



California Civil Liberties Advocacy
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Tuesday, June 4, 2019

Senator Scott Wiener
California State Capitol
Room 5100
Sacramento, CA 95814

RE: Support for Senate Bill 233 (Wiener)

Mr. Senator Wiener:

I am writing on behalf of the California Civil Liberties Advocacy (CCLA) to express **support** for Senate Bill 233 (Wiener). This bill allows victims and witnesses of violent crimes to come forward without fear of arrest in relation to misdemeanor drug and prostitution related offenses. This bill also makes the mere possession of condoms inadmissible as evidence for arrest or prosecution for prostitution related criminal charges.

Sex workers, especially victims of human trafficking, are one of the most at-risk segments of our population. They are at much higher risk of physical violence, a meta analysis by researchers at the Faculty of Medicine of the University of British Columbia found that the prevalence of workplace violence for sex workers reached as high as 75%. Linked to this extremely high prevalence of violence, and exacerbated by their work and criminal status, is a greatly increased risk of contracting HIV. One study published in the journal "The Lancet" found that "Women who reported having traded sex for money in the past year were 5 times as likely as others to seroconvert." (contract HIV).

This bill takes aim at both of these problems at once, in a very tailored way. In the WHO report "Addressing Violence against Sex Workers" they recommend that "All countries should work toward decriminalization of sex work and elimination of the

unjust application of... laws and regulations against sex workers.” this bill begins the job of giving sex workers fair and just access to police protection. In the section of that report titled “Forms of violence faced by sex workers” the WHO sets forth some “Human-rights violations that should be considered in conjunction with violence against sex workers... being arbitrarily stopped, subjected to invasive body searches or detained by police... being arbitrarily detained or incarcerated in police stations... without due process... **being arrested or threatened with arrest for carrying condoms...**”.

The ability of sex workers to come forward and report violent crime without fear of arrest is an excellent step in protecting some of the least powerful in our society. There is a large body of evidence showing that when sex workers are able to report violence, either committed against themselves or that they have witnessed committed against others, that levels of violence against sex workers fall. A predictive modeling study published in the “American Journal of Reproductive Immunology” showed “that a reduction of approximately 25% in HIV infections among sex workers may be achieved when physical or sexual violence is reduced.”.

The ability of sex workers to carry the necessary number of condoms, without fear of targeting or arrest because of it, will also have a large impact on the public health. Studies conducted by organizations like the CDC and the NIH have found that regular and effective use of condoms can reduce the transmission rate of HIV by 90% - 95%. This coupled with the reduction in violence against sex workers, and the accompanying further reduction of HIV infections, will help to provide safety and stability not only for sex workers but for everyone, in communities throughout California.

For all of the aforementioned reasons, the CCLA **supports** SB 233.

Very sincerely,

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Cc: Assembly Committee on Public Safety
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