

Kids Are Not For Sale in Virginia



HB 1964, Chief Bill Patron: Delegate Timothy Hugo
SB 1188, Chief Bill Patron: Senator Mark Obenshain

Issue:

- According to the U.S. Department of Justice, human trafficking has become the second fastest growing criminal industry, with children accounting for roughly half of all victims.
- An estimated 100,000 children are trafficked for commercial sex in the United States every year. Youth are particularly susceptible to traffickers who prey on their insecurities and inexperience to manipulate them into commercial sexual exploitation. As a result, it is extremely difficult to prove that a trafficker used force, fraud or coercion to induce young victims to engage in commercial sex acts.
- To combat this insidious crime, all of the offenders involved in a sex trafficking offense, including buyers of sex acts who drive the sex trafficking industry, need to face criminal liability and substantial penalties.
- Prosecuting sex trafficking offenses under prostitution laws stigmatizes victims. Under the federal sex trafficking law, any commercially sexually exploited child is a victim of sex trafficking regardless of force, fraud or coercion.
- Virginia is the only state in the nation without a human trafficking law in place. Only one other state, Hawaii, lacks a sex trafficking law.
- Under Virginia's abduction law, the law commonly used to prosecute sex trafficking offenses, proof of "force, intimidation or deception" is required for a conviction even when the victim is a child. Sex trafficking offenses are also prosecuted under pandering and prostitution laws that carry lower penalties and stigmatize victims.
- The lack of a standalone sex trafficking law in Virginia undermines prosecutions and limits victim identification.

Legislative Solution: Enact a standalone sex trafficking law in Virginia that provides heightened penalties, establishes a minimum penalty structure when the victim is a minor, and eliminates the requirement to prove force, fraud or coercion when the victim is a minor.

How this bill addresses the problem:

- Clearly defines and establishes the offense of sex trafficking and specifically criminalizes sex trafficking of a minor.
- Enhances the penalty to a Class 2 felony when the victim is a minor
- Eliminates the requirement to prove force, fraud, or coercion when the victim is a minor.
- Assists in properly identifying human trafficking victims.
- Sends traffickers, buyers and facilitators the message that they are not welcome in our state.

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