

**New Hampshire House of Representatives
Criminal Justice and Public Safety Committee**

Hearing RE:
HB189 and HB201

Testimony of Crystal DeBoise, LCSW

68 3rd Street
Brooklyn, NY 11231
T: 917-650-6615
cdeboise@soarinstitute.org

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I am here today to speak about two bills before the committee that address human trafficking by way of laws relating to prostitution, HB189 and HB201. I enthusiastically support HB189. I would like to ask for an amendment to HB201.

Human trafficking is complex and involves many intersecting issues. I applaud the efforts of legislators in the House of Representatives to address the serious crime of human trafficking.

I am a social worker and women's rights advocate who has been an architect of, and participant in, the anti-trafficking movement since the Trafficking Victims Protection Act was signed in 2000. I received one of the first-ever federal grants to develop the social work field in the new practice area of human trafficking. In my 18 + years of working every day, assisting hundreds of survivors of human trafficking, I have learned that human trafficking is not a random crime that is committed in a vacuum, like a mugging when the victim is in the wrong place at the wrong time. It is symptom of a variety of dysfunctional systems that leave many in vulnerable situations.

Most of the trafficking cases I have seen could have been prevented (or quickly identified) through safe homeless youth shelters, accessible in-patient drug treatment centers, safeguards for abused and neglected teens, and safeguards for newly arriving immigrants. However, our efforts on ending human trafficking are largely focused on laws to arrest women for prostitution, and men for seeking professional sexual services.

When I expanded my program to include all people working in the sex industry, I learned the full price of misguided prostitution laws. I met sex workers who wanted to work in the regulated job market, but could not pass a background check as a result of their criminal records. They had to remain in sex work jobs they were ready to leave. I

met workers who witnessed and were the victims of crimes of all sorts, including human trafficking, who wanted to call law enforcement for help, but couldn't, for fear of arrest, a humiliation and trauma they endured time and again.

After nearly two decades of witnessing the harm and trauma caused by crimes and stigma against trafficking survivors and sex workers and our failing approaches to addressing them that I am here today, desperate to end human trafficking and crimes against sex workers.

I enthusiastically support HB189. No youth who is trafficked should ever be charged with crimes she was forced or coerced to commit. To do so is inhumane and straps the youth with a criminal record that could result in obstacles that could hold her back for life. Youths who have been trafficked should never be subjected to arrest or prosecution, and if a youth has a criminal charge on her record as a result of trafficking, that charge should be fully vacated in the interest of justice.

HB201 is a law whose aim is to curb human trafficking of minors. This law assumes that by increasing the penalties the consumers of sexual services, whether or not they have knowledge that the person they have hired is a minor, will curb human trafficking. This is an assumption that makes a serious bet with someone's life, charging him with a felony for a crime he doesn't know he is committing, for the un-studied outcome of curbing human trafficking. There is no data that suggests this assumption is correct. As a person who follows the Social Work Code of Ethics for all people, I have to also think about that man and his right to fairness. Although I have been willing to work my entire career, and may work the rest of it, for survivors of human trafficking, I'm not willing to gamble with the lives of the consumers of sexual services (many of whom are disabled, widowed, and/or simply lonely) for an untested "maybe it will help."

It is for this reason I am supporting an amendment to HB201 to study the effects of laws relating to prostitution and their effects on human trafficking survivors, people working in the sex industry who are not trafficked, and the residents of New Hampshire at large. Let's look and see if these laws have a positive or negative effect on victims' of crime and their ability to report to law enforcement, their health and well being, and the impact of related budgets and law and order practices. Let's see if there's a public health consideration. Let's look at methods in other locales that have proven effective in ending human trafficking and promoting the human rights of all people who work in or have been affected by the sex industry.

I greatly appreciate the Committee's consideration of my testimony.

Crystal DeBoise, LCSW