



BILL NO: House Bill 1523
COMMITTEE: Courts of Justice; Subcommittee #1
DATE: January 26, 2023
POSITION: SUPPORT WITH AMENDMENTS

Thank you, Chairperson and Subcommittee members, for the opportunity to provide feedback on this bill, and thank you Delegate Taylor serving as the patron on HB 1523 and targeting buyers of commercial sex by increasing the penalties against them.

The Virginia Coalition Against Human Trafficking (“VCAHT”) is an alliance of service providers, attorneys, survivor-advocates, and community members on a mission towards removing barriers preventing survivors of human trafficking from achieving a full and self-reliant life through public awareness campaigns, policy reform, and enacting survivor-centered human trafficking legislation.

Demand for commercial sex is a significant driving force behind the phenomenon of sex trafficking. Yet, many states fail to impose meaningful penalties to address and stifle demand as many buyers of commercial sex are not sanctioned or will face lesser charge. Accordingly, VCAHT supports HB 1523, but recommends adopting the following amendments to strengthen the bill.

VCAHT recommends getting rid of the distinction between minors over the age of 16 and those under the age of 16. Minors cannot consent to commercial sex. Under federal law and VA child abuse code, *any* minor engaged in commercial sex is a victim of sex trafficking. Indeed, Congress made it clear that buyers of commercial sex with children can and should be held criminally responsible as traffickers, not just purchasers. Thus, the language would read:

~~B. However, any~~ Any person who solicits prostitution from a minor ~~(i) 16 years of age or older is 18 guilty of a Class 6 felony or (ii) younger than 16 years of age~~ is guilty of a Class 5 felony.

Additionally, another way of curbing demand and getting additional funding for victims of sex trafficking is having a special fee assessed on purchasers that goes specifically towards funding services, investigations, and prevention education. Accordingly, VCAHT recommends amending § 16.1-69.48:6 to raise the fee assessed on buyers and have that fee deposited into the Virginia Prevention of Sex Trafficking fund. Thus, the language would read:

The court shall order any person convicted of a ~~misdemeanor~~ violation of § 18.2-346.01 or of § 18.2-348 or 18.2-349 to pay a ~~\$100~~ fee of \$1,000, which shall be deposited into the Virginia Prevention of Sex Trafficking Fund to be used in accordance with § 9.1-116.4.

Including this increased penalty would “kill two birds with one stone” by disincentivizing the purchasing of commercial sex while also accumulating funds for victims and stakeholders supporting them.

We would welcome any questions or feedback regarding the above and look forward to working with you in finalizing this legislation.

Sincerely,
Virginia Coalition Against Human Trafficking

*For questions or technical assistance
please contact info@vcaht.org*