

State Survey Law: Immunity From Prostitution Charges For Domestic Minor Sex Trafficking Victims

State	Minors under 18 are expressly immune from prostitution charges ¹	Minors and/or sex trafficking victims may assert an affirmative defense to prostitution charges ²
Alabama	No	Yes
Alaska	No	No
Arizona	No	No
Arkansas	No	Yes
California	No	No
Colorado	No	No
Connecticut	Yes, if minor is under 16	Yes; 16 or 17 year old presumed HT victim*
Delaware	No	No
DC	No	No
Florida	No	No
Georgia	No	Yes
Hawaii	No	No
Idaho	No	No
Illinois	Yes	n/a
Indiana	No	No
Iowa	No	Yes
Kansas	No (but must be referred to DCF)*	Yes*
Kentucky	Yes	n/a
Louisiana	Yes (under juvenile code, if child is a trafficking victim)	Yes (criminal code)
Maine	No	No
Maryland	No	No
Massachusetts	No	Yes
Michigan	Yes, if minor is under 16	No (if 16 or 17)
Minnesota	Yes (under juvenile code)*	Yes, but limited
Mississippi	Yes (as a “trafficked person”)*	Yes*
Missouri	No	Yes
Montana	No	No
Nebraska	Yes	Yes*
Nevada	No	No
New Hampshire	No	Yes
New Jersey	No	Yes
New Mexico	No	No

See Component 5.3 of the Protected Innocence Challenge Methodology: http://sharedhope.org/wp-content/uploads/2012/09/SHL_ProtectedInnocence_Methodology_FINAL.pdf. This chart is solely based on statutory law and does not reflect regulatory or practice-based responses by state juvenile justice agencies. Evaluations of state laws are based on legislation enacted on or before August 1, 2013.

² *Id.*

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New York	No	Presumption minor is a victim.
North Carolina	Yes (must be taken into temporary protective custody as an undisciplined juvenile)	n/a
North Dakota	No	No
Ohio	No	Yes
Oklahoma	No ³	Yes
Oregon	No	No
Pennsylvania	No	No
Rhode Island	No	Yes, but proof of force required.
South Carolina	No	Yes
South Dakota	No	Yes
Tennessee	Yes	n/a
Texas	No ⁴	Yes
Utah	No	No
Vermont	Yes (Immune under criminal code; not immune under juvenile code, unless identified as a sex trafficking victim)	Yes, but proof of force, fraud or coercion required.
Virginia	No	No
Washington	No	Yes
West Virginia	No	No
Wisconsin	No	No
Wyoming	No ⁵	Yes
Totals	11	23

³ As amended by Enacted House Bill 1067, there is a presumption of coercion for 16 and 17 year olds under the prostitution law. House Bill 1067 also amended section 748.2 to require that law enforcement remand minors charged with prostitution to the custody of the Department of Human Services; if the minor is determined by the Department to be a victim of human trafficking, criminal charges must be dropped and services proceed.

⁴ Caselaw indicates that minors under 14 may not be charged with prostitution.

⁵ As amended by Enacted House Bill 133, Wyo. Stat. Ann. § 6-4-101 (Prostitution; penalties) may establish an exception for victims of trafficking from criminal liability under the prostitution law.