

PROTECTED INNOCENCE CHALLENGE

STATE ACTION. NATIONAL CHANGE.

August 2012 - January 2013 Progress Report

The second annual Protected Innocence Challenge report released on November 29, 2012 revealed substantial improvements in state legislative responses to domestic minor sex trafficking, as well as the gaps that remain and allow children to be sexually exploited for profit. The comprehensive analysis of each state's existing laws was based on six areas of law critical to protecting children from and responding to domestic minor sex trafficking. Starting with the inaugural release in 2011, the Protected Innocence Challenge has been a call for state action to bring national change. Now, in the second quarter following completion of the Protected Innocence Framework analysis for 2012, the legislative change already accomplished during the 2013 session demonstrates that the call for change was answered. Strong momentum in the 2013 session to address domestic minor sex trafficking reflects the efforts of advocates across the country who used the Protected Innocence tools to press for change, and the state legislators who responded to the challenge and introduced laws to fix the gaps that allow trafficked children to remain vulnerable, unidentified and deprived of vital services and justice. Not only have a majority of states introduced legislation relating to domestic minor sex trafficking, but several states introduced comprehensive legislation impacting two of the weakest areas of law addressed by the Protected Innocence Framework—demand and protective provisions for child victims.

Since August 1, 2012:

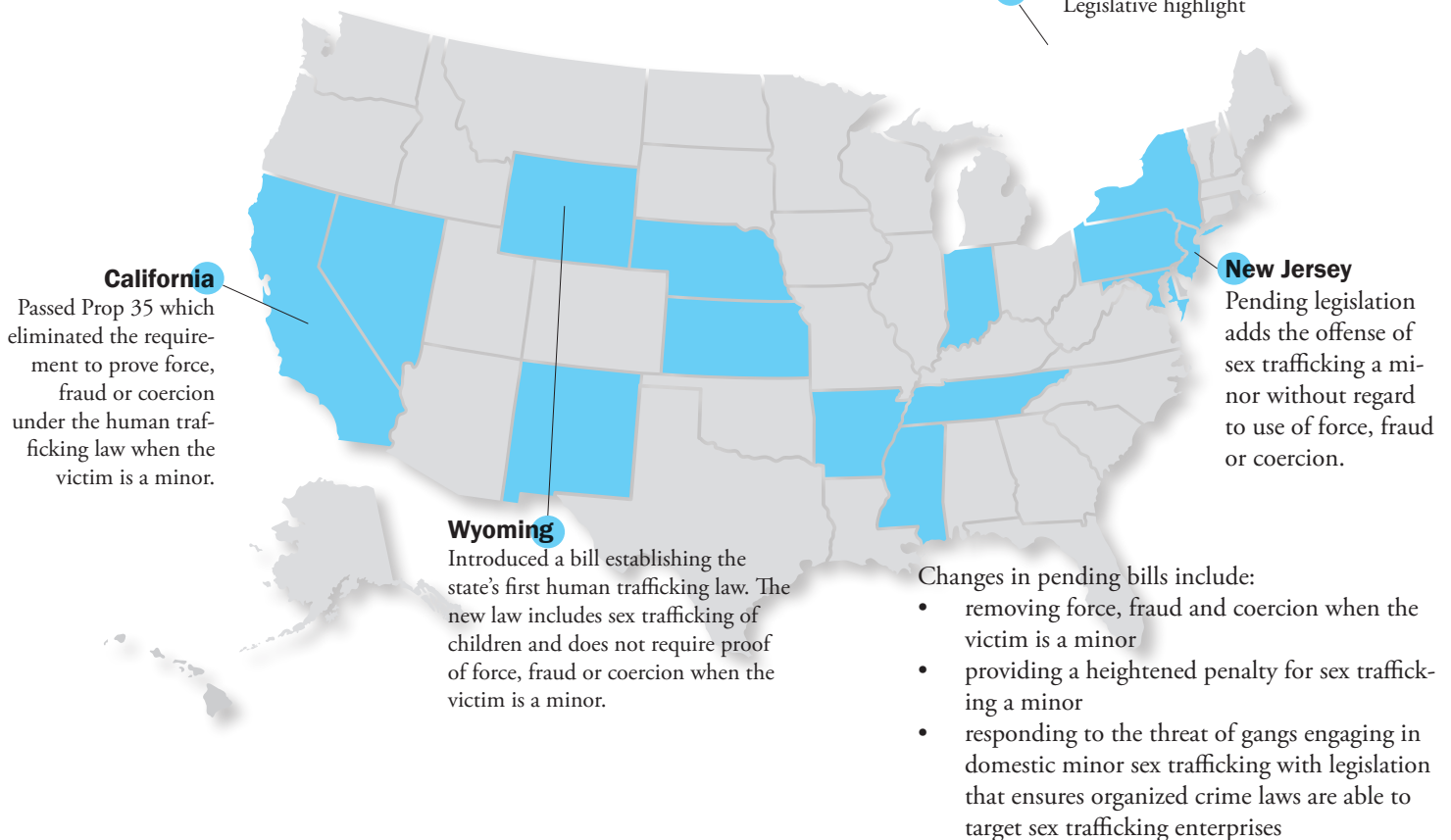
- 279 state bills were introduced that relate to domestic minor sex trafficking.
- 5 bills and a ballot initiative passed that relate to the Protected Innocence Framework.
- Legislation related to the Protected Innocence Framework was introduced in 27 states.

Statistics are based on Congressional Quarterly StateTrack report summarized on January 31, 2013.

Highlighted states have pending or passed legislation related to the Protected Innocence Framework as of January 31, 2013.

Legislative highlight

CRIMINALIZATION OF DOMESTIC MINOR SEX TRAFFICKING



CRIMINAL PROVISIONS ADDRESSING DEMAND

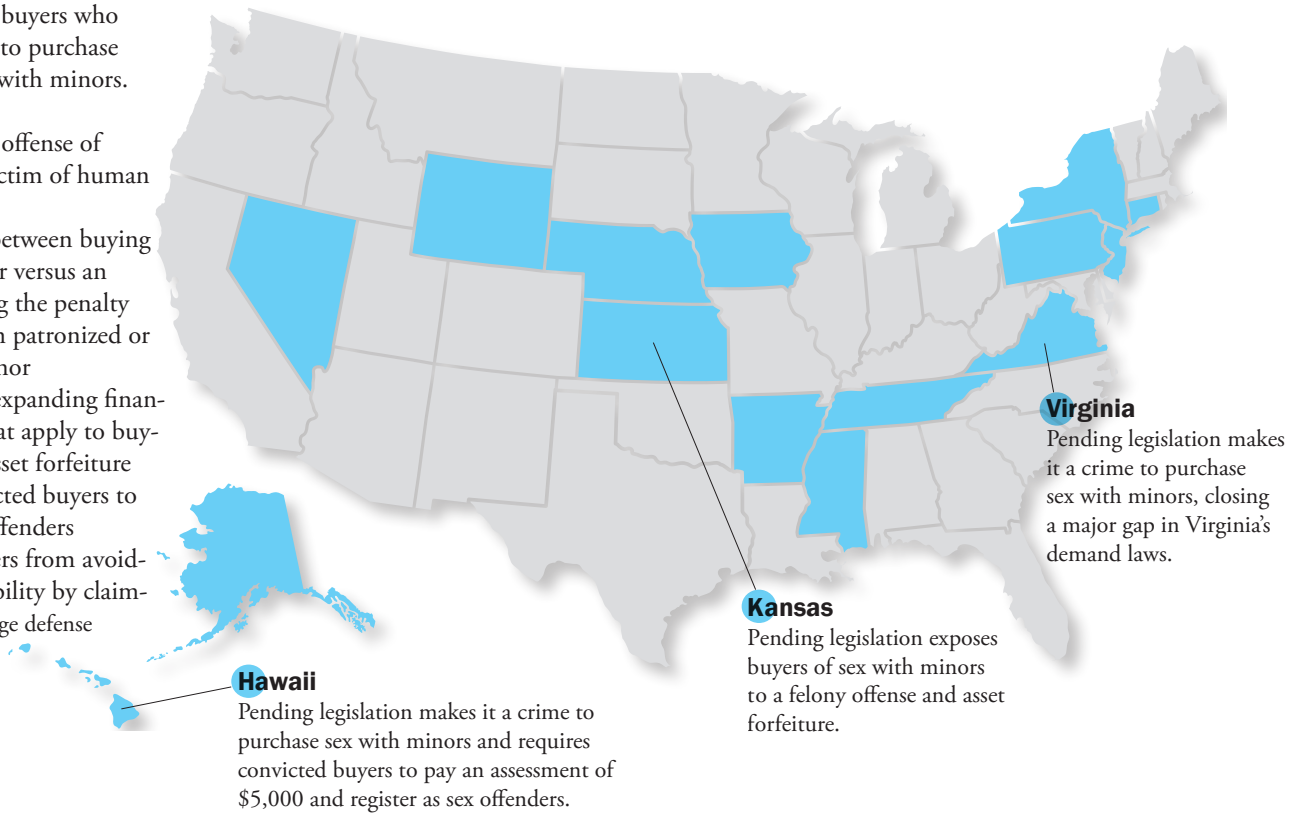
Pending or passed legislation related to child sex trafficking

Legislative highlight

Pending legislation shows an important shift in focus toward criminalizing the conduct of buyers who purchase or attempt to purchase commercial sex acts with minors.

Changes include:

- establishing the offense of patronizing a victim of human trafficking
- distinguishing between buying sex with a minor versus an adult and raising the penalty when the person patronized or solicited is a minor
- establishing or expanding financial penalties that apply to buyers, including asset forfeiture
- requiring convicted buyers to register as sex offenders
- preventing buyers from avoiding criminal liability by claiming a mistake of age defense

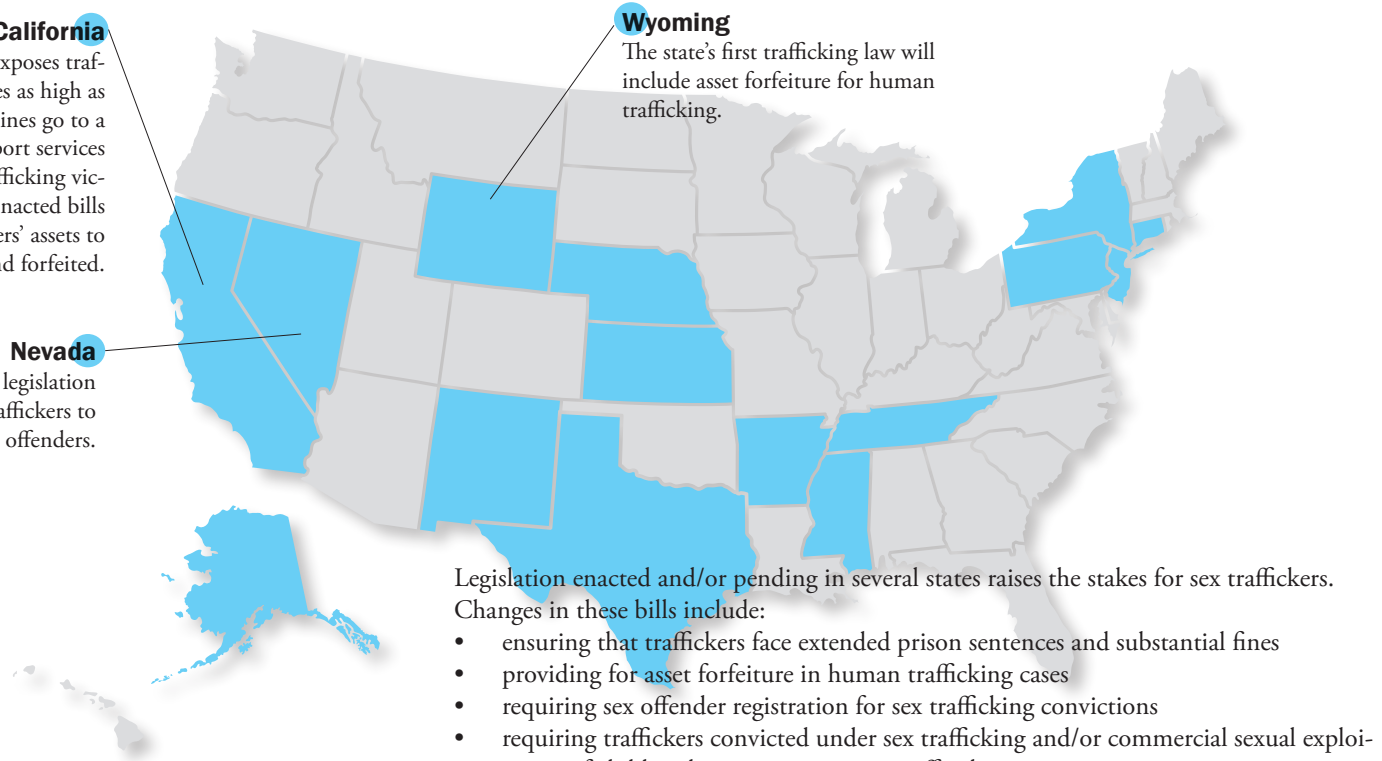


CRIMINAL PROVISIONS FOR TRAFFICKERS

California
Prop 35 exposes traffickers to fines as high as \$1,000,000. Fines go to a fund to support services for human trafficking victims. Other enacted bills allow traffickers' assets to be seized and forfeited.

Nevada
Pending legislation requires traffickers to register as sex offenders.

Wyoming
The state's first trafficking law will include asset forfeiture for human trafficking.



Legislation enacted and/or pending in several states raises the stakes for sex traffickers. Changes in these bills include:

- ensuring that traffickers face extended prison sentences and substantial fines
- providing for asset forfeiture in human trafficking cases
- requiring sex offender registration for sex trafficking convictions
- requiring traffickers convicted under sex trafficking and/or commercial sexual exploitation of children laws to register as sex offenders
- allowing a trafficker's parental rights to be terminated if convicted of human trafficking or commercial sexual exploitation of children offenses

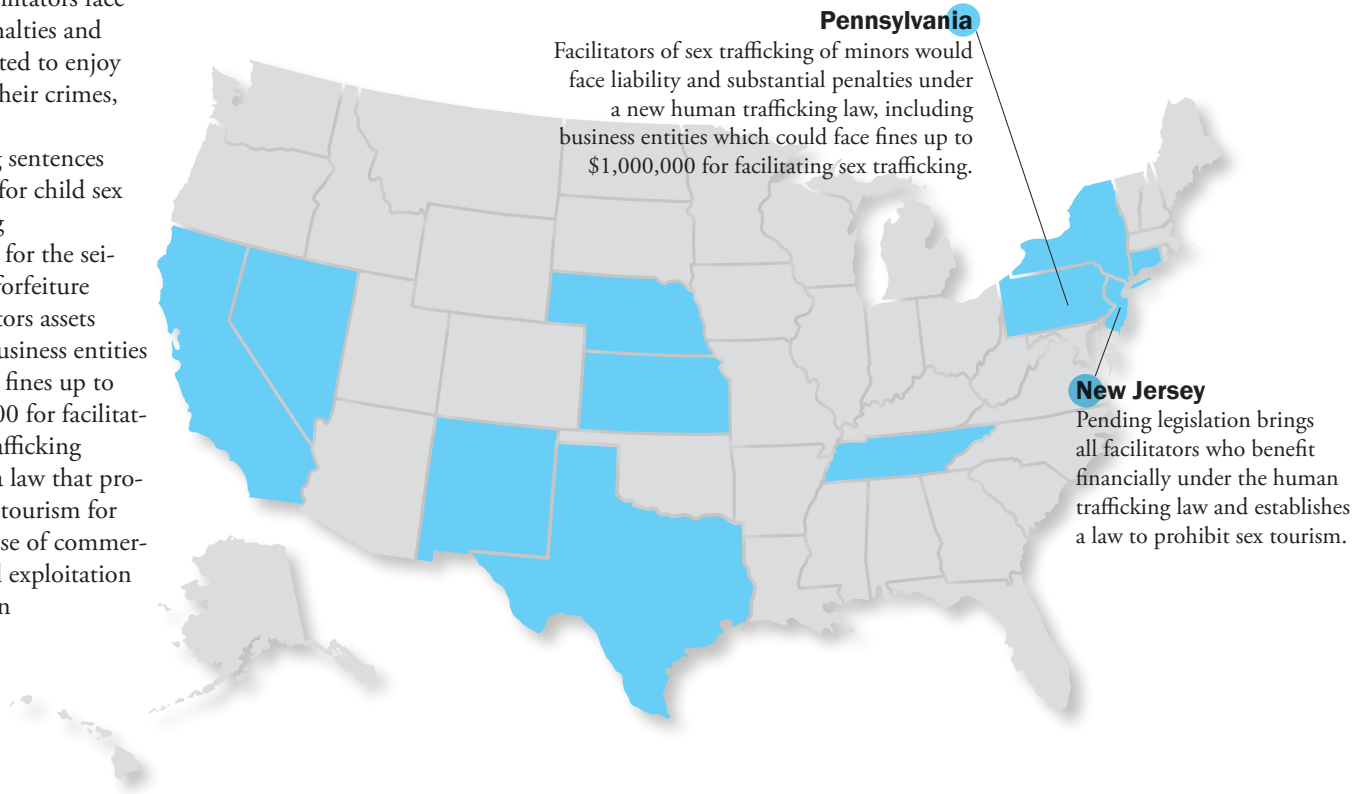
CRIMINAL PROVISIONS FOR FACILITATORS

Pending or passed legislation related to child sex trafficking

Legislative highlight

Enacted and pending bills ensure that facilitators face substantial penalties and are not permitted to enjoy the profits of their crimes, including:

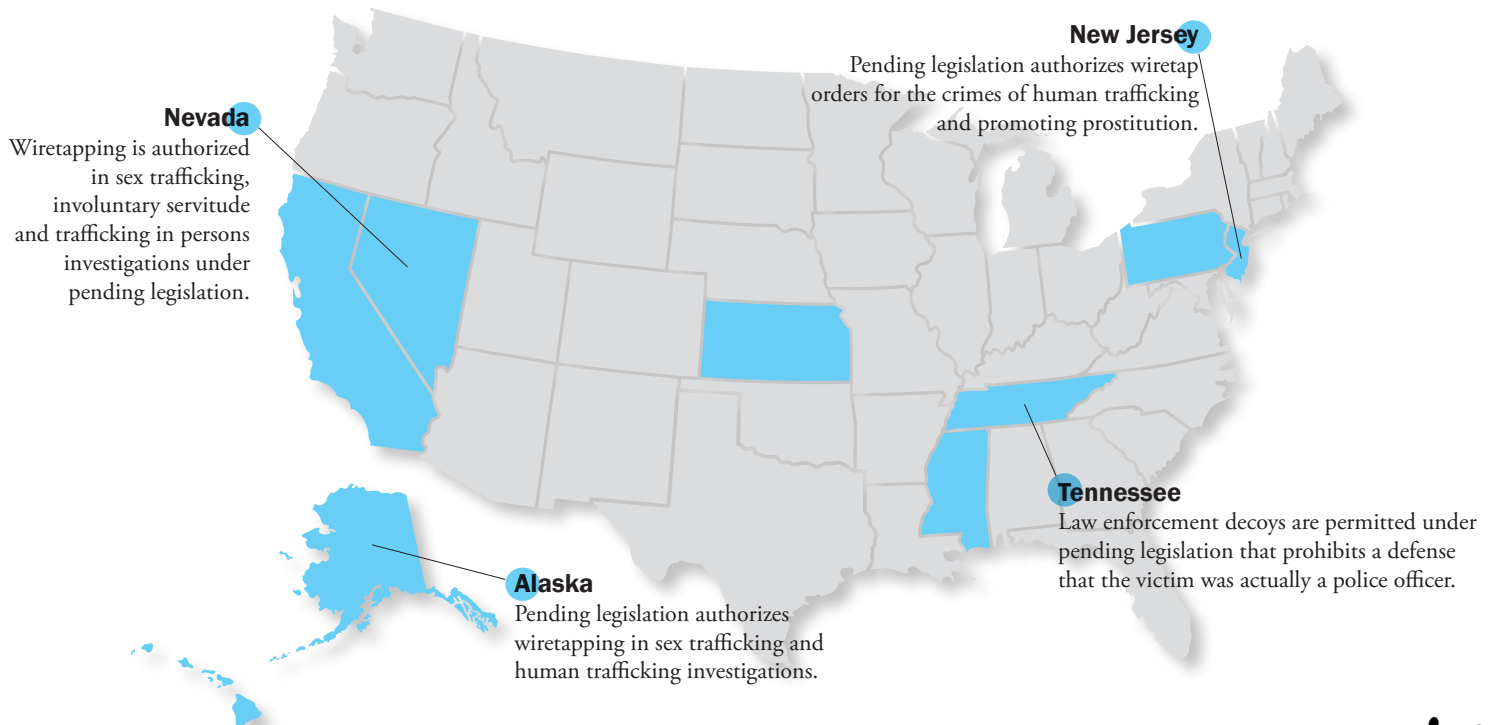
- increasing sentences and fines for child sex trafficking
- providing for the seizure and forfeiture of facilitators assets
- making business entities subject to fines up to \$1,000,000 for facilitating sex trafficking
- enacting a law that prohibits sex tourism for the purpose of commercial sexual exploitation of children

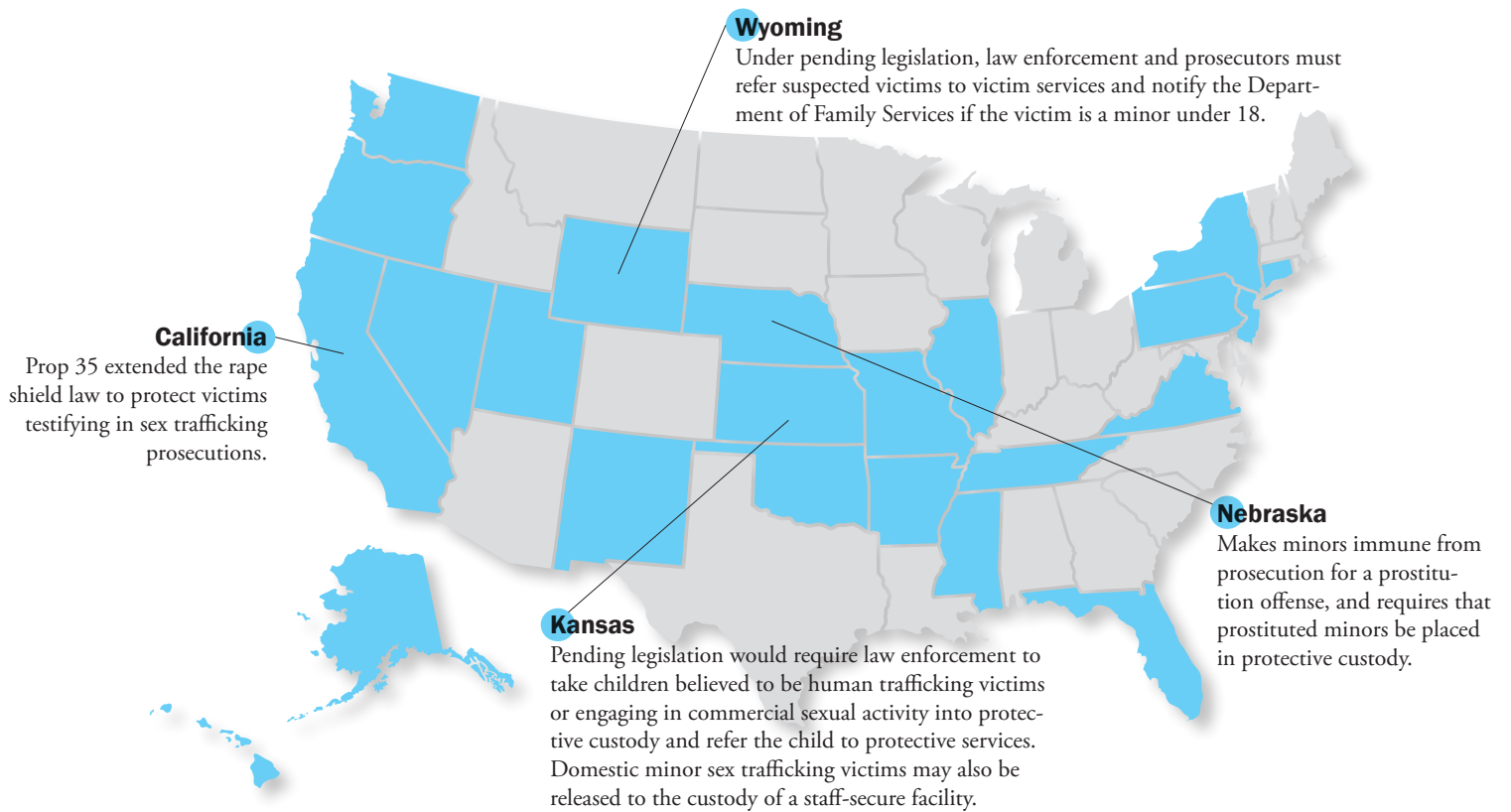


CRIMINAL JUSTICE TOOLS FOR INVESTIGATION AND PROSECUTION

Legislation pending in several states expands the tools available for investigating and prosecuting domestic minor sex trafficking, including:

- permitting wiretapping in investigations of human trafficking and commercial sexual exploitation of children offenses
- authorizing training on human trafficking for law enforcement
- specifically prohibiting a defense based on use of a law enforcement decoy or undercover operative in human trafficking investigations





Legislators across the country introduced a range of measures designed to improve protections for domestic minor sex trafficking victims, including:

- protective processes that direct minors away from the juvenile delinquency process and into specialized services, and in some cases, specialized housing
- amending child abuse definitions to require reporting of child abuse when a child is a suspected victim of human trafficking or commercial sexual exploitation
- providing that a minor under 18 is immune from prostitution charges and directing law enforcement to refer the child to protective services
- establishing a defense to prostitution charges based on age or status as a victim of human trafficking
- allowing law enforcement to take a child engaging in prostitution into protective custody and release that child to a specialized shelter for commercially sexually exploited children
- establishing staff-secure facilities designed to create a comfortable therapeutic environment for domestic minor sex trafficking victims
- establishing victims of human trafficking funds, all or part of which must be used to pay for victim services
- removing the term “prostitute” from the prostitution-related laws, preventing use of this stigmatizing term to refer to victims
- establishing a presumption under the prostitution law that a minor aged 16 or 17 who engages in prostitution was coerced to commit the offense as a victim of human trafficking
- defining “victim” for purposes of victim compensation to include trafficking victims
- extending or eliminating the statute of limitations for commencing sex trafficking prosecutions and/or actions brought by victims for civil damages
- protecting the identity of human trafficking victims and their families

To find your state Report Card, track pending bills, download advocacy tools, contact your representative and take action on important advocacy initiatives, please visit: <http://sharedhope.org/what-we-do/>