PROTECTED INNOCENCE CHALLENGE

STATE ACTION. NATIONAL CHANGE

2014 National Legislative Progress Report

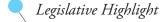
The third annual Protected Innocence Challenge report released on November 7, 2013 revealed substantial improvements in state legislative responses to domestic minor sex trafficking, as well as the gaps that remain and allow children to be sexually exploited for profit. The comprehensive analysis of 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 four years later, the legislative changes enacted 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:

- 530 bills that relate to the Protected Innocence Challenge framework were introduced in 42 states and D.C.
- 37 states enacted 123 bills relating to the Protected Innocence Challenge framework.

Statistics are based on Congressional Quarterly StateTrack report summarized on August 1, 2014.

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CRIMINALIZATION OF DOMESTIC MINOR SEX TRAFFICKING

New Hampshire Passed an amendment to the trafficking in persons law eliminating the requirement to prove force, fraud or coercion when the victim of sex trafficking is a minor. Pennsylvania Enacted a law that makes it a first degree felony to subject a minor to trafficking for sexual servitude and applies the offense to all minors, regardless of age, without the requirement for proof of force or coercion. **Delaware** Enacted legislation expanding protection for minor victims under the hu-Arizona man trafficking law by removing the Added child sex traf-Colorado staggered penalties based on age and ficking and commer-Enacted legislation substantially use of force or threat. cial sexual exploitation revised the human trafficking of children offenses as laws to specifically criminalpredicate crimes under ize trafficking of children for the racketeering law. commercial sexual activity and ensures availability of the rack-Louisiana eteering law to combat domestic Passed a bill that amends the definiminor sex trafficking. tion of "racketeering activity" to include several offenses involving commercial sexual exploitation of

children.

Colorado

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Enacted a bill establishing a Class D felony for solicitation of commercial sexual activity and for purchasing or offering to purchase sex acts from a minor under the prostitution statute.

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

Hawaii

Passed legislation eliminating a mistake of age defense for buyers charged with solicitation of a minor for prostitution and requiring buyers convicted of soliciting a minor for prostitution to pay a fine of at least \$5,000.

Ohio

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

Virginia

Enacted legislation amending the pandering law to create a new CSEC offense that reaches buyers of sex with minors and requires buyers convicted of solicitation of prostitution with a minor to register as sex offenders.

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.

CRIMINAL PROVISIONS FOR TRAFFICKERS

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Amendments to the state pimping law established a new CSEC offense, ensuring that traffickers face heightened penalties when the victim is a minor.

Rhode Island

Raised the maximum penalty for sex trafficking of a minor to 50 years imprisonment.

Pennsylvania

Enacted a law establishing mandatory restitution for traffickers convicted under the new human trafficking statute.

Delaware

Established a new law that human traffickers are subject to asset forfeiture following a conviction for a trafficking offense.

Maryland

Increased penalty for enticing or harboring a child under 16 for the purpose of prostitution from a misdemeanor to a felony.

Colorado

Mandatory restitution to victims for trafficking convictions established.

Louisiana

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

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Enacted legislation 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.

Pennsylvania

New law criminalizes knowingly benefitting financially or receiving anything of value for facilitating a human trafficking offense.

Delaware

Facilitators convicted of a human trafficking offense are subject to asset forfeiture and an organization involved in the commission of a human trafficking offense is subject to criminal liability and financial penalties under new legislation.

Florida

Facilitators now face a life sentence for benefitting financially from the sex trafficking of any minor under 18.

Arizona

Facilitators convicted under the child prostitution law now face longer sentences and higher minimum penalties.

Louisiana

Under enacted 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

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

South Dakota

Established a civil cause of action for victims of human trafficking offenses committed under state or federal law.

Utah

Minors suspected of prostitution must now be referred by law enforcement to services through child welfare instead of delinquency proceedings when charged with a first offense.

Colorado

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

Tennessee

Amended law to expressly prohibit a defendant charged with patronizing prostitution or promoting prostitution from raising consent of the minor to the commercial sex acts as a defense.

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.

New Hampshire

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

New York

Enacted law allows 16 and 17 year olds arrested for prostitution to be directed away from criminal prosecution and into PINS proceedings at the discretion of the court.

Delaware

Enacted legislation establishing that minors who engage in commercial sexual activity are presumed to be neglected or abused, extends "rape-shield" protections to minor victims of sex trafficking and eliminates the statute of limitations for prosecuting domestic minor sex trafficking offenses.



CRIMINAL JUSTICE TOOLS FOR INVESTIGATION AND PROSECUTION



Pennsylvania

Enacted 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.

Louisiana

New legislation establishes mandatory human trafficking training for law enforcement, creates exceptions for trafficking and CSEC crimes under the wiretap laws, and allows law enforcement to act as decoys during a human trafficking investigation.

Tennessee

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

Delaware

Established under new legislation that wiretapping is available during the course of a human trafficking investigation.

Virginia

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

Hawaii

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

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

