



### **Not for Sale: End the Trafficking of Children**

*Joint program of the Law and Criminal Justice Committee; Human Services and Welfare Committee; and Immigration Task Force*

*Friday, December 10, 2010, 10:00 – 11:30 am*

### **State legislation and suggested resources**

*Compiled November 2010*

### **Examples of recent state legislation**

#### **2009 California S 1279 (Chapter 116 2010)**

Addresses commercially sexually exploited minors by creating pilot program, contingent on local funding, to develop comprehensive multidisciplinary model to address the needs and effective treatment of commercially sexually exploited minors. Authorizes Los Angeles district attorney to develop protocols for identifying and assessing minors, upon arrest or detention, who may be victims, and develop diversion program to provide services, meet needs of minors. (Replicates existing pilot program in Alameda County, California.) (See text at [http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb\\_1251-1300/sb\\_1279\\_bill\\_20100719\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb_1251-1300/sb_1279_bill_20100719_chaptered.pdf) )

#### **2010 Connecticut SSB 153 (Public Act 10-115)**

Provides safe harbor for exploited children. Provides that one be 16 years of age or older to engage in sexual conduct for a fee. Provides that prosecution of persons 16 or 17 years of age for such an offense requires presumption of coercion. Provides that a person who advances or profits from promoting prostitution involving person is less than 18 years of age faces a Class B felony, and found guilty must be sentenced to a term of imprisonment of which nine months of the sentence may not be suspended or reduced by the court.

**2009 Georgia S 69**

Expands the definition of “sexual exploitation” to include allowing, permitting, encouraging, or requiring a child to engage in prostitution, as defined in code, or in sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct.

**2010 Illinois H 6462 (Public Act 96-1464)**

Adds to definition of abused child one who commits or allows to be committed the offense of involuntary servitude, involuntary sexual servitude of a minor or trafficking in persons for forced labor or services, as defined in code, against the child. Includes as abuse allowing, encouraging or requiring a minor less than 18 years old to commit any act of prostitution, as defined in criminal code. Raises crime class of solicitation of a sexual act from Class B to a Class A misdemeanor. Makes such solicitation a Class 4 felony if person solicited is less than 18 years of age or is severely or profoundly mentally retarded. It is an affirmative defense that the actor believed the person was 18 years or older or was not mentally retarded. Makes immune from prosecution any person suspected of or charged with prostitution who it is determined is less than 18 years old; and provides for protective custody of those minors. Makes a second or subsequent offense of soliciting a minor engaged in prostitution, or within 1,000 feet of a school, a Class X felony. Provides for vehicle impoundment in cases of juvenile pimping, and creates related fees.

**2009 Kansas H 2435**

Provides higher sentencing grid severity levels for crime attempts involving aggravated trafficking if the offender is 18 years of age or older and the victim is less than 14 years of age; rape and other sex crimes against and sexual exploitation of a child by person 18 years or older; promoting prostitution, as defined in code, if the offender is 18 years or older and the prostitute is less than 14 years of age.

**2009 Maine S 418**

Provides intervention for runaway and homeless youth. Requires establishment of comprehensive program for homeless youth with organizations and agencies licensed by the state. Includes crisis intervention services for a variety of needs of runaway or homeless youth, including as related to prostitution and sexual exploitation.

**2009 Minnesota H 1505 (Chapter 137)**

Increases fine for sex trafficking in the first degree to \$50,000 if the victim less than 18 years of age. Creates penalty of not more than 25 years imprisonment or fine of up to \$60,000 for aggravating factors that the offender has prior trafficking offense; victim suffered bodily harm; the victim was held in debt bondage or forced labor for more than 180 days; or the offense involved more than one victim.

**2009 New Hampshire H 474 (Chapter 211)**

Prohibits trafficking in persons, including providing that such offense involving a commercial sex act or sexually explicit performance by a victim under the age of 18 is subject to a minimum sentence of 10 years and up to 30 years imprisonment.

**2007 New York A 5258-C and S 3175 ((Title 8-A Section 447-a)**

Creates the Safe Harbor for Exploited Youth Act and requires local districts to provide crisis intervention services and community based programming for exploited youth. Decriminalizes child prostitution, recognizing these children as victims, not criminals, and making provisions for providing needed social services.

(See text at

<http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=@PLS OS0A6T8-A+&LIST=SEA1+&BROWSER=BROWSER+&TOKEN=52932180+&TARGET=VIEW>

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**2009 Tennessee S 1751 (Chapter 1023)**

Directs Select Committee on Children and Youth to study human sex trafficking and its impact on children and youth of the state.

**2007 Washington SSB 5718 (Chapter 368)**

States legislative finding that it is an important government objective to prevent sexual exploitation and abuse of children, including by those who seek commercial gain or personal gratification based on exploitation of children. States legislative finding that children engaged in sexual conduct for financial compensation are frequently the victims of sexual abuse. Cites that 80 to 90 percent of children engaged in sexual activity for financial compensation have a history of sexual abuse victimization. States intent of the legislature to provide prevention and intervention services and to hold accountable those who inflict trauma on children by paying to engage in their sexual abuse. Creates a Class C felony crime of commercial sexual abuse of a minor when a person engages in, agrees to, or solicits, offers or requests to pay a fee to a minor or a third person as compensation for a minor engaging in sexual conduct with him or her. Makes it a Class B felony to promote commercial sexual abuse of a minor by knowingly advancing or profiting from it. Includes those profiting from or engaging in abuse, or procuring or soliciting minor, providing premises or enterprise, or any other conduct designed to aid, cause or facilitate an act of commercial sexual conduct with a minor. Creates Class C felony of promoting travel for commercial sexual abuse of a minor if one knowingly sells or offers to sell travel services that include or facilitate travel for the purpose of engaging in what would be commercial sexual abuse of a minor or promoting commercial sexual abuse of a minor, if occurring in the state. States sentence ranges and enhancements for the new crimes. Provides for vehicle impoundment. Creates \$500 fee for deferred prosecution or sentencing, and appropriates fees to a Prostitution and Intervention Services Account to provide treatment and services to minor victims and to provide for law enforcement training and community outreach and education. (See full text at <http://apps.leg.wa.gov/documents/billdocs/2007-08/Pdf/Bills/Session%20Law%202007/5718-S.SL.pdf> )

**2010 Washington S 6476 (Chapter 289)**

Provides for diversion of minors who are “sexually exploited child,” less than 18 years old and victim of crime of commercial sexual abuse of a minor. Requires diversion of first alleged offense of prostitution or prostitution loitering. Requires model law enforcement policy with regard to contact with any minor who is a sexually exploited child.

## **Resources**

National District Attorneys Association, state statutes regarding child prostitution  
<http://www.ndaa.org/pdf/Prostitution%20of%20Children%20Aug2010.pdf>

Testimony of Linda Smith (served in U.S. Congress 1994 – 1998), Founder and President, Shared Hope International, on “Domestic Minor Sex Trafficking: the prostitution of America’s children,” before the House Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security, September 15, 2010.  
<http://judiciary.house.gov/hearings/pdf/LSmith100915.pdf>

Shared Hope International  
<http://www.sharedhope.org/>

International anti-trafficking organization Polaris Project  
<http://www.polarisproject.org/>

National Center for Missing and Exploited Children  
[http://www.missingkids.com/missingkids/servlet/PublicHomeServlet?LanguageCountry=en\\_US](http://www.missingkids.com/missingkids/servlet/PublicHomeServlet?LanguageCountry=en_US)

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