

Area of Law	Protective Provisions for the Child Victims
The Policy Point	Victim-friendly procedures and protections are provided in the trial process for minors under 18.
The Legislative Solution	States should enact laws that provide protections for domestic minor sex trafficking victims in the trial process. A victim-friendly justice system will reduce the trauma experienced by commercially sexually exploited children and will foster successful participation of the victim in the justice system. Examples of such victim-friendly procedures include: (1) court appointed attorneys; (2) victim witness coordinators; (3) security and confidentiality of identifying information about the victim; (4) closed courtrooms for minor victim testimony; (5) closed circuit testimony; and (6) application of the “rape shield” law to reduce the trauma of cross-examination related to prior sexual conduct. The statutes enacted by states must have an adequate focus on all victims of sexual exploitation or abuse to ensure equal protection for those minors who pursue prosecution of their trafficker under a range of criminal laws.

Select Statute Highlights	
California	<p>Minnesota</p> <p>Pursuant to Minn. Stat. Ann. §§ 631.045, 631.046, subd. 1, the judge may exclude spectators from the courtroom at “trial of a complaint or indictment for a violation of sections . . . 617.246, subdivision 2 [Use of minor in sexual performance prohibited] . . . when a minor under 18 years of age is the person upon, with, or against whom the crime is alleged to have been committed,” and may also authorize the presence of any supportive person in the courtroom for prosecuting witnesses who are minors in cases involving child abuse defined to include Minn. Stat. Ann. § 609.321 (Prostitution and sex trafficking; definitions), § 609.322 (Solicitation, inducement and promotion of prostitution; sex trafficking), and § 609.324 (Patrons; prostitutes; housing individuals engaged in prostitution; penalties).</p>
District of Columbia	
Indiana	
<p>Ca. Evidence Code §1161 (b) states, “Evidence of sexual history or history of any commercial sexual act of a victim of human trafficking, as defined in Section 236.1 of the Penal Code, is inadmissible to attack the credibility or impeach the character of the victim in any civil or criminal proceeding.”</p>	<p>South Carolina</p> <p>South Carolina provides rape shield protection to victims of sex trafficking. Pursuant to S.C. Code Ann. § 16-3-2020(K) (1), “the victim’s sexual history or history of commercial sexual activity, the specific instances of the victim’s sexual conduct, opinion evidence of the victim’s sexual conduct, and reputation evidence of the victim’s sexual conduct” may not be offered as a defense in prosecutions for sex trafficking.</p> <p>S.C. Code Ann. § 16-3-2070(B) provides that “in a prosecution for violations of the criminal provisions of [trafficking</p>
<p>D.C. Code § 22-1839 (Reputation or opinion evidence) states, “In a criminal case in which a person is accused of trafficking in commercial sex, as prohibited by § 22-1833, sex trafficking of children, as prohibited by § 22-1834, or benefiting financially from human trafficking, as prohibited by § 22-1836, reputation or opinion evidence of the past sexual behavior of the alleged victim is not admissible. . . .”</p>	
<p>Ind. Code Ann. § 35-42-3.5-4 (a)(3) (Rights of alleged victims) provides that human trafficking victims must be provided protection if their safety is at risk or if there is danger of “additional harm by recapture of the victim by the person who allegedly committed the offense.” Protections include “ensuring that the names and identifying information of the alleged victim and the victim’s family members are not disclosed to the public.”</p>	

in persons], the identity of the victim and the victim's family must be kept confidential by ensuring that names and identifying information of the victim and victim's family are not released to the public, including by the defendant.”

Virginia

Va. Code Ann. § 18.2-67.7 (Admission of evidence) provides protection to the testifying victim of a sexual offense (commonly called “rape shield law”). It states, “A. In prosecutions under this article [Criminal sexual assault], or under clause (iii) or (iv) [involving minors] of § 18.2-48 [Abduction with intent to extort money or for immoral purpose], 18.2-370 [Taking indecent liberties with children; penalties], 18.2-370.01 [Indecent liberties by children; penalty], or 18.2-370.1 [Taking indecent liberties with child by person in custodial or supervisory relationship; penalties], general reputation or opinion evidence of the complaining witness's unchaste character or prior sexual conduct shall not be admitted. Unless the complaining witness voluntarily agrees otherwise, evidence of specific instances of his or her prior sexual conduct shall be admitted only if it is relevant and is: 1. Evidence offered to provide an alternative explanation for physical evidence of the offense charged which is introduced by the prosecution, limited to evidence designed to explain the presence of semen, pregnancy, disease, or physical injury to the complaining witness's intimate parts; or 2. Evidence of sexual conduct between the complaining witness and the accused offered to support a contention that the alleged offense was not accomplished by force, threat or intimidation or through the use of the complaining witness's mental incapacity or physical helplessness, provided that the sexual conduct occurred within a period of time reasonably proximate to the offense charged under the circumstances of this case; or 3. Evidence offered to rebut evidence of the complaining witness's prior sexual conduct introduced by the prosecution.”