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ACLU OF RI POSITION: SUPPORT

TESTIMONY ON 25-H 5348, RELATING TO THE PREVENTION AND SUPPRESSION OF CONTAGIOUS DISEASES – HIV/AIDS February 25, 2025

The ACLU of Rhode Island strongly supports this legislation, which would repeal a discriminatory requirement aimed at sex workers.¹ Its requirement that people convicted of consensual sex crimes be subjected to mandatory HIV testing imposes a stigma on those individuals and the disease that is unwarranted and deserves repeal.

As the bill's introduction notes, repeal of this requirement was recommended by a House commission that heard extensive expert testimony on this and many other issues related to the state's prostitution laws. The legislation also follows similar recent action taken in other states.

It's worth noting that this requirement was approved around the same time a series of other troubling and questionable laws targeting sex workers for punishment were enacted. In addition to the recriminalization in 2009 of certain private commercial sex activity that had been legal in the state for thirty years, the General Assembly recodified the imposition of special court fees on any person pleading or convicted of prostitution – and no other crime.² The General Assembly also allowed for the seizure and forfeiture of any property, including money, that a sex worker owned if police claimed that the property was derived directly from the proceeds of prostitution.³ The time for repeal of all these punitive and targeted laws is overdue.

Repeal of this particular mandate will still maintain in place the availability of voluntary testing and access to appropriate health services. But in modernizing the state's HIV testing statutes, this bill will also promote greater fairness in the way that both HIV and sex workers are treated in the criminal justice system.

For these reasons, we urge the committee to approve this legislation.

¹ While, technically, the law also applies to so-called (usually male) "johns" who are convicted of "procurement of sexual conduct for a fee," data over the years have shown the consistent discriminatory application of the prostitution laws against (overwhelmingly female) sex workers.

² R.I.G.L. §42-56-20.3(e). A separate bill being heard today seeks to repeal that provision.

³ In 2014, the General Assembly moved this provision to the section of the law prohibiting "pandering or permitting prostitution." webserver.rilin.state.ri.us/PublicLaws/law14/law14075.htm. The breadth of the "pandering" statute deserves separate scrutiny. While largely aimed at "pimps" and others involved in directing prostitution, it also broadly makes it a felony for any person to "aid or abet or participate in" any acts prohibited by the chapter, meaning that sex workers helping each other out could be charged for violating this provision.