

PROTECTED INNOCENCE CHALLENGE

STATE ACTION. NATIONAL CHANGE.

Issue Brief

SECTION 5.1

Area of Law

Protective Provisions for the Child Victims

The Policy Point

Statutorily-mandated victim services define “victim” to specifically include victims of domestic minor sex trafficking or commercial sexual exploitation of children (CSEC) to ensure prompt identification and access to victims’ rights and services.

The Legislative Solution

Child victims of sex trafficking often continue to be viewed as juvenile delinquents instead of victims due to the unique nature of their exploitation and injuries. These children must expressly be defined as victims under state law to ensure them access to crime victims’ compensation, court protections, and various programs designed to protect and respond to victims of sexual crimes. Changing the language in state and federal laws to ensure that commercially sexually exploited children are deemed victims will lead to improved identification of these minors as victims. With improved identification, these victims’ unique injuries and criminal backgrounds can be recognized as indicators of their exploitation rather than barriers to victims’ rights and services.

Select Statute Highlights

Colorado

For purposes of Colorado’s laws relating to restitution, Colo. Rev. Stat. Ann. § 18-1.3-602(4)(e) (Definitions) states, “Notwithstanding any other provision of this section, ‘victim’ includes a person less than eighteen years of age who has been trafficked by an offender, as described in section 18-3-502 [Trafficking in children], or coerced into involuntary servitude, as described in section 18-3-503 [Coercion of involuntary servitude].”

Iowa

For purposes of the Victim’s Rights chapter, Iowa Code § 915.35(1) (Child victim services) defines a “victim” as a “a minor under the age of eighteen who has been sexually abused or subjected to any other unlawful sexual conduct under chapter 709 [Sexual abuse], 710A [Human trafficking] or 726 [Protection of the family and dependent persons] or who has been the subject of a forcible felony.”

Louisiana

La. Stat. Ann. § 46:1842 (Definitions) for La. Stat. Ann. Title 46 (Public welfare and assistance), Chapter 21-B (Rights of crime victims and witnesses) defines the following: “(1.1) ‘Crime victim who is a minor’ means a person under the age of eighteen against whom

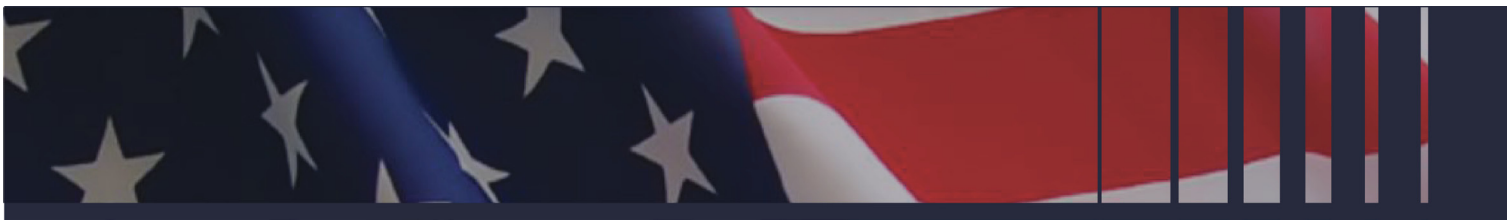
any of the following offenses have been committed: (a) Any homicide, or any felony offense defined or enumerated in R.S. 14:2(B) [Definitions] [which includes La. Stat. Ann. § 14:46.3 (Trafficking of children for sexual purposes)], (b) Any sexual offense. . . .”

Minnesota

Minn. Stat. Ann. § 609.321(7b) (Sex trafficking victim) defines “sex trafficking victim” as “a person subjected to the practices in subdivision 7a,” which defines “sex trafficking” as “(1) receiving, recruiting, enticing, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual; or (2) receiving profit or anything of value, knowing or having reason to know it is derived from an act described in clause (1).”

Texas

Tex. Code Crim. Proc. Ann. art. 56.01(3) (Definitions), which provides definitions applicable to Chapter 56 (Rights of crime victims), defines a “victim” as “a person who is the victim of the offense of sexual assault, kidnapping, aggravated robbery, trafficking of persons, or injury to a child, elderly individual, or disabled individual or who has suffered personal injury or death as a result of the criminal conduct of another.”



Washington

Wash. Rev. Code §13.40.219 (Arrest for prostitution or prostitution loitering—Alleged offender—Victim of severe form of trafficking, commercial sex abuse of a minor) specifies that “in any proceeding under this chapter [Juvenile Justice Act of 1977] related to an arrest for prostitution or prostitution loitering, there is a presumption that the alleged offender meets the criteria for a certification as a victim of a severe form of trafficking in persons as defined in section 7105 of Title 22 of the United States code [Trafficking Victims Protection Act of 2000, as amended], and that the alleged offender is also a victim of commercial sex abuse of a minor.”

Wisconsin

Wis. Stat. § 949.01(6) (Definitions—Crime Victim Compensation) defines “victim” as “a person who is injured or killed . . . by any act or omission of any other person that is within the description of any of the offenses listed in s. 949.03(1)(b)” The offenses listed under Wis. Stat. § 949.03(1)(b) (Compensable acts) include § 948.05 (Sexual exploitation of a child), § 948.051 (Trafficking of a child), § 948.07 (Child enticement), §948.075 (Use of a computer to facilitate a child sex crime), § 948.08 (Soliciting a child for prostitution).

Issues Briefs are derived from the 41 legal components contained in the Protected Innocence Legislative Framework, an analysis of state laws performed by Shared Hope International, under the Protected Innocence Challenge. This initiative is designed to set a national standard of protection against domestic minor sex trafficking.

To access the Protected Innocence Legislative Framework Methodology, and Report Cards, foundational analysis and recommendations for each state, please visit: www.sharedhope.org.

