

Massachusetts Lawmakers Weigh Bills To Decriminalize Prostitution

By Sam Drysdale

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Prostitution would be decriminalized in Massachusetts under bills discussed before the Judiciary Committee this week, though there is a deep divide among sex workers and activists about how far that decriminalization should go.

Two bills filed this session would decriminalize prostitution. One, however, would only repeal criminal penalties that apply to prostitutes themselves, leaving those who sell and purchase sex (“pimps” and “johns”) open to arrest and prosecution. Another bill filed by Rep. Lindsay Sabadosa seeks to entirely legalize the sex trade.

Dozens of people testified Tuesday afternoon – into Tuesday evening – at a Joint Committee on the Judiciary hearing in favor of a Rep. Mary Keefe and Sen. Cindy Friedman bill (H 1597 / S 983) to decriminalize prostitution while maintaining legal consequences for people who buy sex and those who exploit sex workers.

“The sex trade is rooted in United States history of exploitation of buying and selling humans,” said Rep. Tricia Farley-Bouvier, who co-sponsored the House bill. “H 1597 would take a small step towards counteracting the stark history of our country and decriminalizing prostituted people, and allow them a pathway to exit the sex trade. I also want to point out that the sex trade exists all over the commonwealth of Massachusetts.”

Women and others who sell sex are often victims of human

trafficking, advocates said, and a criminal record of prostitution can limit career options, making it more difficult to leave the sex trade and make money in other ways.

The “partial decriminalization” bill would clear the criminal records of those who were arrested for selling sex, and direct money won in cases prosecuting those who buy or pimp out sex workers to the Victims of Human Trafficking Trust Fund.

It also focuses on creating “exit paths” for those who sell sex and feel they cannot get out of the life, partially through working with local and community-based organizations that already do this work.

Of the dozens of former prostitutes who testified on Tuesday, many said they entered the sex industry as children, became addicted to drugs (often given by pimps who wanted to control them) and wanted to get out but did not know how to until they were connected with survivor-led help groups.

“I was arrested for being a victim and treated like a criminal while my trafficker was able to come bail me out – going back into the hands of my trafficker instead of asking me if I wanted or needed help, and informing me that supportive exit services existed,” said sex trade survivor and founder and CEO of Worcester-based nonprofit Living In Freedom Together Audra Doody.

She added, “We already don’t have enough women to meet the demand. The buyers and exploiters will take our most vulnerable women and girls to fill this need. We cannot let that happen. We need to hold buyers, traffickers and exploiters accountable for using their position of power to buy and sell bodies.”

Indigo Kirsch, the outcomes and evaluation manager for My Life, My Choice, said youth who work in the sex trade are disproportionately Black, Indigenous or people of color, or LGBTQ+, and a majority are involved in the foster care system.

In the 2021 Massachusetts Youth Health survey conducted by the Office of Data Management and Outcomes Assessment and the Department of Public Health, about 41 percent of children surveyed were BIPOC, Kirsch said, compared to about 73 percent of the youth that My Life, My Choice works with. In the same survey, LGBTQ+ youth accounted for 25 percent of respondents, whereas 42 percent of the young people involved in the sex industry seeking help from the organization were.

Additionally, 86 percent of the My Life, My Choice youth mentored by the organization concerning their participation in the sex trade were involved in the foster care system, with 97 percent of BIPOC and 89 percent of LGBTQ+ mentees involved with the state's Department of Children and Families.

Advocates who spoke in favor of repealing criminal penalties for prostitutes said that Sabadosa's "full decriminalization" bill, and a Sabadosa and Sen. Liz Miranda bill to create a commission to study fully legalizing the sex work industry (H 1758 / S 1046), may have the "intention... to support marginalized communities," but instead "legitimizes sex buying, brothels and third party control."

The full decriminalization bill would expunge prostitution-related arrests related to purchasing and selling other people for sex, as well as selling a person's own body for sex. It would also expunge marijuana-related arrests.

Supporters say that decriminalizing the industry would give prostitutes more power, by being able to hold brothel owners accountable for bad practices such as sexual harassment, and screen sex buyers for sexually transmitted diseases.

Rebecca Clearly, an attorney for Decriminalize Sex Work, testified that the Keefe/Friedman bill denies the existence of "adult consensual sex workers," who would like to continue in the industry, but make it safer.

"The issue there, in that bill specifically, is when you

define adult consensual sex workers as prostituted persons not only does that equate that experience with exploitation, which diminishes exploitation, but it additionally prescribes on people the fact that they can't consent to sex work, even though they're adults making their own choices. And I think it's really risky to limit choice and bodily autonomy, generally, but especially in this moment," Clearly said.

Clearly was one of only two speakers who testified in favor of the bill, but she said there is widespread support among active sex workers, who cannot testify without "outing themselves" as engaging in criminal behavior.

Full decriminalization has been supported by the World Health Organization, UNAIDS, the Global Alliance Against Traffic in Women, Human Rights Watch, Lambda Legal, the American Civil Liberties Union, and Freedom Network USA, Clearly said.

But for some in the hearing room, the bill would leave "exploiters who perpetrate violence and cause harm" unaccountable.

"We shouldn't have to give men who perpetrate sexual violence the legal right to buy consent," said Desiree Deimos, from Living In Freedom Together. "We should not have to give traffickers and pimps the right to file a 1099 for the profit they make off the bodies of women and girls. Legalizing a violent and oppressive system will not improve the health and safety for anyone, and it will never prevent human trafficking."