

PROTECTED INNOCENCE CHALLENGE

STATE ACTION. NATIONAL CHANGE.

2016 End of Year Legislative Progress Report

For over five years, the Protected Innocence Challenge has called all states to improve their laws to better prevent and respond to juvenile sex trafficking. In 2015, the fifth annual Protected Innocence Challenge report reflected substantial improvements in state legislative responses. Looking ahead to the sixth annual Protected Innocence Challenge, to be released on November 9, 2016, this End of Year Legislative Progress Report foreshadows another exciting annual report by highlighting changes in state legislation addressing domestic minor sex trafficking.

Since August 1, 2015:

- 44 states enacted bills related to juvenile sex trafficking.

Statistic is based on Congressional Quarterly StateTrack report summarized as of August 1, 2016.

The Protected Innocence Challenge is built upon a comprehensive analysis of each state's statutory scheme, which examines six areas of law surrounding domestic minor sex trafficking:

1 
Criminalization of Domestic Minor Sex Trafficking

2 
Criminal Provisions Addressing Demand

3 
Criminal Provisions for Traffickers

4 
Criminal Provisions for Facilitators

5 
Protective Provisions for Child Victims

6 
Criminal Justice Tools for Investigation and Prosecution

2016 LEGISLATIVE HIGHLIGHTS

Enacted legislation during the 2016 legislative sessions continues to address key policy points outlined within the Protected Innocence Challenge. Newly enacted laws during the 2016 state legislative sessions reflect the efforts of advocates and state legislators across the country who are using the Protected Innocence tools and responding to the challenge to fix legislative gaps that allow trafficked children to remain vulnerable, unidentified and deprived of vital services and justice.

2016 is the first year that all 50 states have a law specifically criminalizing child sex trafficking and 5 more states have enacted legislation that eliminates criminal liability for minors under state prostitution laws. States have also increased other critical victim protections by extending timelines to commence prosecutions and civil cases against trafficking perpetrators and expanding avenues to services. The map on the reverse side highlights some of the legislation enacted during the 2016 session, as well as some pending legislation, that directly addresses key components of the Protected Innocence Challenge legislative framework. The icons correspond to the areas of law analyzed under the Protected Innocence Challenge framework that are impacted by the legislation.

Wyoming
 Enacted a law rendering property, such as buildings, aircrafts, or vehicles used in the commission of human trafficking subject to asset forfeiture.



Colorado
 Expanded the statutory definition of "abuse and neglect" so that child protective services can identify and serve child victims of commercial sexual exploitation.



New York
 Two bills are pending that would no longer require proof of force, fraud or coercion for sex trafficking offenses when the victim is a minor, which would bring New York in line with a broad national consensus of 47 other state laws and federal law.



Utah
 Enacted a law to bar prosecution of minors for prostitution offenses and mandate that law enforcement refer commercially sexually exploited children to child welfare to receive services.



Pennsylvania
 Pending legislation would protect commercially sexually exploited children from prosecution for prostitution and require child welfare to provide comprehensive services to sex trafficking victims.



Oklahoma
 Enacted legislation protects older minors by making buying sex with 16 and 17 year olds a felony CSEC offense with heightened penalties.



California
 Pending legislation would protect commercially sexually exploited children from being arrested and prosecuted for commercial sexual conduct that is the direct result of their victimization.



Louisiana
 Enacted legislation removes the requirement to prove force, fraud or coercion and provides enhanced penalties when the victim of sex trafficking is under the age of 21.



Connecticut
 Enacted legislation protects all minors, including 16 and 17 year olds, from being prosecuted for prostitution and blamed for their own exploitation.



Virginia
 Enacted legislation affords trafficking victims access to justice by allowing them to bring civil lawsuits against their perpetrators.



Tennessee
 Enacted legislation eliminates the caregiver barrier to child welfare's ability to respond to child sex trafficking victims and prohibits defendants from raising a defense to sex trafficking charges when the "victim" was a law enforcement officer.



Mississippi
 Increased access to services through child welfare by adding child trafficking victims to the definition of "abused child."



Alabama
 Enacted legislation prevents minors from being adjudicated delinquent for prostitution offenses and mandates that commercially sexually exploited children instead be provided with comprehensive services.



Florida
 Removed criminal responsibility from child victims of commercial sexual exploitation and expanded juvenile sex trafficking victims' access to specialized services through child welfare.



Hawaii
 Enacted inaugural state sex trafficking law specifically criminalizing sex trafficking and making child sex trafficking a serious offense without regard to the use of force, fraud, or coercion. The legislation also authorizes use of wiretaps in sex trafficking investigations.

