# PROTECTED INNOCENCE CHALLENGE

STATE ACTION, NATIONAL CHANGE,

# 2016 National Mid-Year Legislative Progress Report

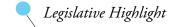
The fifth annual Protected Innocence Challenge report released on November 11, 2015 reflected substantial improvements in state legislative responses to domestic minor sex trafficking. For the first time, no state received a failing grade! However, the report also revealed remaining gaps that permit the sexual exploitation of children for profit. The Protected Innocence Challenge examines six areas of law surrounding domestic minor sex trafficking resulting in a comprehensive analysis of each state's statutory scheme. Starting with the inaugural release in 2011, the Protected Innocence Challenge calls all states to improve their laws in order to bring national change.

Legislative changes introduced and enacted so far this year continue to answer this call for change. Strong momentum in the 2016 session addressing domestic minor sex trafficking reflects the efforts of advocates and state legislators across the country who are using the Protected Innocence tools and responding to the challenge to fix legislative gaps that allow trafficked children to remain vulnerable, unidentified and deprived of vital services and justice. This year's legislative season shows a growing movement to ensure that child victims do not face criminal penalties for their own victimization. As of August 1, 2015, 14 states and the District of Columbia had passed laws that prohibit children from being prosecuted for prostitution offenses. During the 2016 session, at least 12 more states have enacted or are considering legislation that eliminates criminal liability for minors under state prostitution laws. States are also increasing other victim protections through extended timelines to commence prosecutions and civil cases against trafficking perpetrators, and expanding avenues to services.

# Since August 1, 2015:

- Shared Hope tracked **1,132** bills in **46** states that relate to juvenile sex trafficking.
- 45 states considered bills that impact the Protected Innocence Challenge framework.

Statistics are based on Congressional Quarterly StateTrack report summarized on April 15, 2016.



#### CRIMINALIZATION OF DOMESTIC MINOR SEX TRAFFICKING

#### California

Pending legislation adds human trafficking to the list of offenses which contribute to establishing a "pattern of criminal gang activity."

# New York

Pending bills would eliminate the requirement to prove force, fraud or coercion when the victim of sex trafficking is a minor, bringing New York's trafficking law in line with 47 other state laws and federal law.

# Alabama

Proposed legislation establishes a racketeering law that includes human trafficking as a predicate offense, providing prosecutors with an important tool to combat criminal enterprises engaging in child sex trafficking.

# Hawaii

Pending legislation would establish Hawaii's first law specifically criminalizing sex trafficking, without requiring force, fraud, or coercion when the victim is a minor.

# Louisiana

Proposed legislation expands protections for young adult victims of sex trafficking by eliminating the need to prove force, fraud or coercion when the victim of sex trafficking is under 21 years of age.

# Wisconsin

Enacted legislation amends the human trafficking law to clarify that buyers of sex with minors are sex trafficking offenders.

# engaging in commercial sex acts with a child.

Enacted legislation establishes new CSEC offenses and

heightened penalties for

**New York** 

# New Hampshire

Pending legislation amends the sex trafficking law to make it a crime to buy sex with a child.

# Illinois

Under pending legislation, buyers of sex with minors could face asset forfeiture if convicted of certain offenses involving use of the Internet to commit sex offenses.

## Indiana

Pending legislation creates a felony CSEC offense for paying for commercial sex acts with a child.

#### Oklahoma

Proposed legislation increases protections for older minors by expanding the felony CSEC offense to reach all buyers, including those who buy sex with a 16 or 17 year old.

#### **CRIMINAL PROVISIONS FOR TRAFFICKERS**

# Wyoming

Legislation is being considered to subject property used in the commission of human trafficking crimes to asset forfeiture.

# Virginia

Recently enacted legislation subjects traffickers to civil liability by allowing human trafficking victims to sue their abusers in court.

#### Hawaii

Traffickers would face sex trafficking charges for advancing or profiting from prostitution of a child under pending legislation that establishes Hawaii's first sex trafficking law.

#### **Al**abama

Traffickers could face forfeiture under pending legislation that establishes a racketeering law and includes human trafficking as a predicate offense.



# Arizona

Enacted legislation adds "providing a means by which a child engages in prostitution" as a violation of the CSEC law.

## **Virginia**

Recently enacted legislation allows human trafficking victims to sue their abusers in court, subjecting facilitators to civil liability for violations of CSEC laws.

#### Rhode Island

Pending legislation establishes liability for business entities that knowingly benefit from human trafficking conduct by an employee or agent.

# Hawaii

Under pending legislation that establishes Hawaii's first sex trafficking law, facilitators who advance or profit from prostitution of a child would face sex trafficking charges.

## PROTECTIVE PROVISIONS FOR CHILD VICTIMS

Since August 1, 2015, at least 12 states have enacted or considered bills that include non-criminalization of minors for prostitution offenses:

Enacted: Florida, Utah, North Carolina (expanded existing non-criminalization)

**Pending:** Alabama, Alaska (must be a cooperating trafficking victim), California, Connecticut, Pennsylvania, Rhode Island (under 16)

Failed to pass: Indiana, Wisconsin, West Virginia

#### Delaware

Enacted legislation that specifically lists human trafficking as an offense for which hearsay evidence is allowed by a child witness under 11 years old.

#### Virginia

Recently enacted legislation affords trafficking victims access to justice by allowing them to bring civil lawsuits against their perpetrators.

#### Colorado

Pending legislation would expand the definition of "abuse and neglect" and require that child protective services serve juvenile sex trafficking victims.

#### Oklahoma

Pending legislation proposes removing time limits for initiating civil and criminal human trafficking actions.



# **CRIMINAL JUSTICE TOOLS FOR INVESTIGATION AND PROSECUTION**



#### Michigan

A pending bill establishes a new wiretapping law that includes investigation of human trafficking offenses as grounds for permitting use of a wiretap.

#### Minnesota

A pending bill requires child welfare to promptly report to law enforcement when a child in care is missing, or if a child is believed to be a sex trafficking victim or at risk of sex trafficking.

## Pennsylvania

Pending legislation requires county child welfare agencies to promptly report to law enforcement when a child in care is missing or is believed or known to be a sex trafficking victim.

#### Massachusetts

Pending legislation would expand availability of wiretap orders for human trafficking investigations by eliminating the requirement that the offense have a nexus with organized crime.

#### **New Jersey**

Pending legislation authorizes wiretapping in investigations of human trafficking and commercial sexual exploitation of children offenses.

To find your state Report Card, track pending bills, download advocacy tools, contact your representative and take action on important advocacy initiatives, please visit: sharedhope.org/policy

