



March 8, 2010

Testimony in opposition to **S.B. 304** (decriminalizing prostitution for minors)

Chairman Smith and members of the Senate Judiciary Committee:

My name is Tanya Ditty. I am State Director for Concerned Women for America of Georgia, and I am here today to testify in opposition of S.B. 304.

I would like to begin by stating that we at Concerned Women for America (CWA) of Georgia understand that minors found in prostitution are victims of human trafficking, sexual abuse, and exploitation. Often the current pattern of arrest, release, and return to the streets has proven to trap these girls and boys in a cycle of pimp control, drug abuse and criminal activity which is dangerous and difficult to escape. All of us who struggle to help these children agree on the need to “do something.” Unfortunately, what has been proposed is not an effective way to stop the problem.

Two months ago, S.B. 304 was introduced in the Senate. The original language of S.B. 304 would have decriminalized prostitution for minors under the age of 16 years. Citizens across the state of Georgia were outraged at the possible change in the law and voiced their concerns to state legislators through phone calls and e-mails. Today the Senate Judiciary Committee has received a new version of S.B. 304 for consideration. However, just like the original version of the bill, prostitution for minors will still be decriminalized and citizens across the state are still outraged. Concerned Women for America of Georgia believes S. B. 304 should be considered and then discarded as rapidly as possible.

To begin, Section 1 of the proposed bill seeks to revise paragraph (12) of Code Section 15-11-2 by adding another definition to “unruly” children; it now includes those who are sexually exploited. In all other examples of an “unruly” child in this section of the Georgia code, the child performs the action, such as running away, skipping school or being disobedient. In S.B. 304’s new version, a child who is sexually exploited by another person is now included in this section. We are concerned and quite honestly a bit perplexed that a sexually exploited child would be placed in the same category as an “unruly” child. The bill language makes it sound as if they are complicit in their exploitation.

Secondly, the new language removes all discretion from the judge on how to handle cases involving “unruly” children who are victims of sexual exploitation. The new language removes the right of the judge to incarcerate a child or hold a child. The bill ties the hands of the judge to intervene on behalf of the victim. What happens to juveniles that have previously committed a prostitution offense? What happens to a juvenile that is put into rehabilitation services and does not complete the program? When the children are deemed “unruly” by being victims of sexual exploitation, must they tell the name of their exploiter to the judge? If not, how will this end exploitation if the predators are not identified? The bill is silent on the answers to our questions.

By removing all discretion from the judge, “unruly” children engaged in prostitution will not be charged with a crime. The bill deems as “unruly” any minor under the age of seventeen found in prostitution, thereby decriminalizing it for minors. Proponents of this bill say that prostitution of children is a crime committed by adults, and the victims are the children. While there are not many children who choose to prostitute themselves, there are some.

In a misguided attempt to earn money, some teens figure since they are having sex anyway they may as well get paid for it. Keeping prostitution criminalized for minors can provide a wake-up call for those who are misguided. Having some code language that expunges their record after a period of time, if no further arrests occur, will take care of any concerns about a permanent record. There is a documentary called *Oral Sex is the New Goodnight Kiss*, by Sharlene Azam which reports on “the growing phenomenon of middle-class girls trading sex for money drugs and luxury goods.” There have been reports of teens in the UK boasting of earning thousands of pounds each week working as high-class call girls. It is happening in Hong Kong, too. What makes us think it is not happening in Georgia, also?

Decriminalizing prostitution also creates a friendly environment for pimps and traffickers. Pimps can use this proposed bill language as a recruiting tool by telling the kids, prostitution is okay; it's not a crime for them. Proponents of the bill disagree with us. They say it will always be a crime to prostitute children in Georgia. It has not been said (at least by Concerned Women for America) that S.B. 304 decriminalizes the prostitution **of** children. What S.B. 304 does is decriminalize prostitution **by** minors, meaning that current law makes it illegal for a child to prostitute him- or herself. S.B. 304 would no longer make that a crime.

Decriminalizing prostitution also ties the hands of the police and prevents them from identifying victims and separating them from their pimps. Law enforcement needs these laws to obtain testimony against the exploiters, and most importantly, to get children the help they need. Additionally, police intervention might be the last bastion of hope for parents whose child has become wayward and has ended up on the streets. Just recently, the U.S. Senate Judiciary Subcommittee on Human Rights and The Law held a meeting to look into the issue of human trafficking. Illinois State Attorney Anita Alvarez addressed the committee on her work on human trafficking in the state of Illinois. In an interview with the *Chicago Tribune* on February 24, 2010, Ms. Alvarez spoke of one example where prosecutors in Illinois went ahead with a prostitution case because the parents begged them to, fearing their daughter would be dead if she stayed in the streets.

S.B. 304 has gained national attention, in particular by Professor Donna Hughes. Ms. Hughes is regarded as one of the leading authorities on human trafficking in the United States by both conservatives and liberals. She recently authored the February 15, 2010, *Citizens Against Trafficking* report titled “Protection of Victims from Pimps and Johns—By All Legal Means.” In the report, Ms. Hughes outlines the tremendous work done in the state of Georgia to combat human trafficking. However, Ms. Hughes lays out arguments against any legislation that would decriminalize prostitution of minors. Ms. Hughes notes on page three that there are cases where the law is needed to protect victims from their handlers. She advocates the use of all legal means to protect trafficking victims. Ms. Hughes also says that consideration should be given on how decriminalizing prostitution of minors will affect federal law enforcement in the state (page 4) and the ability of the FBI to launch Innocence Lost investigations in Georgia.

Concerned Women for America speaks in unison with Donna Hughes. We ask proponents of S. B. 304 to provide the statistics of arrests and prosecutions that would merit the removal of any weapon in the arsenal that can battle against human trafficking. We ask proponents of decriminalization to consider all ramifications on all victims before making changes to the law.

Thirdly, the new language provides for a dispensation of victim compensation. This begs the question as to who will pay for it. We are concerned that fraud could become rampant if victims are not getting the funds from those who exploited them. If pimps and traffickers are not caught and made to pay restitution to their victims, the possibility arises that pimps will send children through the system established by S.B. 304 to be deemed victims and able to receive victim funds from the state, which could go back to the pimps.

In conclusion, I respectfully ask that you do not give consideration to S.B. 304. If this bill becomes law, it would be the hallmark legislation of this session; hallmark of course for the johns and the pimps in the city of Atlanta, across the state and even into the neighboring states. They will seize the opportunity to enslave more children. Decriminalizing prostitution will break down the flood gates of victimization like none we have ever seen in Georgia. Is this the legacy the General Assembly wants to leave to its citizens?

Other jurisdictions have proven that there are better alternatives to decriminalization. Upon arrest, victims can be identified and placed in diversionary programs designed for rescue and rehabilitation. In the New York Safe Harbor Law, judges retain the discretion of where to place minors found in prostitution. If they meet the federal definition of a severely trafficked person, they go into rehabilitation; if they do not meet that standard, if they have been arrested for prostitution previously or if they are unwilling to participate in the court-ordered services, a juvenile delinquent proceeding takes place. They can also be provided with an affirmative defense to criminal charges and have their records expunged, as in Rhode Island's new law. But in all these cases, the arrest is the action that allows for the intervention leading to education or rehabilitation.

Additionally, vigorous law enforcement pursuit of traffickers and johns will make prostitution less profitable and, thereby, make it harder to sustain. Enforcing the laws on the books against johns and pimps should be the focus of law enforcement—without demand, prostitution and trafficking do not exist.

Our laws establish a set of rules of conduct recognized and established by the community. Decriminalization of minors sends the message that the community accepts children in prostitution—it normalizes it. Only pimps, traffickers and johns believe children should be in prostitution, so why make it legal for minors under the age of 17?

There is nothing normal about one human being buying access to another, especially in the case of a child being purchased by an adult. The children of Georgia deserve better protection than that provided by Georgia Senate Bill 304.

I implore you on behalf of the countless new victims that will be fodder for the pimps and the johns to say "No" to S.B. 304. I implore you on behalf of the misguided minors who are dabbling in prostitution only to find they will have no way out without the protection of the law. I implore you on behalf of brokenhearted parents whose children rebel and end up on the streets and in the grasp of people with evil intentions. All of these people need the protection of law enforcement and need for you to say "No" to S.B. 304.

Thank you for your time and your consideration of my testimony.

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