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## RI tries \_ again \_ to outlaw indoor prostitution

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PROVIDENCE, R.I. -- The undercover police officer paid \$60 to enter the Midori Spa just blocks from City Hall. A massage therapist rubbed the officer's back, then simulated a sex act with her right hand.

"You want more?" Myong Kim asked, explaining it would cost an extra \$20.

"Next time," officer Scott McGregor said, according to court documents, then walked out. A short while later, the woman and five other people were arrested in a prostitution sting.

This encounter would be an open-and-shut prostitution case in any other state besides parts of Nevada. But in Rhode Island, a legal loophole allows sex for cash, if it's done in private. The women in the Midori case were acquitted.

Now there is a push to close the loophole created by a legislative mistake 30 years ago.

Gov. Don Carcieri joined a women's studies professor, clergy, law enforcement and others Thursday to press the state Senate to pass legislation that would make any prostitution illegal. The measure, which would effectively shut down the so-called massage parlors and spas that proliferate in Rhode Island, passed the House last month.

"It's absurd," Carcieri said at a Statehouse news conference. "The message we're sending to young women in terms of exploiting themselves for any kind of financial gain, I think, frankly, is disgusting."

Senate President M. Teresa Paiva-Weed said lawmakers need to address the loophole but wouldn't comment on specific legislation that tries to close it.

Rhode Island's loophole went mostly unnoticed until Providence police raided several spas in 2003, including the now-defunct Midori, and then lost their cases in court because of the loophole. Police can arrest prostitutes operating on street corners, but they struggle to make charges stick against those operating indoors because the current law - passed when street prostitution was rampant - specifies outdoor solicitation.



Motorists pass by an alleged brothel at 1550B Post Road, in Warwick, R.I. Monday, June 15, 2009. In April 2009, Warwick police shut down the alleged brothel, a two-story home attached to a cash-for-gold store, but since then it has relocated. (AP Photo/Stew Milne)

Since then, lawmakers repeatedly have tried - and failed - to change the law but faced opposition from civil libertarians, advocates for sex workers and even the state chapter of the National Organization for Women. They say permitting the arrest of prostitutes could end up punishing human trafficking victims.

They doubt these trafficking victims - mostly Asian - will be candid with police after a raid, and they say a criminal record could make it more difficult for prostitutes to leave the sex industry.

"We would never arrest a domestic violence victim in the hope we could get her to cooperate against her abuser," said Andrea Ritchie, director of the Sex Workers Project at the Urban Justice Center in New York, who has lobbied against the bill.

Rep. Joanne Giannini, who sponsored the legislation to close the loophole, argues many of the women who work in the Rhode Island sex shops are coerced victims of human trafficking. Without a stronger prostitution law, police lack the tools to intervene.

"We're going to become a safe haven for the sex industry," she said. "I don't think that Rhode Island should have this dubious distinction."

All states beside Rhode Island and Nevada have laws forbidding the solicitation of prostitution, although police and prosecutors have discretion over how to enforce them, said Ron Weitzer, a sociology professor who studies the subject at George Washington University.

Some police departments tacitly operate under the Rhode Island model, only targeting prostitutes and customers who become a nuisance in public.

"If they publicized it, for one thing, they'd get criticized by the public, the media or politicians for not enforcing the laws against indoor prostitution," Weitzer said. "Or it might lead to an influx of indoor workers into a particular city."

Giannini's bill would give police discretion in making arrests and includes specific protections that allow human trafficking victims to be acquitted by arguing they were threatened, restrained or had their immigration papers stolen.

Those changes have not satisfied the state branch of the National Organization for Women or the Rhode Island Commission on Women, which withdrew its support. The commission wants a guarantee that trafficking victims won't be charged in the first place, said Shanna Wells, the commission's director.

"You're arresting her and she'd have to go through this whole legal process before she could even defend herself," Wells said.

Rhode Island's current prostitution laws are the consequence of a 30-year-old legislative accident.

In 1976, a group called Call Off Your Old, Tired Ethics - or COYOTE - filed a lawsuit arguing the state cannot ban purely private sexual activity between adults, even if money is involved. The group also claimed that police were unfairly targeting women prostitutes while largely ignoring their male customers.

The disputed statute was so restrictive that a federal judge found it could potentially ban even some forms of consensual sex between adults.

Around the same time, residents in the West End of Providence complained to police that outdoor prostitution was so rampant that customers were randomly soliciting women on the street. So legislation was passed that outlawed only paid sex and cracked down on those making solicitations outside.

A federal judge who later analyzed the statute ruled it also had the effect of decriminalizing indoor prostitution.

Former House Speaker Matthew J. Smith said lawmakers never meant to draw a distinction between indoor and outdoor prostitution. Even so, he wants state lawmakers to eliminate any ambiguity.

"There's no choice," Smith said. "We're the laughing stock of the country."

In the years since, spas sprouted in Rhode Island's urban communities and a few suburban ones, too. Their advertisements run alongside those for strip clubs and adult stores and offer services described as "body shampoo," "table shower" or "relaxing body rub."

Other notices are less subtle: "Hot Asian Girls!"

(This version CORRECTS Wells' title to director sted executive director in 19th graf, Those changes ... )