

State Law Survey: Impact of Third Party Control Requirement

Key factors impacting whether all CSEC victims will be defined as victims of sex trafficking:¹

State	When the victim is a minor, force, fraud or coercion is...	Sex trafficking law provides criminal liability for buyers of sex with minors... ²	Establishing the crime of sex trafficking, third party control is...
Alabama	Required	Yes*	Not Required
Alaska	Not Required	No	Required
Arizona	Not Required	Yes*	Not Required
Arkansas	Not Required	Yes***	Not required
California	Not Required	No	Required
Colorado	Not Required	Yes*	Not Required
Connecticut ³	Not Required	No	Required
Delaware	Not Required	Yes	Required
DC	Not Required	Yes*	Not Required
Florida	Not Required	Yes*	Not Required
Georgia	Not Required	Yes*	Not Required
Hawaii	No sex trafficking law	N/A	N/A
Idaho	Not Required	Yes	Not required
Illinois	Not Required	Yes*	Not required
Indiana	Not Required	Yes	Required
Iowa	Not Required	Yes	Not Required
Kansas	Not Required	Yes*	Not Required
Kentucky	Not Required	Yes*	Not Required
Louisiana	Not Required	Yes**	Not Required
Maine	Not Required	No	Required
Maryland	Not Required	No	Required
Massachusetts	Not Required	Yes	Not Required
Michigan	Not Required	Yes* ⁴	Not Required
Minnesota	Not Required	No	Required
Mississippi	Not Required	Yes	Not Required
Missouri	Not Required	Yes*	Not Required

¹ Evaluations of state laws are based on legislation enacted as of August 1, 2015.

² Responses with a single asterisk (*) indicate applicability to buyers following the precedent in *United States v. Jungers*, 702 F.3d 1066 (8th Cir. 2013). Responses with a double asterisk (**) indicate that the sex trafficking law aligns with the federal sex trafficking law (18 U.S.C. § 1591(a)) as amended by the Justice for Victims of Trafficking Act (JVTA) of 2015 Pub. L. No. 114-22, 129 Stat 227, by including purchase, pay or solicit as prohibited conduct. Responses with a triple asterisk indicate applicability to buyers following the precedent in *Jungers* as well as a separate provision that specifically reaches buyers. Except where indicated otherwise, responses are based on 2014 Protected Innocence Challenge analysis. See <http://sharedhope.org/what-we-do/bring-justice/reportcards/>.

³ See Enacted House Bill 6849 (2015). Connecticut also requires more than one occurrence of sexual contact with a third party to constitute sex trafficking.

⁴ See Enacted House Bill 5234 (2015).

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Montana	Not Required	Yes*** ⁵	Not Required
Nebraska	Not Required	Yes	Not Required
Nevada	Not Required	Yes*	Not Required
New Hampshire	Not Required	No	Required
New Jersey	Not Required	Yes*	Not Required
New Mexico	Not Required	Yes*	Not Required
New York	Required	No	Required
North Carolina	Not Required	Yes	Not Required
North Dakota	Not Required ⁶	Yes	Required
Ohio	Not Required ⁷	No	Required
Oklahoma	Not Required	Yes**	Not Required
Oregon	Not Required ⁸	Yes*	Not Required
Pennsylvania	Not Required	Yes*	Not Required
Rhode Island	Not Required	Yes**	Not Required
South Carolina	Not Required ⁹	Yes**	Not Required
South Dakota	Required	Yes*	Not Required
Tennessee	Not Required	Yes**	Not Required
Texas	Not Required	Yes	Not Required
Utah	Not Required ¹⁰	Yes*	Not Required
Vermont	Not Required	Yes***	Not Required
Virginia¹¹	Not Required	No	Required
Washington	Not Required	Yes**	Not Required
West Virginia	Not Required	Yes* ¹²	Not Required
Wisconsin	Not Required	Yes*	Not Required
Wyoming	Not Required	Yes	Required
Total states w/ barriers to identifying all CSEC as sex trafficking victims	3 states require proof of force, fraud or coercion 1 state has no sex trafficking law	11 state sex trafficking laws do not apply to the conduct of buyers	14 states require third party control to establish the crime of sex trafficking

⁵ See Enacted House Bill 89 (2015).

⁶ See Enacted House Bill 2107 (2015).

⁷ Ohio's human trafficking law eliminates the requirement to prove force, fraud or coercion when the victim is under 16 years of age or the victim is 16 or 17 and the defendant is in a position of authority or trust as described in Ohio Rev. Code Ann. § 2907.3(A)(5), (6), (7), (8), (9), (10), (11), (12), or (13).

⁸ Oregon's human trafficking law eliminates the requirement to prove force, fraud, or coercion when the victim is under 15 years of age.

⁹ See Enacted Senate Bill 196 (2015).

¹⁰ See Enacted House Bill 252 (2015).

¹¹ See Enacted House Bill 1964 and Enacted Senate Bill 1188 (2015).

¹² However, West Virginia's human trafficking law requires that two or more persons must be trafficked to establish the offense.