



May 16, 2022

Dear ALI Members Attending 2022 Annual Meeting in Washington, DC:

The undersigned organizations, advocates, and survivor leaders write in **strong opposition** to the proposed revisions to the American Law Institute (ALI) Model Penal Code on Sexual Assault and Related Offenses (Article 213), which reduce penalties against sexual violence; narrow liability for these crimes; restrict the scope of sex trafficking; and redefine consent too broadly.

We join the [US Department of Justice](#) and [35 state's attorneys general](#) in requesting that ALI members vote to **approve the Motion to Withdraw the Revised Article 213 of the Model Penal Code from Publication in its Entirety (Sections 213.0-213.11)**.

As argued by the United States Department of Justice in [a letter signed](#) by seven branches with authority over sexual violence investigations and prosecutions, the **motion to withdraw should be approved** “because the draft revision of article 213 would narrow and weaken the law of sex offenses, and roll back decades of progress in strengthening enforcement and protecting the public.” The Department of Justice advised ALI that if the revisions are approved, DOJ will urge U.S. jurisdictions not to change laws to conform with ALI’s recommendations.

The proposed revisions disregard decades of inclusive and informed procedure that has gone into the creation and revision of relevant state and federal penal codes. ALI has not only disregarded expert feedback and concern from human trafficking and sexual violence experts across the nation, **ALI failed to include trafficking or sexual assault survivors in the amendment process**. This flagrant disregard for survivor experiences should be enough to cause ALI voting members to pause.

As the National Association of Attorneys General writes:

“As Attorneys General, we urge the ALI to consider the danger these proposed changes would pose to the public, especially children, and abandon its plans to amend this article of the Model Penal Code as discussed above. The revisions contemplated fail to treat sex offenders appropriately and would put the people we represent at greater risk.”
[Full Letter [available here.](#)]

The National Center for Missing and Exploited Children (NCMEC) [advocates strongly against](#) proposed revisions to the model Sex Offender Registry code:

“Under ALI’s recommendation, the public would no longer have access to state sex-offender registry websites or any information about registered sex offenders in their communities. Daycare providers, youth organizations, schools, volunteer groups and businesses that use the registries when hiring staff or looking for volunteers would be blocked from critical information about who sex offenders are, where they live and work and if they’ve committed crimes against children.”

NCMEC highlights that ALI’s recommendations “go against federal law in place since 2015 and would exclude buyers of children for sex from liability under state trafficking charges.”

Our opposition is shared by experts in the field, including criminal justice professionals, and legislators who have worked for years on these policies at local and national levels—in direct collaboration with survivors of sex trafficking and sexual assault.

We ask you to **approve the Motion to Withdraw the Revised Article 213 of the Model Penal Code from Publication in its Entirety (Sections 213.0-213.11) and closely consider details of the Department of Justice’s guidance in its letter of May 13, 2022**, which might not have been circulated by ALI leadership.

Sincerely,

National Organizations

Marci Hamilton
CHILD USA
Pennsylvania

Taina Bien-Aime
Coalition Against Trafficking in Women
New York

Rochelle Keyhan
Collective Liberty
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Lori Maloney
Covenant House International
New York

Lori Cohen
ECPAT-USA
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Donna Rice Hughes
Enough Is Enough
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Helen Taylor
Exodus Cry
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Rima Nashashibi
Global Hope 365
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Laila Mickelwait
Justice Defense Fund
Colorado

Lynn Shaw
Lynn's Warriors
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Fran Eskin-Royer
National Advocacy Center of the Sisters of the Good Shepherd
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Dawn Hawkins
National Center on Sexual Exploitation
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Denise Edwards
National Children's Alliance
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Kevin Metcalf
National Child Protection Task Force
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Bradley Russ
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National District Attorney's Association
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Jan Erickson
National Organization for Women
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Chris McKenna
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Regional and State Organizations

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SPACE International
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Susan Peters
Unbound Now
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Shea Rhodes
Villanova Law Institute to Address Commercial Sexual Exploitation
Pennsylvania

Lauren Hersh
World Without Exploitation
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Carey Wong
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Lavinia Masters
Hope S.A.V.E.S.
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