



“Stop Criminalizing Kids for Crimes Committed Against Them!”

Despite Sex Trafficking Laws, Children in West Virginia Can be Charged with Prostitution

WASHINGTON, D.C., West Virginia has responded to child sex trafficking by enacting laws that address the buying and selling of sex with children. However, the failure to enact comprehensive trafficking laws, protecting all commercially sexually exploited children as sex trafficking victims, causes West Virginia to earn a “D” grade, 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. In addition to requiring two or more victims for a trafficking offense to occur, children engaged in commercial sex can still be arrested and prosecuted under the prostitution statute.

“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 SHI founder Linda Smith, at a press conference in Orlando, FL where the National Foundation for Women Legislators is meeting.

“We must stop criminalizing kids for crimes committed against them!” declared Smith.

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. In the last six years, **West Virginia**, along with states across the nation, **enacted important laws:**

- From 2011 to 2016 West Virginia’s Protected Innocence Challenge grade has gone up from an F to a D.
- West Virginia’s human trafficking law includes sex trafficking of minors without regard to force, fraud, or coercion.
- HB 2366, passed in 2016, increased penalties for using the internet to solicit a child for sex.
- The definition of child abuse includes commercial sexual exploitation of a child (CSEC) offenses, allowing child welfare to respond and provide services in both familial and non-familial cases of child sex trafficking.

Despite this progress, SHI research **found critical gaps** in the laws of **West Virginia**.

- For a human trafficking offense to occur, West Virginia requires that the offender traffic two or more persons in a one year period, narrowing applicability of the law.
- General solicitation laws do not differentiate between buying sex with an adult and buying sex with a child, providing inadequate penalties for those who buy sex with a child.
- Persons who aid or facilitate child sex trafficking cannot be prosecuted under the human trafficking law.
- West Virginia’s prostitution law still allows children to be prosecuted for prostitution.
- Avenues to specialized services for child victims are not required by law.

[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.

MEDIA CONTACT:

Susanna Bean
Communications Manager
703.351.8062 office / 717.608.1039 cell
Susanna@sharedhope.org

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.