

BILL NO: Senate Bill 274
TITLE: Related to victims of sex trafficking
COMMITTEE: Senate Committee on Judiciary
DATE: March 30, 2021
POSITION: SUPPORT

Dear Chairperson Prozanski, Vice Chairperson Thatcher, and Committee Members:

Thank you for hearing testimony on Senate Bill 274 relating to the plight of child sex trafficking victims within the state. We appreciate your willingness to seek stronger protections for commercially exploited minors; if enacted, this legislation would affirm Oregon's commitment to holistically addressing the crime of child sex trafficking by passing strong, progressive laws.

Shared Hope International has been working in Oregon, across the country, and throughout the globe for over 20 years to guide and support appropriate responses to protect survivors, hold offenders to account, and ultimately prevent the crime entirely. 10 years ago we launched the Protected Innocence Challenge project to assess the status of state's laws and to drive legislative progress. Since 2011, we have called on states to recognize any minor engaged in commercial sex as a victim of a sex trafficking, not a "prostitute" or "delinquent youth." We know that survivors of child sex trafficking have the best outcomes when they are met with protection, trauma-informed services, and a response that is appropriate for the horrific experiences they have endured—such a response cannot be rooted in juvenile justice practices and systems.

This bill is part of a critical and national shift in the way that society and law views commercially sexually exploited youth. 31 other states and the District of Columbia have made clear that children engaged in commercial sex are victims of sex trafficking, not prostitution offenders. While the state trafficking law clearly recognizes minors who are bought or sold for sex as victims of sex trafficking, those same minors can be arrested for prostitution. SB 274 is critical for remedying this legal paradox.

Amending the prostitution statute to be inapplicable to minors recognizes that children *never* engage in commercial sex by choice; rather, a child does so out of coercion, force, fraud, fear, or survival. This is not consensual sex; money does not sanitize rape and treating the child as consensual actor not only misplaces criminality, it directly re-victimizes the child. Oftentimes, children entangled in a life that includes commercial sex carry years of trauma, generational vulnerabilities, and abuse on their backs. Other times, such children have trusted the wrong adult, been fed a false promise, or have fallen for an exploiter who later sold the child to someone all too willing to pay for the chance to rape him or her. Children with unsafe or unstable home environments may find the streets safer and, resultantly, sell their bodies in exchange for something to eat or someplace to sleep. These are not choices; children living in such circumstances deserve, at a minimum, specialized services and long-term care, not the traumatizing impact of an arrest, detention and prosecution, or juvenile records that carrying devastating collateral consequences far beyond childhood years.

We also applaud the recognition that protections for exploited youth must be extended to young persons older than 17. Ideally non-criminalization provisions would be available for all survivors

of exploitation, regardless of age; however, the affirmative defense protection created in this bill is a strong first step.

To ensure that law enforcement have a *protection-centered* mechanism for removing at risk or exploited youth from harmful or dangerous environments, we respectfully urge this Committee to consider a related amendment to SB 274. Specifically, all stakeholders may benefit from language that provides explicit grounds for law enforcement to utilize ORS 419B.150 to take an exploited or at risk child into protective custody for purposes of the connecting the child to DHS or an alternative designated service provider.

We are grateful for the Committee's dedication to this issue and for allowing Shared Hope the opportunity to illuminate the importance of legislation that seeks non-criminal, service-oriented responses for survivors of child sex trafficking.

Sincerely,

Sarah Bendtsen, J.D.
Director of State Legislative Advocacy

For questions or additional information:
sarah@sharedhope.org