

<p>Area of Law</p>	<p>Protective Provisions for the Child Victims</p>
<p>The Policy Point</p>	<p>Statutes of limitations for civil and criminal actions for child sex trafficking or commercial sexual exploitation of children (CSEC) offenses are eliminated or lengthened sufficiently to allow prosecutors and victims a realistic opportunity to pursue criminal action and legal remedies.</p>
<p>The Legislative Solution</p>	<p>The effect of sex trafficking on a child is traumatic, potentially long-lasting, and is extremely injurious to the person; it is a hidden crime as well. For these reasons the statutes of limitations on criminal and civil actions for child sex trafficking and CSEC crimes should be lengthened or eliminated. It is important to allow victims full access to justice in both civil and criminal forums, and to provide adequate time for law enforcement and prosecutors to discover, investigate and develop cases for successful prosecution.</p>

Select Statute Highlights

Alaska

Alaska Stat. § 12.10.010 (General time limitations) provides that prosecutions for “felony sexual abuse of a minor”, violations of Alaska Stat. §§ 11.66.110–11.66.130 (Promoting prostitution in the first through fourth degrees), § 11.41.452 (Online enticement of a minor) or § 11.41.455 (Unlawful exploitation of a minor) when committed against a person who, at the time of the offense, was under 18 years of age, distribution of child pornography in violation of § 11.61.125, sex trafficking in violation of §§ 11.66.110–11.66.130 (Sex trafficking in the first through third degrees) that is an unclassified, class A, or class B felony or that is committed against a person who, at the time of the offense, was under 20 years of age, and human trafficking in violation of §§ 11.41.360 or 11.41.365 (Human trafficking in the first and second degrees) may be brought at any time.

For civil actions, Alaska Stat. § 09.10.065(a) (Commencement of actions for acts constituting sexual offenses) provides that “(a) A person may bring an action at any time for conduct that would have, at the time the conduct occurred, violated provisions of any of the following offenses: (1) felony sexual abuse of a minor; (2) felony sexual assault; (3) unlawful exploitation of a minor; (4) felony sex trafficking; or (5) felony human trafficking.”

Arizona

Ariz. Rev. Stat. Ann. § 13-107(A) (Time limitations) provides that a prosecution for any offense under Chapter 35.1 (Sexual exploitation of children) that is a Class 2 felony may be commenced at any time. Under Chapter 35.1, § 13-3552 (Commercial sexual exploitation of a minor; classification) states, “A. A person commits commercial sexual exploitation of a

minor by knowingly: 1. Using, employing, persuading, enticing, inducing or coercing a minor to engage in or assist others to engage in exploitive exhibition or other sexual conduct for the purpose of producing any visual depiction or live act depicting such conduct, 2. Using, employing, persuading, enticing, inducing or coercing a minor to expose the genitals or anus or the areola or nipple of the female breast for financial or commercial gain, 3. Permitting a minor under the person’s custody or control to engage in or assist others to engage in exploitive exhibition or other sexual conduct for the purpose of producing any visual depiction or live act depicting such conduct, 4. Transporting or financing the transportation of any minor through or across this state with the intent that the minor engage in prostitution, exploitive exhibition or other sexual conduct for the purpose of producing a visual depiction or live act depicting such conduct.”

Colorado

Pursuant to Colo. Rev. Stat. § 16-5-40(1)(a) (Limitation for commencing criminal proceedings and juvenile delinquency proceedings) there is no time limit for commencing a prosecution for “any sex offense against a child” or “attempt, conspiracy, or solicitation to commit any sex offense against a child,” defined in subsection (c)(IV) by reference to the § 18-3-411(1) definition of “unlawful sexual offense,” which includes “trafficking in children, as described in section 18-3-502; sexual exploitation of a child, as described in section 18-6-403; procurement of a child for sexual exploitation, as described in section 18-6-404; . . . soliciting for child prostitution, as described in section 18-7-402; pandering of a child, as described in section 18-7-403; procurement of a child, as described in section 18-7-403.5; keeping a place of child prostitution, as described in section 18-7-404; pimping of a child, as described in section 18-7-405; inducement of child prostitution, as described in section 18-7-405.5; patronizing a prostituted child, as described in section 18-7-

406; class 4 felony internet luring of a child, as described in section 18-3-306 (3); internet sexual exploitation of a child, as described in section 18-3-405.4; or criminal attempt, conspiracy, or solicitation to commit any of the acts specified in this subsection (1).”

Texas

Tex. Code Crim. Proc. Ann. Art. 12.01(1)(G),(H) eliminates the statute of limitations for prosecutions of Tex. Penal Code Ann. § 20A.02(a)(7),(8) (Trafficking of persons) and § 20A.03 (Continuous trafficking of persons). Tex. Code Crim. Proc. Ann. Art. 12.01(2)(G),(H) imposes a 10 year statute of limitations on prosecutions for trafficking under Tex. Penal Code Ann. § 20A.02(1),(2),(3), or (4) and § 43.05(a)(1) (Compelling prostitution), except subsection (6)(A),(C) provides that where the victim was under 18 at the time of the offense, then prosecutions for Tex. Penal Code Ann. § 20A.02(5), (6) (Trafficking of persons) and § 43.05(a)(2) (Compelling prostitution) may be brought within “ten years from the 18th birthday of the victim of the offense.” Tex. Code of Crim. Proc. Ann. Art. 12.01(5) states a 20-year statute of limitations (from the victim’s 18th birthday) if the victim is younger than 17 at the time of the offense of sexual performance of a child (Tex. Penal Code Ann. § 43.25) or aggravated kidnapping “with the intent to violate or abuse the victim sexually.”

Tex. Civ. Prac. & Rem. Code Ann. § 16.0045 (Five-year limitations period) extends the standard two year statute of limitations for civil actions to five years for injuries resulting from Tex. Penal Code § 22.011 (Sexual assault), § 22.021 (Aggravated sexual assault), § 21.02 (Continuous sexual abuse of young child), § 20A.02 (Trafficking of persons), or § 43.05 (Compelling prostitution).