# INDIANA REPORT CARD | 2019



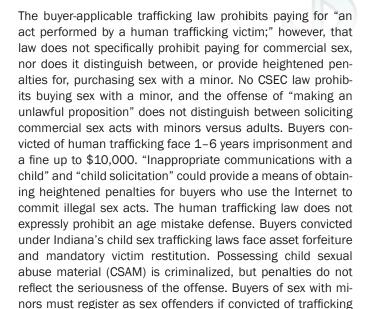
Indiana's human trafficking law does not require proof of force, fraud, or coercion when the victim is a minor, but third party control is required to establish the crime of sex trafficking. The prostitution law applies only to adults; however, lack of a specialized service response may leave some survivors underserved or disconnected from resources that are necessary to address trauma and promote healing.

Final Score	00	\$	2			P
Final Grade	10	15	15	4.5	22.5	15
В	10	25	15	10	27.5	15

### **Criminalization of Domestic Minor Sex Trafficking**

Indiana's human trafficking laws separately address sex trafficking of a minor without requiring proof of force, fraud, or coercion. Indiana prohibits commercial sexual exploitation of children (CSEC) under the "promoting prostitution" law. The prostitution law refers to Indiana's trafficking laws to provide an affirmative defense to victims of human trafficking, thereby acknowledging the intersection of prostitution with trafficking victimization. Indiana's racketeering law defines racketeering activity to include sex trafficking and CSEC offenses as predicate acts.

### **Criminal Provisions** for Demand



or possession of CSAM, but not if convicted of "making an un-

## **Criminal Provisions for Traffickers**

"Promotion of child sexual trafficking" and "Promotion of sexual trafficking of a younger child" are Level 3 felonies punishably by 3-20 years imprisonment and a fine up to \$10,000. "Child sexual trafficking" is a Level 2 felony punishable by 10-30 years imprisonment and a fine up to \$10,000. Traffickers also face prosecution under the state CSEC law, "Promoting prostitution." Creating CSAM is generally a felony punishable by a minimum of 1-6 years imprisonment and a fine up to \$10,000. The statutes on solicitation of a child under 16 and inappropriate communication with children provide a sentence enhancement to sexual offenses, which could reach traffickers who use the Internet to recruit minors for illegal sex acts. Traffickers convicted under Indiana's child sex trafficking laws face asset forfeiture and mandatory victim restitution. Traffickers must register as sex offenders if convicted of a trafficking or CSAM offense. Parental rights may be terminated on the ground that a child is adjudicated as a child in need of services, which includes child victims of Indiana's trafficking offenses, "child exploitation," "promoting prostitution," and "making an unlawful proposition."

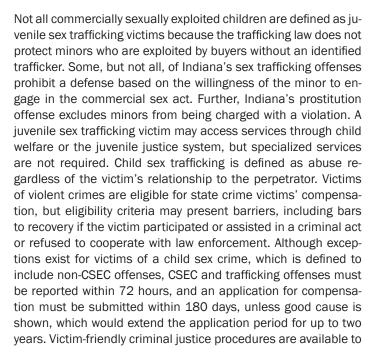
lawful proposition" even when a minor is involved.

#### **Criminal Provisions for Facilitators**

Indiana's trafficking laws do not include the crime of assisting, enabling, or financially benefitting from sex trafficking, limiting its impact on trafficking crimes. However, a common "nuisance" law holds facilitators liable for maintaining a property used for human or sex trafficking. The crime of "promoting prostitution" may apply to facilitators, and facilitators face mandatory restitution

under criminal gang activity, money laundering, and racketeering laws. Facilitators also face discretionary civil forfeiture of any assets purchased with proceeds of criminal activity, forfeiture of personal property, including vehicles, and forfeiture under "nuisance" laws for prostitution and trafficking offenses. No laws in Indiana address child sex tourism.

#### **Protective Provisions for the Child Victims**



sex trafficking victims, which prevent the release of identifying information and provide separate waiting rooms during trial. Child victims of trafficking under 14 may testify via closed-circuit television. However, the "rape shield" law is limited to victims of CSAM and non-CSEC offenses, leaving other CSEC victim-witnesses unprotected from re-traumatizing cross-examination at the trials of their traffickers. Indiana law allows child sex trafficking victims to vacate delinquency adjudications for any offense related to their victimization so long as the offense did not result in bodily injury to another person and the child was coerced or controlled by another person; juvenile records may be expunged without a waiting period under a general expungement statute. Criminal restitution is mandatory for victims of sex trafficking, and restitution may be awarded to other victims. Civil remedies are also provided for sex trafficking victims. No statute of limitation applies to prosecutions of "child sexual trafficking," but a ten year statute of limitations applies to all other prosecutions under the trafficking law. For civil claims based on damages from being trafficked, a two year statute of limitations begins to run upon the offender's criminal conviction. The statute of limitations for civil claims based on child sexual abuse is also lengthened.

### **Criminal Justice Tools for Investigation and Prosecution**

Training on trafficking is mandated for law enforcement and police reserve officers. Single party consent to audiotaping is permitted, and wiretapping is allowed in investigations for sex trafficking, but not for CSAM or prostitution-related offenses. "Promotion of child sexual trafficking — Promotion of sexual trafficking of a younger child" expressly prohibits a defense based

on the use of a law enforcement decoy posing as a minor to investigate this crime. Similarly, criminal solicitation laws authorize the use of a decoy or the Internet in sex trafficking investigations. Indiana has established a statewide reporting and response system for missing children and requires the reporting of missing and located children.

The Report Card is based on the Protected Innocence Challenge Legislative Framework, an analysis of state laws performed by Shared Hope International, and sets a national standard of protection against domestic minor sex trafficking. To access the Protected Innocence Challenge Legislative Framework Methodology, all state Report Cards, and foundational analysis and recommendations, please visit: www.sharedhope.org/reportcards.