



NEW YORK STATE SENATOR

Ruben Diaz

Senator Reverend Ruben Diaz's Bill

RUBEN DIAZ July 18, 2011

| ISSUE: **CRIME**

July 16, 2011

For Immediate Release

Senator Reverend Ruben Diaz (D-Bronx) has released the following statement:

"I'm sharing this information for everyone to see that unfortunately, people are still protecting crimes against children in New York. Senate Bill 1313B was passed in the Senate and the Assembly, but for some reason there is an effort underway to derail it. This law would help shield school children from witnessing open and notorious acts of prostitution as they walk to and from their schools.

Here is a tweet against my bill that was retweeted by others: "Take a moment to stop State Sen. Ruben Diaz's attempts to persecute sex worker! Gov. Cuomo has till Monday to...

<http://fb.me/DYwoD3g9>"

The page linked to that tweet contains their position against my bill and their petition letter (shown below) against my bill.

I'd like to know who else is as disgusted by this effort as I am."

For further information, please contact Senator Reverend Ruben Diaz at (718) 496-4793.

OVERVIEW

In the modern era, most sex workers who work on the street are engaged in sex work out of desperate need. They face widespread physical and sexual violence, especially from the police. For these women, men, and children, the criminal justice system is merely a “revolving door” that hinders rather than helps their chances of stopping sex work. More convictions only make it harder for sex workers to transition out of sex work into the mainstream economy, because they are rejected from jobs, denied work authorization, can even be evicted from their homes for these convictions.

But a bill now on New York Gov. Andrew Cuomo's desk would increase the penalty for vulnerable street-based sex workers.

The bill increases prostitution to a Class A Misdemeanor when it occurs on or adjacent to school grounds. The legislation was inspired by worries about sex work occurring too close to a school in West Farms, yet many community members in that very neighborhood have expressed concerns that such punitive measures will not address the root causes of the problem – addiction, exploitation and poverty – but will in fact, result in a cycle of recidivism that could have been prevented by a less punitive approach.

West Farms is a community that has seen the worst of the economic crisis, including cuts to social programs, increasing rates of incarceration, entrenched poverty, failing schools, and homelessness. Raising prostitution one offense level will not protect children nor the victims of poverty.

Tell Gov. Cuomo to veto this bill and look for real solutions to the economic problems facing our communities.

Petition

VETO Bill S1313B/A2264B

Dear Governor Cuomo

On July 8, 2011, a bill introduced by Senator Ruben Diaz was delivered to your office. This bill, S1313B/A2264B, raises prostitution to an A Misdemeanor for sex workers arrested on or adjacent to a school. While we understand the need to protect children, we are writing your office to voice our concern regarding the bill's civil and human rights implications for the most vulnerable in our society.

Sex workers who work on the street are often engaged in sex work out of desperate need to meet basic survival needs for food and shelter, not out of a desire to commit crime or harm the community. There is widespread physical and sexual violence street-based sex workers experience. For these women, men, and children, the criminal justice system is merely a "revolving door" that hinders rather than helps their chances of stopping sex work. More convictions only make it harder for sex workers to transition out of sex work into the mainstream economy, because they are rejected from jobs, denied work authorization, can even be evicted from their homes for these convictions. Studies also show that when sex workers are more frequently arrested, they are less able to negotiate safer sex with their clients, and more likely to be violently assaulted.

This bill was proposed as an answer to a situation near West Farms Elementary School in the Bronx where sex workers sometimes work on the street in view of students. However, even this current situation is itself the result of prior police crackdowns on prostitution. Sex workers were forced out of a nearby hotel and, with no other place to go and no other options to survive, they began to work on the street.

Those from communities such as West Farms have a right to be upset. These communities have seen the worst of the economic crisis, including cuts to social programs, increasing rates of incarceration, entrenched poverty, failing schools, and homelessness. However, raising prostitution one offense level will not solve these problems, or eliminate street based prostitution from the south Bronx and other poor neighborhoods. Even in West Farms, some community members have expressed concerns that such punitive measures will not address the root causes of the problem – addiction, exploitation and poverty – but will in fact, result in a cycle of recidivism that could have been prevented by a less punitive approach. A higher offense level will make it more likely that sex workers will be incarcerated for longer periods of time, making it harder for them to rebuild their lives and find work other than sex work when they are released.

We urge you to veto this bill. Before passing this kind of legislation, we encourage you to engage in conversation with parents, service providers, lawmakers and sex workers, about how to protect children while ensuring safety and survival for all.

Thank you for your consideration regarding this important matter.

Sincerely,

[Your name]