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COMMENTS ON 14 H-7612, RELATING TO HUMAN TRAFFICKING

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The ACLU strongly opposes this bill, which, with the change of a few words, exponentially increases the criminal consequences for individuals involved in prostitution, including in some instances prostitutes themselves.

Under the current trafficking law, it is a felony for a person to, among other things, “harbor,” “transport” or “obtain” a person, knowing that the person will be “subjected to forced labor in order to commit a commercial sexual activity.” In short, the law as enacted was designed to address, as the chapter heading suggests, the *trafficking of persons* for purposes of labor or prostitution. However, by changing the wording to have the statute apply to “commercial sexual activity” without any coercion, this bill makes just about any person in the prostitution trade, including johns, a felon on the same par, and guilty of the same violation of the law, as actual human traffickers and pimps. To the extent that prostitutes “harbor” or “transport” one another, they too would be guilty of a felony under this law.

This bill is unwarranted, poor public policy and a significant deviation from the policy decisions made by the General Assembly when it first enacted human trafficking legislation. The ACLU urges its rejection.