Human trafficking is the buying, selling and smuggling of people to profit from their forced labor or sexual servitude. While every state criminalizes at least some trafficking activity, lawmakers continue to explore new methods to combat traffickers and provide support for victims, especially children. Recent legislation has given significant attention to the trafficking of minors and the development of rehabilitative services for exploited youth. Legislation containing protective provisions for trafficked children is sometimes called “safe harbor.”

Safe harbor legislation usually includes a statement of intent for how sexually exploited youth should be treated under the law. Common goals indentified in safe harbor legislation include: that trafficked children be treated as victims and not prosecuted as prostitutes, that states provide a protective response to prevent further victimization and that individuals who fund, profit from, or pay for sex with children are appropriately punished. At least 31 states have enacted legislation addressing safe harbor issues.

Preventing Trafficked Youth from Entering the Justice System
Sexually exploited youth are often arrested for prostitution and other trafficking-related offenses. In response, states are focusing on addressing youth as victims so that they are not treated as criminals by the justice system.
Immunity from Prosecution—At least six states—Illinois, Mississippi, Nebraska, North Carolina, Tennessee and Vermont—make all minors immune from prosecution for prostitution; some extend that immunity to related offenses such as pandering, trafficking and procuring prostitutes. In Connecticut, children ages 15 and under are immune from prosecution for prostitution.

Affirmative Defense—At least 20 states enable an individual charged with prostitution-related offenses to assert as an affirmative defense, that their actions were the result of being victimized by human trafficking.

Pretrial Diversion—Some states enable minors charged with prostitution and related offenses to be diverted to pretrial programs at the discretion of justice officials. For example, Washington’s law enables prosecutors to divert first time juvenile offenders into programs that provide safe housing, chemical dependency treatment, trauma treatment, employment training and other services.

Record Clearing Policies—At least 15 states enable victims who have previously been convicted of prostitution or related offenses to petition to have their conviction record cleared.

Trafficking in Children and Soliciting Sex
Every state has criminal penalties for sex traffickers and many provide penalties for sex solicitors. Some states provide increased criminal penalties for those who commit these crimes against children. For example, in Pennsylvania, the trafficking of adults is a second degree felony, while the trafficking of minors is a first degree felony; and in Mississippi, it is misdemeanor to solicit a prostitute, but if the prostitute is under age 18, then solicitation is a felony.

Funding Sources for Services
States are using several means to fund protective and rehabilitative services for youth victimized by human trafficking.

Trafficked Victim Funds—At least 18 states have created funds in their treasury to pay for anti-trafficking efforts. The funds are used for many purposes including to arrest and prosecute child sex traffickers, provide services for victims and to train state personnel to recognize and appropriately handle trafficked victims.

Legislative Appropriations—State legislatures also appropriate funds to pay for victim’s services. Recent examples of state’s using appropriations to finance services for trafficked victims include Florida, Maine, Minnesota and New York. In 2014, New York’s General Assembly appropriated $348,000 to continue support for their safe harbor services created in 2008.

Imposing Fines on Sex Traffickers—States also generate funds for services from fines levied on sex traffickers and patrons of prostitutes and provide for increased fines if these crimes
are committed against children. For example, Louisiana increases the fine for purchasing commercial sexual activity based on the number of prior convictions the purchaser has and the age of the person sex is being purchased from.

Forfeiture—At least 19 states specifically authorize forfeiture for trafficking crimes or direct forfeited proceeds to specific anti-trafficking purposes. For example, California’s law distributes 50 percent of funds forfeited from trafficking crimes to their Victim-Witness Assistance Fund and the other 50 percent to the agency that administers the forfeiture.

Services for Youth
States are making efforts to develop and refine strategies for addressing the mental, physical and emotional needs of trafficked children.

Pilot Sites—At least three states have enacted legislation authorizing pilot projects to develop responses for sexually exploited youth. California for example, enabled two urban counties to establish a pilot project to develop treatment services for exploited youth.

Coordinate State Trafficking Efforts—Some states have created positions charged with coordinating resources to most effectively address human trafficking. For example, Mississippi created a statewide human trafficking coordinator position charged with many responsibilities including the evaluation of the state’s anti-trafficking efforts, the collection of trafficking data and the oversight of the “Relief for Victims of Human Trafficking Fund.” Other states, such as Washington, charge similar duties to councils comprised of many stakeholders.

Training for State Personnel—At least 13 states have implemented laws to ensure public officials—including law enforcement, prosecutors, defense counsel, and victim’s advocates—are appropriately trained to identify and handle trafficked youth.

Safe Harbor efforts in Minnesota
Minnesota lawmakers have actively legislated against child trafficking since 2003. During that time, the state has enacted at least 14 bills to create crimes against trafficking, divert trafficked youth from the justice system, develop and fund preventative and protective services and study and improve the effectiveness of their efforts.

A significant portion of those measures have been focused on safe harbor issues. Legislation in 2007 created a safe harbor pilot program for sexually exploited youth in Ramsey County. The project focused on intervention and prevention methods, training for public officials and service providers and programs that promote positive outcomes for victims. Lessons learned from the project’s victim-centered approach to trafficked children were compiled in a 2013 publication called “No Wrong Door.” Later that year, legislation created a state director of child sex trafficking prevention position to oversee and implement best practices to respond to trafficked youth. In 2014, the Legislature continued to fund Minnesota’s safe harbor efforts and other
child protective programs. On Aug. 1, new laws took effect that define trafficked youth as children in need of protective services and remove those under 16 years of age who engage in sex from the state’s definition of a delinquent child. Additionally, the state’s Department of Public Safety completes regular studies of human trafficking methods and social factors that contribute to victimization. Since 2005, the Department has issued five reports, with the next due in September 2014.

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