

MISSISSIPPI

REPORT CARD | 2017







Mississippi's human trafficking law makes it a crime to traffic a minor under 18 for sexual purposes without regard to force, fraud, or coercion. Victims of human trafficking may not be prosecuted for prostitution offenses, and Mississippi prohibits a defense based on the willingness of the minor to engage in the commercial sex act.

Final Score

88

Final Grade

B

					
10	24.5	15	7.5	21	10
10	25	15	10	27.5	15

Criminalization of Domestic Minor Sex Trafficking

Mississippi's human trafficking law addresses sex trafficking and clearly defines a minor under the age of 18 used in a commercial sex act as a human trafficking victim without regard to the use of force, fraud, or coercion. Mississippi's commercial sexual exploitation of children (CSEC) laws include: "procuring the services of a prostitute," "promoting prostitution," "enticing a child under 14 for prostitution," and "exploiting children" for the purpose of producing images of child sexual exploitation (ICSE). The prostitution statute refers to the human trafficking statute, stating that human trafficking victims, defined to include commercially sexually exploited minors, shall not be subject to prosecution for prostitution offenses. Mississippi's racketeering law includes CSEC and trafficking offenses as predicate activity, and the criminal street gang law provides sentencing and financial penalty enhancements.

Criminal Provisions for Demand

The state human trafficking law can be applied to buyers who "cause or attempt to cause" a minor to engage in a commercial sex act in a few, limited circumstances. A buyer could also be charged with the CSEC offenses of "procuring the services of a prostitute" and "enticing a child under 14." The prostitution laws differentiate between buying sex with an adult versus purchasing sex with a minor, providing heightened penalties for the latter. Buyers convicted of child sex trafficking face 5–30 years imprisonment and a fine between \$50,000–\$500,000, while convictions under the CSEC laws carry penalties range from 2–30 years imprisonment and fines up to \$500,000. "Use of computer for purpose of luring or inducing persons under 18 to engage in sexual contact" criminalizes the use of the Internet to commit sex crimes against a minor. Both the human trafficking and the "procuring services of a prostitute" laws prohibit a mistake of age defense. The trafficking and CSEC laws do not stagger penalties based on the minor's age, ensuring the delivery of appropriate penalties for buyers of sex with older minors. Buyers are subject to asset forfeiture, civil judgments, and payment of mandatory restitution. Buyers are required to register as sex offenders for convictions of child sex trafficking and "procuring services of a prostitute" when the person procured is a minor.

Criminal Provisions for Traffickers

Traffickers prosecuted under the human trafficking law or for "promoting prostitution," a CSEC offense, face a sentence of 5–30 years and a fine of \$50,000–\$500,000. "Enticing a child" for commercial sex is punishable by up to 10 years imprisonment and a fine up to \$10,000. Exploitation of children for ICSE, which includes causing or soliciting a child to engage in sexual conduct for the purpose of creating ICSE, is punishable by 5–40 years imprisonment and a \$50,000–\$500,000 fine. Traffickers could also be in violation of racketeering laws and criminal street gang laws. The statute on "use of a computer for the purpose of luring or inducing persons under 18 to engage in a sexual act" provides a means of prosecuting traffickers who use the Internet to recruit minors for illegal sex acts. Traffickers are subject to asset forfeiture and civil judgments; traffickers are also required to pay restitution when convicted of trafficking. Traffickers will be required to register as sex offenders for violations of sex trafficking, "enticing a child," creating ICSE, and "promoting prostitution." Grounds for terminating parental rights include human trafficking and certain CSEC convictions.

Criminal Provisions for Facilitators

Under Mississippi's human trafficking law, aiding or abetting human trafficking is punishable by 5–30 years imprisonment and a fine up to \$50,000–\$500,000, while financially benefitting from human trafficking is punishable by up to 20 years imprisonment and a fine up to \$10,000. Facilitators could also be subject to racketeering and crime gang laws. Financial penalties are as high as \$1,000,000 for enterprises involved in human traffick-

ing, and the enterprise may be restrained from any future operation in Mississippi. Selling ICSE is punishable by 5–40 years imprisonment and a fine of \$50,000–\$500,000, and “promoting prostitution” is punishable by 5–30 years imprisonment and a fine of \$50,000–\$500,000. Facilitators convicted of human trafficking face asset forfeiture, mandatory restitution, and civil judgments. No Mississippi law addresses sex tourism.



Protective Provisions for the Child Victims

Not all commercially sexually exploited children are defined as juvenile sex trafficking victims because of third party control requirements. Sex trafficking and CSEC laws specifically prohibit a defense based on the willingness of the minor to engage in the commercial sex act. Sex trafficking victims, including minors, may not be prosecuted for prostitution offenses committed through their trafficking. A child sex trafficking victim is included within the definition of “abused child” regardless of the child’s relationship to the offender. Additionally, law enforcement must file a report of suspected child abuse when a minor has engaged in prostitution, enabling juvenile victims to avoid a punitive response and to access services through child welfare; however, services are not required to be specialized to the needs of these children. While CSEC victims would likely be eligible for crime victims’ compensation, several eligibility criteria may limit their ability to recover, including reduction if the victim is deemed responsible for the cause of the injury or did not cooperate with law enforcement and a requirement to file a claim within 3 years,

with a possible extension of 1 year if good cause is shown. Certain victim-friendly trial procedures are available in limited cases. Victims under 16 may be permitted to testify through closed-circuit television, and the “rape shield” law, which limits the trauma of cross-examination for testifying victims, may be applied to victims of human trafficking, but not CSEC victims. Mississippi law does not provide a mechanism for minors to vacate delinquency adjudications related to trafficking victimization, and juvenile records may only be sealed after a waiting period or destroyed at the court’s discretion. Restitution to victims of human trafficking is mandatory and may also be awarded to victims of CSEC crimes. Civil remedies are expressly provided for human trafficking victims, but not CSEC victims unless they are also victims of racketeering. Mississippi eliminates the statute of limitations for human trafficking and most CSEC crimes, including “promoting prostitution,” contributing to the delinquency of a minor, and exploiting children for ICSE, but not “procuring services of a prostitute” when the person solicited is a minor.



Criminal Justice Tools for Investigation and Prosecution

Mississippi law does not mandate or authorize either training or development of training materials for law enforcement on human trafficking or domestic minor sex trafficking. Single party consent to audiotaping is permitted, but wiretapping is not allowed for human trafficking or CSEC investigations, denying law enforcement an important tool for investigations and evidence. Both the

human trafficking and the “exploitation of children” laws prohibit a defense based on the use of a law enforcement decoy posing as a minor for investigative purposes, but use of the Internet is not specifically authorized. Mississippi law mandates law enforcement agencies to develop and adhere to policies requiring reporting of all missing children in alignment with Federal law.



The Report Card is based on the Protected Innocence Challenge Legislative Framework, an analysis of state laws performed by Shared Hope International, and sets a national standard of protection against domestic minor sex trafficking. To access the Protected Innocence Challenge Legislative Framework Methodology, all state Report Cards, and foundational analysis and recommendations, please visit: www.sharedhope.org/reportcards.