequences on those individuals' lives that make healing from trauma and exiting conditions of poverty, homelessness, and substance use harder. These potential consequences include loss of a job and barriers to employment as a result of incarceration ([Yale University, 2020](#)), loss of financial security, including assets seizure ([Erin, 2020](#); [Tung, 2020](#)), and loss of housing/being kicked out of housing

(45% of re-entrants do not earn any income in the first year after incarceration) ([Purtle et al., 2020](#)). However, we do not currently have consensus among our providers on this element.

Renaming and Moving Engaging a Prostitute

We do not support the renaming of the crime “Engaging a Prostitute” to “Commercial Sexual Exploitation”, nor do we support moving this crime into the sexual assault section of the code. While we know that many people who are engaged in commercial sex are experiencing exploitation or trafficking – not all are. Of those who are, not all are experiencing these forms of violence by the action of the person purchasing sex. It is possible for there to be a consensual transaction between two adults who are seeking to exchange sexual activity for money or something else of value. Calling all people who are purchasing sex guilty of exploitation would, we believe, be a misnomer and could have heightened and undeserved negative consequences for those individuals charged with this crime.

Similarly, sexual assault crimes all share the element of lack of consent, or the inability for the victim to give consent. While this *could* be a component of “engaging a prostitute”, it is not necessarily a component. We believe that moving this crime into the sexual assault section of the code has the potential to weaken or confuse the meaning of sexual assault.

Expungement

We support the expungement provision of this bill. We know that many people who are charged with “engaging in prostitution” have experienced trauma and exploitation. Giving them the ability to petition for the removal of this crime from their record is a small way that the system can recognize the harm that has been done to them and reduce the barriers that these records cause for those seeking jobs, apartments, or loans.

In the past we have heard concerns about expungement potentially being unconstitutional. However, we have been persuaded by advocates to leave this question to the courts. We want to acknowledge that the danger of doing this is that it may raise hopes and expectations for the individual(s) who pioneer this remedy, who run the risk of losing their case after expending much time and emotional energy. Yet, we believe that they should have the right to try and that they can make informed decisions about these risks.

Pilot Program

We support the growth of services for people who are experiencing sex exploitation and sex trafficking. However, we propose an evaluation of current structures and systems supporting this population before the launch of a new pilot program. In Androscoggin County there are already several programs doing this work including: Safe Voices who runs the first and only emergency shelter for people experiencing sex exploitation and trafficking; Sexual Assault Prevention and Response Services, who has a dedicated advocate serving sex exploitation survivors; Preble Street Anti-Trafficking Services who provides trafficking specific case management; and Sophia's House who provides shelter for people leaving exploitative situations. Androscoggin County also has a strong and active anti-trafficking multi-disciplinary team that involves several other agencies who coordinate support to trafficked and exploited people. While more support is certainly needed for survivors in Androscoggin County, we want to make sure that resources are spent in a way that best meets existing needs, is connected to the current response system, and is survivor-centered and empowerment-based.

Thank you, and I'm happy to answer any questions you may have.

About the Maine Sex Trafficking and Exploitation Network

The Maine Sex Trafficking and Exploitation Network (Maine STEN) is Maine's statewide resource for trafficking-related training and technical assistance. Maine STEN's focus is on developing training, policy solutions, and best practices to support direct service providers and multidisciplinary teams respond to trafficking. Some of the key projects of Maine STEN include our statewide trafficking training curriculum, trafficking outreach materials for statewide use, and a statewide provider council, which helps set statewide priorities and develop resources for more effective provision of services to victims and those at risk of human trafficking. Maine STEN also houses the Maine Human Trafficking Survivor Fund which in FFY20 served 106 unique survivors of human trafficking and sex exploitation in Maine helping them meet 142 individual emergency needs. Maine STEN provides centralized online access (www.mainesten.org) to Maine's anti-trafficking efforts and resources.

Maine's Sexual Assault Service Providers

Maine's sexual violence service providers provide free and confidential services across the state to victims/survivors of sexual harassment and sexual assault and those close to them, as well as to individuals who wish to increase their understanding of the issues. Just some of the services include a 24-hour statewide sexual assault helpline (1-800-871-7741), crisis intervention and information, support groups, in-person accompaniment and advocacy through the medical and legal systems, and school- and community-based prevention education. Services are provided for a victim/survivor regardless of when they experienced sexual violence, and regardless of what type of sexual violence they experienced. Types of sexual violence include, but are not limited to, sexual

harassment and gender-based bullying, child sexual abuse, elder sexual abuse, stalking, sex trafficking, and sexual violence within an intimate partner relationship.