PROTECTED INNOCENCE CHALLENGE

STATE ACTION. NATIONAL CHANGE

2015 National Legislative Progress Report

2015 marks the fifth year of the Protected Innocence Challenge and features improved state legislation better designed to prevent and respond to juvenile sex trafficking. The Protected Innocence Challenge examines six areas of law related to domestic minor sex trafficking, resulting in a comprehensive, detailed analysis of each state's statutory makeup to effectively combat sex trafficking of children.

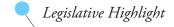
Over the past five years, advancements have resulted in higher grades for many states, but critical gaps remain which enable the sexual exploitation of children. Legislative changes during the 2015 session reflect the national efforts of advocates who are using the Protected Innocence tools to press for change and of state legislators who are responding to the challenge by addressing inadequacies in state laws that allow trafficked children to remain vulnerable, unidentified and deprived of vital services and justice.

A significant 2015 advancement was the enactment of Virginia's first standalone sex trafficking law. Other states have demonstrated a continued commitment to combatting trafficking by improving their laws. In 2015, a critical consensus is highlighted as several more states successfully excluded proof of force, fraud, or coercion from the definition of sex trafficking when the victim is a minor. Other states ushered in laws that acknowledge the role of buyers in driving the demand for sex trafficked youth and laid the groundwork for establishing innovative protective responses for child victims.

Since August 1, 2014:

- 933 bills that relate to domestic minor sex trafficking were introduced in 50 states.
- 42 states and D.C. enacted
 236 bills relating to the
 Protected Innocence
 Challenge framework.

Statistics are based on Congressional Quarterly StateTrack report summarized on August 1, 2015.



Maine

CRIMINALIZATION OF DOMESTIC MINOR SEX TRAFFICKING

Added a specific offense of "Human trafficking of a child" that eliminates any requirement to prove force,

Enacted a law to raise the age for victims of "Endangering the welfare of a child" from 16 to 18, a crime that is committed by knowingly permitting a child to enter or remain in a house of prostitution.

Connecticut

Eliminated requirements to prove use of force, fraud, or coercion in the sex trafficking of a minor when the minor is induced to engage in multiple sex acts with a third person.

Virginia

Enacted first standalone law criminalizing domestic minor sex trafficking without requiring proof of force, fraud or coercion and including the crime of assisting, enabling, or financially benefitting from domestic minor sex trafficking.

Hawaii

fraud, or coercion when the

victim is a minor.

Unanimously passed a sex trafficking bill that was then vetoed by the Governor, leaving Hawaii as the only state in the nation without a law specifically criminalizing sex trafficking.

South Carolina

Removed elements of force, fraud, or coercion from the definition of sex trafficking when the victim is a minor.

CRIMINAL PROVISIONS ADDRESSING DEMAND

Minnesota

Criminalized buyers' intent to purchase sex from minors by including any time a buyer "reasonably believes" he/she is purchasing sex from a minor, regardless whether a minor is actually involved.

Washington

Required those convicted of possessing or distributing child abuse images to pay \$1,000 per image in addition to other penalties.

Montana

Enacted an asset forfeiture law which reaches a buyer's property used in violation of "Trafficking in persons," "Sexual servitude," or "Patronizing victim of sexual servitude."

Kansas

Buyers convicted of sex trafficking or commercial sexual exploitation of a child face mandatory restitution and civil claims under legislation enacted this session.

Arkansas

Enacted laws to require buyers convicted of "Patronizing a victim of human trafficking" to register as sex offenders and added a fine for committing the offense of "Trafficking of persons" or "Patronizing a victim of human trafficking" against a minor.

Michigan

Enacted a new offense within their human trafficking law that removes prior barriers to buyer applicability and specifies culpability attaches "regardless of whether the [perpetrator] knows the age of the minor."

Rhode Island

Enacted a law to increase prison sentences and financial penalties for buyers convicted of "Sex trafficking of a minor."

Kentucky

Enacted a law expressly prohibiting "a defense that the defendant was unaware of the minor's actual age" for prosecutions of "Human trafficking" and "Promoting human trafficking."

CRIMINAL PROVISIONS FOR TRAFFICKERS

Montana

Enacted an asset forfeiture law which reaches property used in violation of "Trafficking in persons," "Sexual servitude," or "Patronizing victim of sexual servitude."

South Dakota

Required individuals convicted of first or second degree human trafficking to register as sex offenders.

Kansas

Enacted provisions specifying that parents are presumed unfit if convicted of "Human trafficking," "Aggravated human trafficking" or "Commercial sexual exploitation of a child."

North Dakota

Added penalties for traffickers who also commit the offense of "Forced or coerced abortion."

Michigan

Enacted laws to add an optional financial penalty of \$20,000 for traffickers convicted of "Forced labor or services; prohibited conduct as it relates to age of minor" and subject traffickers to asset forfeiture.

Rhode Island

Increased prison sentences and financial penalties for individuals convicted of "sex trafficking of a minor."

Arkansas

Added fines for crimes against children, "Trafficking of persons" and "Patronizing a victim of human trafficking."

Georgia

Enacted a law to require sex offender registration for the offense of "Trafficking a person for sexual servitude."



Michigan

Enacted a law which subjects facilitators to asset forfeiture.

Kansas

Enacted legislation that requires facilitators convicted of sex trafficking or commercial sexual exploitation of a child to pay victim restitution and allows victims to bring civil claims.

Texas

Enacted a law to hold shareholders civilly liable for damages to trafficking victims if the shareholder used the corporation for trafficking for "direct personal benefit."

Rhode Island

Increases financial penalties and extends prison sentences for facilitators who benefit financially from participating in the sex trafficking of a minor.

Arkansas

Criminalized child sex tourism under its human trafficking statute, prohibiting selling or offering to sell travel services knowing that they will be used to traffic a minor for commercial sexual activity.

PROTECTIVE PROVISIONS FOR CHILD VICTIMS

Montana

Enacted a law to remove criminal liability "for prostitution, promoting prostitution, or other nonviolent offenses if the person was a child at the time of the offense and committed the offense as a direct result of being a victim of human trafficking."

North Dakota

Excluded criminal liability for prostitution "if the individual was a minor at the time of the offense and committed the offense as a direct result of being a victim."

Nevada

Established a diversion process that prevents delinquency adjudications for prostitution and provides services to "address the sexual exploitation of the child."

Nebraska

Enacted a law that allows victims of sex trafficking to bring civil claims against traffickers and facilitators and extends time limits to bring claims.

D.C.

Amended the prostitution law to prohibit the prosecution of minors for prostitution offenses.

Arizona

Enacted a law that vacates convictions of prostitution if conduct was a "direct result of being a victim of sex trafficking."

Texas

Enacted laws to allow the court to place sex trafficked minors in a secure foster home if necessary and to extend the time limit to bring claims for certain CSEC offenses.

South Carolina

Prohibited prosecutions of minor trafficking victims for prostitution "if the victim was a minor at the time of the offense and committed the offense as a direct result of, or incidental or related to, trafficking."



CRIMINAL JUSTICE TOOLS FOR INVESTIGATION AND PROSECUTION

Minnesota

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Enacted a law prohibiting a defense that an "undercover operative or law enforcement officer was involved in" investigating "Engaging in, hiring, or agreeing to hire a minor to engage in prostitution."

Oregon

Expanded crime of "Luring a minor" to include conduct with a decoy meaning when a perpetrator interacts with a police officer posing as a minor. Enacted a law requiring the Department of Justice to develop training programs for the public and law enforcement that address human trafficking and the demand that fuels it.

Colorado

Enacted a law to require child welfare to report to law enforcement within 24 hours when a child in the custody of the state is missing and to mandate law enforcement to report that missing child within 24 hours for inclusion in the National Crime Information Center database.

Oklahoma

Enacted a law to permit wiretapping when the interception may provide evidence related to human trafficking or CSEC offenses.

Indiana

Enacted legislation requiring training for police reserve officers regarding sex trafficking and requiring law enforcement to notify child services when a potential victim is detained.

New York

Enacted a law to require collection of data on missing children that are at high risk of being sex trafficking victims.

D.C.

Enacted a law to require human trafficking training for law enforcement officers, social workers, and case workers, to require police to report critically missing children to the National Center for Missing and Exploited Children and to establish procedures for child welfare to report missing children at risk for sex trafficking to the police.

Tennessee

Enacted laws to increase training requirements for law enforcement regarding human trafficking and to allow wiretapping for suspected cases of sex trafficking.

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