



“Stop Criminalizing Kids for Crimes Committed Against Them!”

Despite New Sex Trafficking Laws, Children in New York Can be Charged with Prostitution

WASHINGTON, D.C., Every state now has a law against sex trafficking and most state laws include penalties for buying sex with a minor, according to an [annual State Report Card](#) released by [Shared Hope International](#) (SHI), the only U.S. NGO working in every state to end child sex trafficking through legal reform. During the 2015- 2016 legislative session, New York passed key legislation criminalizing the numerous facets of commercial sexual exploitation of children (CSEC). However, children engaged in commercial sex may still be prosecuted for prostitution offenses.

“We must stop criminalizing kids for crimes committed against them!” declared Linda Smith, founder of SHI.

“Kids can still be charged and prosecuted as criminals in 31 states because law has not kept up with reality – the reality that these children are victims of sex trafficking and cannot be criminals at the same time for the same thing,” said Smith, at a press conference in Orlando, FL where the National Foundation for Women Legislators is meeting.

SHI started the annual report card—known as the Protected Innocence Challenge—six years ago, in 2011. That year, 26 states got Fs and 15 had Ds. Over the last six years, **New York**, along with states across the nation, **enacted important laws**:

- While child victims of sex trafficking can still be charged and prosecuted for crimes committed against them, New York has enacted laws to help child victims avoid being adjudicated delinquent for prostitution offenses.
- The enactment of AB 506 and SB 7, Trafficking Victims Protection and Justice Act (TVPJA), on October 21, 2015 created over seven additional CSEC offenses, including aggravated patronizing of a minor in the first, second, and third degree, providing further means of deterrence and punishment for adults who buy sex with children.
- Children under 16 involved in commercial sex are presumed to be trafficking victims and may be placed in a safe house.

Despite so much progress, SHI found glaring inadequacies in state law. SHI research **found critical gaps** in these areas in the laws of **New York**:

- The sex trafficking law does not apply to buyers and the commercial sexual exploitation of children (CSEC) laws that are buyer applicable provide low penalties.
- The state sex trafficking law requires proof that force, fraud, or coercion was used even when the victim is a minor.
- Despite “Safe Harbour” protections, child victims of trafficking may be arrested for prostitution and potentially subjected to a delinquency process.

[Shared Hope International](#) is an anti-trafficking organization focusing on prevention, restoration and justice for victims of sex trafficking. Founded in 1998 by Congresswoman Linda Smith, Shared Hope is a trusted leader for training, research, restorative development, and legislative development.

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MEDIA MATERIALS:

For media convenience, a variety of resources are available at www.sharedhope.org/press. Video clips, including sex trafficking survivor comments, are available at this location: <https://vimeo.com/user12564384/videos>. Videos are password protected, please enter password sharedmedia1 to access media clips.