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States Introduce Harmful Legislation in Misguided Efforts To Combat Trafficking

(New York, NY) February 11, 2024 — Lawmakers in 11 states are advancing controversial bills that target individuals involved in consensual adult sex work, exacerbating the criminalization of marginalized communities and reinforcing harmful stigma. Most of the bills focus on renaming solicitation of prostitution to “commercial sexual exploitation,” and increasing penalties for solicitation of prostitution, changes that will create more barriers to safety and resources for sex workers while failing to address the root causes of exploitation.

Key bills under consideration include:

- **Washington HB1265:** Renames “Patronizing a Prostitute” to “Commercial Sexual Exploitation,” elevating the offense from a misdemeanor to a Class C felony, with increased fees.
- **Idaho HB88:** Makes soliciting commercial sexual activity a felony, escalating from the current law that treats a first offense as a misdemeanor.
- **Nevada AB151:** Adds “solicitation for prostitution” by customers to the sex offender registry, making it subject to the same penalties as other sexual offenses.
- **Kansas SB71:** Increases penalties for purchasing sexual services and mandates “John school” diversion programs.
- **New Jersey S4123/A1185:** Elevates the penalty for prostitution as a patron and directs fines to a Human Trafficking Survivor’s Assistance Fund.
- **Nebraska LB511:** Creates the offense of “commercial sexual exploitation,” adds certain offenses to the sex offender registry, and establishes a grant program for law enforcement.
- **Virginia HB2763:** Increases penalties for repeat offenders of soliciting prostitution.
- **South Carolina S235:** Increases penalties for both prostitution and solicitation.
- **Missouri HB224:** Increases penalties for patronizing prostitution.
- **Oklahoma SB869:** Elevates all prostitution-related crimes to felonies.
- **New Hampshire SB267:** Introduces a mandatory \$500 fine for engaging in prostitution as a patron, directing funds to a victims’ assistance fund.

Proponents of these measures conflate human trafficking with consensual adult sex work, misdirecting resources and enforcement efforts. “Conflating sex work with trafficking wastes vital law enforcement resources. By diverting time and funding to prosecute consensual adult sex work, the ability to focus on real trafficking cases is hindered, allowing true exploitation to go unaddressed,” said Ariela Moscovitz, director of communications at Decriminalize Sex Work.

Tens of thousands of people are arrested annually in the United States for prostitution and related charges. The majority of those arrested are adults who engage in consensual, victimless activities. Unambiguous data shows a clear correlation between laws that criminalize clients and an increase in violence, sexually transmitted infections (STIs), and exploitation within the sex trade. The increased criminalization of clients pushes sex work further underground and leaves workers vulnerable to harm. This not only increases their exposure to violence and health risks, but it also forces sex workers into reliance on potentially exploitative third parties to maintain their business while avoiding discovery.

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Decriminalize Sex Work (DSW) is a national organization pursuing a state-by-state strategy to end the prohibition of consensual adult prostitution in the United States. DSW works with local organizations, advocates, and lobbyists to build community support and convince legislators to stop prostitution-related arrests. Evidence shows that decriminalizing sex work will help end human trafficking, improve public health, and promote community safety.