



February 20, 2024

Re: Woodhull Freedom Foundation Support A.7471(Kelles)/ S.1966 (Sepulveda)

Dear Legislator:

The Woodhull Freedom Foundation supports A.7471/S.1966, legislation to enable victims and witnesses to a crime to be able to seek help without fear of being prosecuted for prostitution. The Woodhull Freedom Foundation is a national human rights organization focused on affirming sexual freedom as a fundamental human right. Since we were founded in 2003, we have always included the fight for recognition of sex workers' fundamental human rights.

This legislation creates a new Penal Law § 230.45 to provide immunity from prosecution under § 230.00 (prostitution), § 230.03 (prostitution in a school zone), and § 230.40 (permitting prostitution) to victims and witnesses of crimes under the following circumstances: when the victim or witness reports the crime to a law enforcement agency, seeks or receives health care services, or aids in the investigation of the crime.

If enacted, this legislation would enable sex workers and people experiencing trafficking to report crimes to law enforcement without fear of arrest, thus enabling law enforcement to identify perpetrators of violent crime who might otherwise go undetected. It's important to note that nothing in this legislation addresses the legality of prostitution. It just codifies, for sex workers, the same protections the rest of us have to protect from violence or other crimes without punishment for what they're doing when the crime occurs.

In 2011, we traveled to Geneva for the first Universal Periodic Review of Human Rights in the United States. For the first time ever, the U.S. Federal Government officially condemned violence and discrimination against sex workers! Working with our allies, we called on the US to accept Recommendation 86, which called on the US to look into the special vulnerability of sex workers to violence and human rights abuses. We were successful, and in the report released to the United Nations, the U.S. states, "We agree that no one should face violence or discrimination in access to public services based on sexual orientation or their status as a person in prostitution, as recommendation [#86] suggests".

People engaged in prostitution are especially vulnerable to violence. Sex workers and trafficking victims generally do not report violent crimes or seek medical attention for injuries resulting from violence because they fear that interacting with law enforcement will result in them being prosecuted for prostitution. Attackers exploit this fear and commit heinous crimes with impunity, leaving those workers at risk of serious injury, even death.

The immunity provision in S.1966/A.7471 is similar to the "Good Samaritan" law that the legislature enacted in 2011 to protect people from prosecution when they seek help for someone suffering an overdose. That bill enabled drug users, who, like sex workers, are committing a criminal act, to report crimes without fear of arrest.



To make our communities safer, it is in the public interest to encourage victims and witnesses of crime to come forward and aid law enforcement, as well as seek medical care. This bill would enable law enforcement officials to arrest and convict those committing criminal acts and, in so doing, protect vulnerable New Yorkers.

Nine states have already enacted immunity laws, and similar bills have been introduced in at least three other states this year. We strongly urge you to join those leading the country in creating policies that further public safety and health and protect victims and witnesses of violence from suffering the additional harm and trauma of arrest and prosecution.

Woodhull Freedom Foundation supports A.7471/S.1966 and urges the Senate and Assembly to pass it to affirm further and protect the fundamental human rights of all New Yorkers!

Sincerely,

A handwritten signature in black ink that reads "Ricci J. Levy".

Ricci J. Levy  
President & CEO  
Woodhull Freedom Foundation