# PROTECTED INNOCENCE CHALLENGE

STATE ACTION. NATIONAL CHANGE

# 2014 National Legislative Progress Report

The third annual Protected Innocence Challenge report released on November 7, 2013 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, almost three years later, the legislative changes introduced and enacted so far during the 2014 session demonstrate that the call for change continues to be answered. Strong momentum in the 2014 session addressing domestic minor sex trafficking reflects the efforts of advocates across the country who are using the Protected Innocence tools to press for change, and the state legislators who are responding to the challenge and introducing laws to fix the gaps that allow trafficked children to remain vulnerable, unidentified and deprived of vital services and justice. Not only are the vast majority of states introducing legislation relating to domestic minor sex trafficking, but several states are tackling two of the most challenging areas of law addressed by the Protected Innocence Framework—demand and protective provisions for child victims.

## Since August 1, 2013:

- 529 bills that relate to the Protected Innocence Challenge framework were introduced in 43 states and the District of Columbia.
- 21 states have enacted 50 bills relating to the Protected Innocence Challenge framework.

Statistics are based on Congressional Quarterly StateTrack report summarized on April 30, 2014.

Legislative Highlight

## CRIMINALIZATION OF DOMESTIC MINOR SEX TRAFFICKING

### Michigan

Pending legislation revises the human trafficking law to expand the conduct that constitutes domestic minor sex trafficking, eliminating the need to prove force, fraud or coercion in any case involving a minor victim.

## New Hampshire

Pending legislation amends the trafficking in persons law to eliminate the requirement to prove force, fraud or coercion when the victim of sex trafficking is a minor.

## Arizona

Enacted a law adding sex trafficking and commercial sexual exploitation of children offenses as predicate crimes under the racketeering law.

## Colorado

Pending legislation substantially revises the human trafficking laws to specifically criminalize trafficking of children for commercial sexual activity and ensures availability of the racketeering law to combat domestic minor sex trafficking.

## **Delaware** Pending legi

Pending legislation expands protection for minor victims under the human trafficking law by removing the staggered penalties based on age and use of force or threat.

#### Louisiana

A pending bill amends the definition of "racketeering activity" to include several offenses involving commercial sexual exploitation of children.



## Colorado

Pending legislation prohibits defendants from raising mistake of age as a defense to human trafficking of a child for sexual servitude.

### California

Pending legislation would amend the human trafficking law to reach those who purchase sex with a child and require convicted buyers to register on the sex offender registry.

Pending legislation amends the solicitation law to specifically criminalize soliciting a minor for prostitution by providing a heightened penalty and requires those convicted of soliciting a minor for prostitution to register as a sex offender.

Ohio

## Michigan

Pending legislation amends the solicitation law to make solicitation of a minor for prostitution a felony offense.

## Tennessee

Amended the patronizing prostitution law to refer to the trafficking in persons law for prosecution when the victim is a minor, significantly enhancing the penalty for buying sex with a minor.

## New York

Penalties for buying sex with a minor would be enhanced by pending legislation.

#### **New Jersey**

Pending legislation would require buyers convicted of human trafficking or commercial sexual exploitation of children offenses to register as sex offenders.

## Virginia

Enacted legislation that requires buyers convicted of solicitation of prostitution with a minor to register as sex offenders.

## CRIMINAL PROVISIONS FOR TRAFFICKERS

of at least \$5,000.

Hawaii

Passed legislation that prohibits a

defense that the defendant did not

know the victim was a minor and requires buyers convicted of soliciting a minor for prostitution to pay a fine

## Illinois

Introduced a bill that would allow seizure of a vehicle if a defendant is convicted of promoting juvenile prostitution or child pornography offenses. DC – Pending legislation ensures traffickers who use the Internet to commit sex trafficking of children face additional penalties.

### Iowa

Amendments to the pimping law ensure traffickers face heightened penalties when the victim is a minor.

### Rhode Island

A pending bill would raise the maximum penalty for sex trafficking of a minor to 50 years imprisonment.

## **M**aryland

Enacted a bill that enhances the penalty for enticing or harboring a child under 16 for the purpose of prostitution from a misdemeanor to a felony.

#### Louisiana

Pending legislation requires seizure and forfeiture of traffickers' personal property when convicted of offenses involving commercial sexual exploitation of children through prostitution.



## Michigan

Introduced a bill amending the human trafficking statute to criminalize those who knowingly benefit or receive anything of value from participation in a human trafficking enterprise.

#### Iowa

Enacted legislation specifically criminalizes knowingly sharing in the earnings of a minor engaged in prostitution or knowingly providing a place for the purpose of a minor to engage in prostitution.

## Arizona

Facilitators convicted under the child prostitution law face longer sentences and higher minimum penalties under recently enacted legislation.

## **New York**

Under a pending bill, persons who knowingly fail to make reasonable efforts to stop premises they possess or control from being used for prostitution of a child would face criminal liability.

## **Pennsylvania**

Pending legislation criminalizes knowingly benefitting financially or receiving anything of value from the commission of a human trafficking offense.

#### Louisiana

Under pending legislation, facilitators who allow their premises to be used for prostitution offenses involving minors face seizure of personal property and forfeiture upon conviction.

### PROTECTIVE PROVISIONS FOR CHILD VICTIMS

## Iowa

New legislation allows the county attorney to refer a minor charged with prostitution to the department of human services as a child is in need of services instead of commencing delinquency proceedings.

## Michigan

Pending legislation makes minors immune from prosecution for prostitution offenses and requires law enforcement to take minors engaging in these offenses into protective custody.

## New Hampshire

Pending legislation protects minors from juvenile delinquency proceedings and criminal prosecution for prostitution-related offenses committed as a direct result of being trafficked.

#### Utah

South Dakota

Established a civil cause of

under state or federal law.

action for victims of human

trafficking offenses committed

The prostitution law now directs minors suspected of a first prostitution offense to child welfare services instead of delinquency proceedings and requires law enforcement to refer all minors suspected of prostitution to child welfare.

## Colorado

Passed legislation that allows a prosecution for human trafficking of a minor for sexual servitude to be brought at any time.

## Florida

Passed a bill that establishes new guidelines for child welfare to assess victims and provide housing in safe houses or foster homes and appropriates funds to implement specialized victim services.

### Delaware

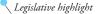
Pending legislation extends "rape-shield" protections to minor victims of sex trafficking, provides mandatory restitution and a civil cause of action for human trafficking victims and eliminates the statute of limitations for prosecuting domestic minor sex trafficking.

#### DC

Introduced a bill that makes minors immune from prosecution for prostitution and requires law enforcement to refer minors suspected of engaging in prostitution to specialized services.



## CRIMINAL JUSTICE TOOLS FOR INVESTIGATION AND PROSECUTION



## Michigan

Pending legislation would establish a new act that specifically allows for interception of communications where there is evidence of a human trafficking offense.

## Tennessee

Enacted a law that requires the Tennessee Bureau of Investigation to update its website once a missing child has been recovered.

## Hawaii

The legislature passed a bill that prohibits a defense when a decoy is used during investigation of solicitation of a minor for prostitution.

## Pennsylvania

Pending legislation establishes a course of training in all aspects of human trafficking as a component of certification or in-service training for state policing agencies.

#### DC

Pending legislation mandates human trafficking training for law enforcement and requires Child and Family Services to report when a child in custodial care goes missing.

## Virginia

Enacted a bill mandating development of guidelines for law enforcement regarding the identification and investigation of human trafficking offenses.

To find your state Report Card, track pending bills, download advocacy tools, contact your representative and take action on important advocacy initiatives, please visit: sharedhope.org/policy

