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SENATOR BERTA GARDNER SENATE DISTRICT I

SB 21 -An Act relating to a defense to the crime of prostitution for victims of sex trafficking.

This bill directs the court system to accept an affirmative defense in the crime of prostitution, if a person can prove they were the victim of sex trafficking at the time of the prostitution charge. Currently, in Alaska, anti-sex trafficking statutes may ensnare those who have been trafficked, resulting in the arrests and prosecution of those who were, themselves, victims of sex trafficking. This creates a system of re-victimization; a prostitute forced into sex work can be subjected to arrest, prosecution and the hardships and stigmas of conviction.

SB 21 will not only provide protection from the double victimization explained above but it will also help to expose the extent of sex trafficking in Alaska. According to the FBI in Anchorage, seven sex trafficking cases have resulted in 105 arrests. But these are not complete numbers. Prostitutes do not call law enforcement or other emergency services to report victimization out of fear of arrest and conviction. This set of circumstances not only excludes people of access to such basic and necessary services; it renders sex trafficking and prostitution in the state extremely difficult to address or measure.

As supporting documentation indicates, other states are recognizing the irrationality and unfairness of such a system. This bill will necessarily refine Alaska law to differentiate between a victim of sex trafficking and a person choosing to be a sex worker, and will begin the process of rehabilitation of sex trafficking victims forced into prostitution. Federal, state and local law enforcement, public policy experts, public defenders and private practice attorneys contacted in the research phase of this bill summarily received the concept of SB 21 as appropriate and timely.

The Alaska Department of Law has reviewed the bill and supports its intent and language. I hope you will join them, the co-sponsors, and this office in support of this necessary bill.