

State Law Survey: Protective System Responses to Child Sex Trafficking Victims

State	State law establishes a protective response for DMST victims through existing systems ⁱ	Type of protective system response: Immunity without referral to alternative system Immunity with referral to alternative system No immunity, law enforcement referral to protective system No immunity, diversion
Alabama	No*	n/a
Alaska	No*	n/a
Arizona	No*	n/a
Arkansas	Yes*	No immunity, diversion (discretionary)
California	No*	n/a
Colorado	No	n/a
Connecticut	Yes*	Immunity with referral to alternative system (immunity under 16 only, presumption for older minors, specialized services through child welfare)
Delaware	Yes*	No immunity, law enforcement report + diversion (mandatory LE report to child welfare + discretionary diversion with services through child welfare) ⁱⁱ
DC	No	n/a
Florida	Yes	No immunity, law enforcement referral to child welfare (specialized services through child welfare)
Georgia	No*	n/a
Hawaii	No	n/a
Idaho	No	n/a
Illinois	Yes*	Immunity with referral to alternative system (child welfare)
Indiana	No	n/a
Iowa	Yes*	No immunity, diversion (discretionary with services through child welfare)
Kansas	Yes*	No immunity, mandatory law enforcement referral (specialized services through child welfare)
Kentucky	Yes*	Immunity with referral to alternative system (specialized response through child welfare)
Louisiana	Yes*	Qualified immunity ⁱⁱⁱ + diversion (mandatory for 1 st offense with referral to specialized response, including safe house)
Maine	No*	n/a
Maryland	No	n/a
Massachusetts	Yes*	No immunity, diversion (discretionary with access to specialized services)
Michigan	Yes	Immunity without referral to alternative system (immunity under 16 only)
Minnesota	Yes*	Immunity with referral to alternative system (specialized response through Department of Health under state funded statewide coordinator and regional navigator grants)
Mississippi	Yes*	Immunity with referral to alternative system (child welfare)
Missouri	No*	n/a
Montana	No	n/a

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Nebraska	Yes*	Immunity with referral to alternative system (child welfare)
Nevada	No*	n/a
New Hampshire	Yes*	Qualified immunity ^{iv} (no referral to alternative system process)
New Jersey	No*	n/a
New Mexico	No	n/a
New York	Yes*	No immunity, diversion (convert to CHINS process with access to specialized services)
North Carolina	Yes*	Immunity with referral to alternative system (“undisciplined juvenile” process)
North Dakota	No	n/a
Ohio	Yes*	No immunity, diversion (discretionary, court may refer to services)
Oklahoma	No*	No immunity, mandatory law enforcement referral (specialized services through child welfare)
Oregon	No*	n/a
Pennsylvania	No*	n/a
Rhode Island	No*	n/a
South Carolina	No*	n/a
South Dakota	No*	n/a
Tennessee	Yes*	Immunity without referral to alternative system
Texas	Yes*	No immunity, diversion (Non-immune, discretionary diversion)
Utah	Yes*	No immunity, mandatory law enforcement referral to child welfare + mandatory diversion for first offense
Vermont	Yes*	Immunity with referral to alternative system (CHINS)
Virginia	No*	n/a
Washington	Yes*	No immunity, diversion (mandatory for 1 st offense with referral to specialized services)
West Virginia	No	n/a
Wisconsin	Yes*	No immunity, diversion (discretionary, court may refer to services)
Wyoming	No*	n/a
Totals	24 states	Total immunity-based = 11 Total not immunity-based = 13

ⁱ A protective system response consists of a statutory mechanism for directing minor victims away from a punitive response and into services. Since a complete protective system response requires long term legislative and implementation efforts, this chart captures any state legislative responses that specifically address how state child serving agencies respond to domestic minor sex trafficking victims. An asterisk (*) indicates that the state has enacted an affirmative defense for sex trafficking victims. Responses are solely based on statutory law and do not reflect regulatory or practice-based responses by agencies providing child protective services in cases of commercial sexual exploitation. Evaluations of state laws are based on legislation enacted as of August 1, 2014.

ⁱⁱ Blended response combining mandatory law enforcement report to child welfare and diversion with access to specialized services through child welfare.

ⁱⁱⁱ Minors immune if charged with delinquent offense and the minor “during the time of the alleged commission of the offense, was a victim of trafficking of children for sexual purposes.”

^{iv} Minors immune from delinquency charges for prostitution “where the conduct was committed as a direct result of being trafficked.” Minors over 16 may be prosecuted.