

Since 2011, Shared Hope has laid the foundation for transformational policy, practice, and cultural change by supporting state legislators and stakeholders to identify gaps in the fabric of laws needed to address child sex trafficking. The Report Cards on Child & Youth Sex Trafficking build upon the progress already made, challenging states to take the next step in the fight against sex trafficking by focusing on the area where the largest gaps remain—victim protections. This report provides a thorough review of Rhode Island’s laws related to both criminalization and victim protections while providing recommendations for addressing gaps in the law.



ISSUE 1: Criminal Provisions

Policy Goal 1.1 The child sex trafficking law is expressly applicable to buyers of commercial sex with any minor under 18.

R.I. Gen. Laws Ann. § 11-67.1-7(a) (Patronizing a minor for commercial sexual activity) expressly applies to buyers of commercial sex with minors; it states,

A person commits the offense of patronizing a minor for commercial sexual activity if:

- (1) With the intent that an individual engage in commercial sexual activity¹ with a minor, the person gives, agrees to give, or offers to give anything of value to a minor or another person so that the individual may engage in commercial sexual activity with a minor; or
- (2) The person gives, agrees to give, or offers to give anything of value to a minor or another person so that an individual may engage in commercial sexual activity with a minor.

Similarly, R.I. Gen. Laws Ann. § 11-67.1-6 (Patronizing a victim of sexual servitude) applies to buyers but requires the buyer to know the minor is a victim of sexual servitude. R.I. Gen. Laws Ann. § 11-67.1-6(a) provides,

A person commits the offense of patronizing a victim of sexual servitude if the person knowingly gives, agrees to give, or offers to give anything of value so that an individual may engage in commercial sexual activity² with another individual and the person knows that the other individual is a victim of sexual servitude.

¹ R.I. Gen. Law § 11-67.1-2(a)(3) defines “commercial sexual activity” as sexual activity for which anything of value is given to, promised to, or received, by a person.”

² See *supra* note 1 for the definition of “commercial sexual activity.”

Policy Goal 1.2 Commercial sexual exploitation of children (CSEC) laws specifically criminalize purchasing or soliciting commercial sex with any minor under 18.

Rhode Island law criminalizes soliciting commercial sex with a minor. Under R.I. Gen. Laws Ann. § 11-37-8.8(a) (Indecent solicitation of a child),

A person is guilty of indecent solicitation of a child if he or she knowingly solicits³ another person under eighteen (18) years of age or one whom he or she believes is a person under eighteen (18) years of age for the purpose of engaging in an act of prostitution or in any act in violation of chapter 9 [Children], 34 [Prostitution and Lewdness], or 37 [Sexual assault] of this title.

Policy Goal 1.3 Commercial sexual exploitation of children (CSEC) laws apply to traffickers and protect all minors under 18.

Rhode Island’s CSEC laws address an array of trafficker conduct. Pursuant to R.I. Gen. Laws Ann. § 11-9-1(c) (Exploitation for commercial or immoral purposes),

Every person who shall exhibit, use, employ or shall in any manner or under pretense so exhibit, use, or employ any child under the age of eighteen (18) years to any person for the purpose of prostitution or for any other lewd or indecent act shall be imprisoned not exceeding twenty (20) years, or be fined not exceeding twenty thousand dollars (\$20,000), or both.

Further, R.I. Gen. Laws Ann. § 11-9-2 (Employment of children for unlawful purposes) provides,

Every person who shall take, receive, hire, employ, exhibit, or have in custody, or who shall cause to be taken, hired, employed, exhibited, or held in custody, any child under the age of sixteen (16) years, for any of the purposes prohibited in § 11-9-1 [Exploitation for commercial or immoral purposes], shall be held guilty of a misdemeanor, and shall be punished for every such offense in the manner provided in that section.

Lastly, R.I. Gen. Laws Ann. § 11-37-8.8(a) (Indecent solicitation of a child) states,

A person is guilty of indecent solicitation of a child if he or she knowingly solicits⁴ another person under eighteen (18) years of age or one whom he or she believes is a person under eighteen (18) years of age for the purpose of engaging in . . . any act in violation of chapter 9 [Children], 34 [Prostitution and Lewdness], or 37 [Sexual assault] of this title.

Policy Goal 1.4 Mistake of age is not an available defense under sex trafficking and commercial sexual exploitation of children (CSEC) laws.

Rhode Island law expressly prohibits a mistake of age defense in prosecutions for child sex trafficking but not CSEC. Pursuant to R.I. Gen. Laws Ann. § 11-67.1-5(b) (Sexual servitude), “It is not a defense in a prosecution

³ R.I. Gen. Laws Ann. § 11-37-8.8(b) defines “solicit” or “solicitation” as “to command, authorize, urge, incite, request, or advise another to perform an act by any means including, but not limited to, in person, over the phone, in writing, by computer, through the Internet, or by advertisement of any kind.”

⁴ R.I. Gen. Laws Ann. § 11-37-8.8(b) defines “solicit” or “solicitation” as “to command, authorize, urge, incite, request, or advise another to perform an act by any means including, but not limited to, in person, over the phone, in writing, by computer, through the Internet, or by advertisement of any kind.”

under subsection (a)(1) of this section . . . that the defendant believed the minor was an adult.” However, Rhode Island’s other trafficking laws are silent regarding the permissibility of the defense.

- 1.4.1 Recommendation: Prohibit a mistake of age defense in all cases involving child sex trafficking and CSEC.

Policy Goal 1.5 Use of a law enforcement decoy is not an available defense in child sex trafficking cases.

Although the trafficking law does not expressly prohibit an offender from raising a defense based on the use of a law enforcement decoy posing as a minor, Rhode Island’s criminal attempt statute, R.I. Gen. Laws Ann. § 12-17-14 (Conviction of lesser-included offense or attempt), could provide prosecutors with an alternative avenue to prosecute those cases by holding an offender accountable for attempting to commit a child sex trafficking offense even if the offender was prevented from completing the offense since the intended victim was a law enforcement decoy rather than an actual minor. Pursuant to R.I. Gen. Laws Ann. § 12-17-14,

Whenever any person is tried upon an indictment, information, or complaint and the court or jury, as the case may be, shall not be satisfied that he or she is guilty of the whole offense, but shall be satisfied that he or she is guilty of so much of the offense as shall substantially amount to an offense of a lower nature, or that the defendant did not complete the offense charged, but that he or she was guilty only of an attempt to commit the same offense, the court or jury may find him or her guilty of the lower offense or guilty of an attempt to commit the offense, as the case may be, and the court shall proceed to sentence the person for the offense of which he or she shall be so found guilty, notwithstanding that the court had not otherwise jurisdiction of the offense.

Policy Goal 1.6 The trafficking law expressly allows for business entity liability and establishes a business-specific penalty scheme.

Rhode Island’s trafficking chapter expressly allows for business entity liability and establishes a business-specific penalty scheme. Specifically, R.I. Gen. Laws Ann. § 11-67.1-8 (Business entity liability) provides,

- (a) A person that is a business entity may be prosecuted for an offense under §§ 11-67.1-3 – 11-67.1-7 [including trafficking an individual; forced labor; sexual servitude; patronizing a victim of sexual servitude; and patronizing a minor for commercial sexual activity] only if:
 - (1) The entity knowingly engages in conduct that constitutes human trafficking; or
 - (2) An employee or nonemployee agent of the entity engages in conduct that constitutes human trafficking and the conduct is part of a pattern of activity in violation of this chapter [Uniform act on prevention of and remedies for human trafficking] for the benefit of the entity, which the entity knew was occurring and failed to take effective action to stop.
- (b) When a person that is a business entity is prosecuted for an offense under §§ 11-67.1-3 – 11-67.1-7, the court may consider the severity of the entity’s conduct and order penalties in addition to those otherwise provided for the offense, including:
 - (1) A fine of not more than fifty thousand dollars (\$50,000) per offense;
 - (2) Disgorgement of profit from activity in violation of this chapter; and
 - (3) Debarment from state and local government contracts.

Policy Goal 1.7 State law mandates that financial penalties are levied on sex trafficking and CSEC offenders and are directed to a victim services fund.

Financial penalties, including criminal fines, fees, and asset forfeiture, paid by convicted trafficking and CSEC

offenders are not required to be directed into a victim services fund.⁵

- 1.7.1 Recommendation: Statutorily direct a percentage of financial penalties levied on trafficking and CSEC offenders into a victim services fund.

⁵ Regarding asset forfeiture, R.I. Gen. Laws Ann. § 11-67.1-11(a) (Forfeiture) provides for forfeiture in certain trafficking cases, stating,

On motion, the court shall order a person convicted of an offense under §§ 11-67.1-3 [Trafficking an individual], 11-67.1-4 [Forced labor], or 11-67.1-5 [Sexual servitude] to forfeit any interest in real or personal property that:

- (1) Was used or intended to be used to commit or facilitate the commission of the offense; or
- (2) Constitutes proceeds or was derived from proceeds that the person obtained, directly or indirectly, as a result of the offense.

Disposition of property forfeited under R.I. Gen. Laws Ann. § 11-67.1-11(a) is governed by R.I. Gen. Laws Ann. § 21-28-5.04.1 (Criminal forfeiture procedures) and R.I. Gen. Laws Ann. § 21-28-5.04.1 (Civil forfeiture procedure); however, neither statute directs a percentage of a sex trafficking offender's forfeited assets into a victim services fund. R.I. Gen. Laws Ann. §§ 11-67.1-11(c), 21-28-5.04.1, 21-28-5.04.2.



ISSUE 2: Identification of & Response to Victims

Policy Goal 2.1 The definition of child sex trafficking victim in the criminal code includes all commercially sexually exploited children without requiring third party control.

The definition of child sex trafficking victim includes all commercially sexually exploited children without requiring third party control. R.I. Gen. Laws Ann. § 11-67.1-2(14) (Definitions) defines “victim” as “an individual who is subjected to human trafficking or to conduct that would have constituted human trafficking has this chapter been in effect when the conduct occurred, regardless of whether the perpetrator is identified, apprehended, prosecuted, or convicted.” “Human trafficking” is defined under R.I. Gen. Laws Ann. § 11-67.1-2(5) as “the commission of an offense created by §§ 11-67.1-3 – 11.67.1-7.”

R.I. Gen. Laws Ann. § 11-67.1-7(a) (Patronizing a minor for commercial sexual activity) expressly applies to buyers of commercial sex with minors regardless of whether a trafficker is involved or identified.⁶ Accordingly, third party control is not required to establish the crime of patronizing a minor for commercial sexual activity or, consequently, to identify a commercially sexually exploited child as a trafficking victim.

Notably, however, Rhode Island’s other trafficking laws do require third party control. R.I. Gen. Laws Ann. § 11-67.1-6 (Patronizing a victim of sexual servitude) requires the buyer to know the minor is a victim of sexual servitude, and neither R.I. Gen. Laws Ann. § 11-67.1-3 (Trafficking an individual)⁷ nor R.I. Gen. Laws Ann. § 11-67.1-5 (Sexual servitude)⁸ apply to buyers.

Policy Goal 2.2 State law provides policy guidance to facilitate access to services and assistance for trafficked foreign national children.

Rhode Island law provides policy guidance that facilitates access to services and benefits for trafficked foreign national children. Specifically, R.I. Gen. Laws Ann. § 11-67.1-21(a), (b) (Eligibility for benefit or services) affords child sex trafficking victims access to state-provided services and benefits regardless of immigration status, stating,

(a) A victim is eligible for a benefit or service available through the state in any plan established by the council on human trafficking [and identified in the plan developed under § 11-67.1-19(c)(1)], including

⁶ See *supra* Policy Goal 1.1 for a full discussion of buyer-applicability under R.I. Gen. Laws Ann. § 11-67.1-7.

⁷ R.I. Gen. Laws Ann. § 11-67.1-3(a)(2) states,

A person commits the offense of trafficking an individual if the person knowingly recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains, or entices an individual in furtherance of:

....
(2) Sexual servitude in violation of § 11-67.1-5.

⁸ R.I. Gen. Laws Ann. § 11-67.1-5(a)(1) states,

A person commits the offense of sexual servitude if the person knowingly:

(1) Maintains or makes available a minor for the purpose of engaging the minor in commercial sexual activity⁸ . . .

compensation under the criminal injuries compensation act pursuant to chapter 25 of title 12 [Criminal injuries compensation], regardless of immigration status.

(b) A minor who has engaged in commercial sexual activity is eligible for a benefit or service available through the state in any plan established by the council on human trafficking, regardless of immigration status.

Policy Goal 2.3 State law mandates child welfare agencies to conduct trauma-informed CSEC screening for children at risk of sex trafficking.

Rhode Island law does not require child welfare to conduct trauma-informed CSEC screening of system-involved children and youth who are at risk of sex trafficking.

2.3.1 Recommendation: Enact a state law requiring child welfare to screen system-involved children and youth at risk of sex trafficking for experiences of commercial sexual exploitation.

Policy Goal 2.4 State law mandates juvenile justice agencies to conduct trauma-informed CSEC screening of children at risk of sex trafficking.

Rhode Island law does not require juvenile justice agencies to conduct trauma-informed CSEC screening of children and youth who are at risk of sex trafficking.

2.4.1 Recommendation: Enact a state law requiring juvenile justice agencies to screen children and youth who are at risk of sex trafficking for experiences of commercial sexual exploitation.

Policy Goal 2.5 State law prohibits the criminalization of minors under 18 for prostitution offenses.

Rhode Island law prohibits the prosecution of minors for prostitution; however, such protections do not expressly prohibit the use of arrest or detention of commercially sexually exploited children.

The core prostitution offense, R.I. Gen. Laws § 11-34.1-2(a) (Prostitution), applies equally to minors and adults, stating, “a person is guilty of prostitution when such person engages, or agrees, or offers to engage in sexual conduct with another person in return for a fee.” However, R.I. Gen. Laws § 11-67.1-15(a)–(c) (Immunity of a minor) provides a clear prohibition on prosecution of minors for prostitution; it provides,

(a) An individual is not criminally liable or subject to a delinquency proceeding in the family court for prostitution or solicitation to commit a sexual act if the individual was a minor at the time of the offense and committed the offense as a direct result of being a victim.

(b) An individual who has engaged in commercial sexual activity is not criminally liable or subject to a delinquency proceeding in the family court for prostitution or solicitation to commit a sexual act if the individual was a minor at the time of the offense.

(c) A minor who under subsection (a) or (b) of this section is not subject to criminal liability or a delinquency proceeding in family court is presumed to be an abused and/or neglected child as defined in § 40-11-2.

Consequently, while Rhode Island law fails to clearly prohibit the use of arrest or detention of commercially sexually exploited minors, statutory protections safeguard minors from prosecution for prostitution offenses.

2.5.1 Recommendation: Amend state law to clearly prohibit the use of arrest or detention in response to minors engaged in commercial sex.

Policy Goal 2.6 State law prohibits the criminalization of child sex trafficking victims for status offenses, and misdemeanor and non-violent felony offenses committed as a result of their trafficking victimization.

Rhode Island law does not prohibit the criminalization of child sex trafficking victims for status offenses nor does it prohibit charging victims with misdemeanors or non-violent felonies committed as a result of their trafficking victimization.

2.6.1 Recommendation: Enact a law that prohibits the criminalization of child sex trafficking victims for status offenses, and misdemeanors and non-violent felonies committed as a result of their trafficking victimization.

Policy Goal 2.7 State law prohibits the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization.

Rhode Island law does not prohibit the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization.

2.7.1 Recommendation: Enact a law that prohibits the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization.

Policy Goal 2.8 State law provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.

Rhode Island law does not provide child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.

2.8.1 Recommendation: Enact a law that provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.

Policy Goal 2.9 Juvenile court jurisdiction aligns with international human rights standards.

Rhode Island law does not provide age-appropriate juvenile court responses for all minors accused of engaging in juvenile or criminal conduct. While Rhode Island law extends juvenile court jurisdiction to all minors under 18 years of age, governing state statute does not establish a minimum age for jurisdictional purposes, permits direct file for minors previously convicted in criminal court, and fails to require courts to consider the impact of trauma or past victimization in making discretionary transfer determinations.

	Minimum Age for Juvenile Court Jurisdiction	Maximum Age for Charging a Minor in Juvenile Court	Automatic Transfers or Direct File	Discretionary Transfers	Requirement for Court to Consider Trauma or Past Victimization
Summary	None. “Child” is defined as, “a person under eighteen (18) years	17	Yes. Minors previously certified and convicted in criminal court.	Yes. Minors: (1) charged with an offense that would be punishable by	No.

	of age and “delinquent” is defined as, “any child who has committed any offense that, if committed by an adult, would constitute a felony, or who has on more than one occasion violated any of the other laws of the state or of the United States”			life imprisonment if committed by adult; and (2) charged with a felony offense.	
Relevant Statute(s)	R.I. Gen. Laws Ann. § 14-1-3(3), (5) (Definitions)	R.I. Gen. Laws Ann. § 14-1-3(3), (5) (Definitions)	R.I. Gen. Laws Ann. § 14-1-7.1(c) (Waiver of jurisdiction – Proof)	R.I. Gen. Laws Ann. § 14-1-7(a), (c) (Waiver of jurisdiction or certification hearing); R.I. Gen. Laws Ann. § 14-1-7.1(b) (Waiver of jurisdiction – Proof)	R.I. Gen. Laws Ann. § 14-1-7.1(a) (Waiver of jurisdiction – Proof)

Consequently, some minors may still be subjected to age-inappropriate juvenile court responses due to state laws that: (1) fail to establish a minimum age for juvenile court jurisdiction that aligns with international human rights standards; (2) allow some juvenile cases to be subject to direct file; and (3) do not require the juvenile court to consider past trafficking victimization or trauma when making a transfer determination.

2.9.1 Recommendation: Enact comprehensive state laws requiring age-appropriate juvenile court responses for all children accused of engaging in juvenile or criminal conduct.

Policy Goal 2.10 State law defines child abuse to include child sex trafficking for purposes of accessing child welfare services.

Rhode Island law defines “abused or neglected child” to include commercial sexual exploitation of children but not child sex trafficking. R.I. Gen. Laws Ann. § 40-11-2(1)(iii), (vii) (Definitions) states,

When used in this chapter and unless the specific context indicates otherwise:

(1) “Abused or neglected child” means a child whose physical or mental health or welfare is harmed, or threatened with harm, when his or her parent or other person responsible for his or her welfare:

.....

(iii) Commits, or allows to be committed, against the child an act of sexual abuse; or

.....

(vii) Sexually exploits the child in that the person allows, permits, or encourages the child to engage in prostitution as defined by the provisions in § 11-34.1-1 et seq., entitled “Commercial Sexual Activity”

While R.I. Gen. Laws Ann. § 11-67.1-15(c) (Immunity of minor) provides that “[a] minor who under subsection (a) or (b) of this section⁹ is not subject to criminal liability or a delinquency proceeding in family court is presumed to be an abused and/or neglected child as defined in § 40-11-2,” this presumption does not ensure that a child sex trafficking victim who is presumed to be abused will actually meet the requirements of R.I. Gen. Laws Ann. § 40-11-2 for purposes of accessing child welfare services and appears to operate primarily as a mandate to report commercially sexually exploited children to child welfare but does not require that child sex trafficking victims be able to access services through child welfare.

- 2.10.1 Recommendation: Amend the definition of “abused or neglected child” to expressly include child sex trafficking.

Policy Goal 2.11 State law clearly defines child welfare’s role in responding to non-familial child sex trafficking through an alternative specialized response that does not hinge on caregiver fault.

Rhode Island law does not allow for a child welfare response to non-familial child sex trafficking victims because the definition of “abused or neglected child” requires that the perpetrator of abuse is the child’s “parent or other person responsible for his or her welfare,” and no alternative response is statutorily provided for children reported to child welfare due to trafficking victimization perpetrated by a non-familial trafficker. Pursuant to R.I. Gen. Laws Ann. § 40-11-2(1) (Definitions), “‘Abused or neglected child’ means a child whose physical or mental health or welfare is harmed, or threatened with harm, when his or her parent or other person responsible for his or her welfare” commits certain acts defined as abuse, including commercial sexual exploitation of children, under R.I. Gen. Laws Ann. § 40-11-2(1)(vii).

While R.I. Gen. Laws Ann. § 11-67.1-15(c) (Immunity of minor) provides that “[a] minor who under subsection (a) or (b) of this section¹⁰ is not subject to criminal liability or a delinquency proceeding in family court is presumed to be an abused and/or neglected child as defined in § 40-11-2,” this presumption does not ensure that a child sex trafficking victim who is presumed to be abused will actually meet the requirements of R.I. Gen. Laws Ann. § 40-11-2 for purposes of accessing child welfare services and appears to operate primarily as a mandate as a requirement to report commercially sexually exploited children to child welfare but does not require that child sex trafficking victims be able to access services through child welfare.

⁹ Pursuant to R.I. Gen. Laws Ann. § 11-67.1-15(a), (b) (Immunity of minor),

(a) An individual is not criminally liable or subject to a delinquency proceeding in the family court for prostitution or solicitation to commit a sexual act if the individual was a minor at the time of the offense and committed the offense as a direct result of being a victim.

(b) An individual who has engaged in commercial sexual activity is not criminally liable or subject to a delinquency proceeding in the family court for prostitution or solicitation to commit a sexual act if the individual was a minor at the time of the offense.

¹⁰ Pursuant to R.I. Gen. Laws Ann. § 11-67.1-15(a), (b) (Immunity of minor),

(a) An individual is not criminally liable or subject to a delinquency proceeding in the family court for prostitution or solicitation to commit a sexual act if the individual was a minor at the time of the offense and committed the offense as a direct result of being a victim.

(b) An individual who has engaged in commercial sexual activity is not criminally liable or subject to a delinquency proceeding in the family court for prostitution or solicitation to commit a sexual act if the individual was a minor at the time of the offense.

- 2.11.1 Recommendation: Amend the child welfare code to provide an alternative specialized response to child sex trafficking reports that does not hinge on caregiver fault and sets out a trafficking-specific response protocol for non-familial child sex trafficking cases.



ISSUE 3: Continuum of Care

Policy Goal 3.1 State law provides child sex trafficking victims with access to specialized services through a non-punitive system.

Rhode Island law does not provide a process to connect child sex trafficking victims with access to specialized services through a non-punitive system; however, R.I. Gen. Laws Ann. § 11-67.1-19(c)(1) (Council on human trafficking) establishes the council on human trafficking and tasks the council with “develop[ing] a coordinated and comprehensive plan to provide victims with services.” Further, the council “may make a grant to or contract with a unit of state or local government, or nongovernmental victim’s service organization to develop or expand service programs for victims.” R.I. Gen. Laws. Ann. § 11-67.1-23(a) (Grant to or contract with service provider). Finally, R.I. Gen. Laws Ann. § 11-67.1-21(c) (Eligibility for benefit or service) states,

As soon as practicable after a first encounter with an individual who reasonably appears to any state or local agency, to be a victim or a minor who has engaged in commercial sexual activity, the agency shall notify the department of the attorney general, a state or local law enforcement agency or the department of health that the individual may be eligible for a . . . service pursuant to this chapter.

Further, R.I. Gen. Laws Ann. § 11-67.1-15(c) (Immunity of minor) states,

A minor who under subsection (a) or (b) of this section is not subject to criminal liability or delinquency proceedings in family court is presumed to be an abused and/or neglected¹¹ child as defined in § 40-11-2 [Definitions].¹²

- 3.1.1 Recommendation: Strengthen existing law to provide a clear process for child sex trafficking victims to access specialized services through a non-punitive system.

Policy Goal 3.2 State law provides for a survivor-centered multi-disciplinary team response to child sex trafficking cases.

Rhode Island does not statutorily require a multi-disciplinary team response to child sex trafficking cases.

¹¹ A commercially sexually exploited child may also be identified as neglected pursuant to R.I. Gen. Laws Ann. § 11-9-3 (Seizure and custody of exploited child—proceedings as against neglected child), which states,

The town sergeant of any town, the chief of police of any city, or any agent of the director of children, youth and families may enter any place where any child may be held, detained or employed in violation of §§ 11-9-1 [Exploitation for commercial or immoral purposes]—11-9-8 [Appropriations for prevention of cruelty to children], and, without process of law, seize and detain the child and hold him or her as a witness to testify upon the trial of any person charged with violating the provisions of §§ 11-9-1—11-9-8; and if prior to or upon conviction of the offender, no person shall appear who is entitled to the custody of the child, the officer having the child in custody may bring proceedings against the child as a neglected child under the provisions of chapter 1 [Proceedings in family court] of title 14 [Delinquent and dependent children].

¹² See *supra* Policy Goal 2.5 for a full discussion of Rhode Island’s non-criminalization response under R.I. Gen. Laws Ann. § 11-67.1-15(c).

- 3.2.1 Recommendation: Enact legislation requiring a multi-disciplinary team response to child sex trafficking victims.

Policy Goal 3.3 State law requires the juvenile justice system to provide access to specialized services for identified sex trafficked children and youth.

Rhode Island law does not provide access to specialized services for identified sex trafficked children and youth in the juvenile justice system.

- 3.3.1 Recommendation: Enact legislation requiring the juvenile justice system to provide access to specialized services for identified sex trafficked children and youth.

Policy Goal 3.4 State law extends foster care services to older foster youth.

Rhode Island law extends foster care services to youth under 21 years of age through a voluntary extended foster care agreement. However, these services are not extended to youth under 23 years of age as permitted under federal law.¹³ Specifically, R.I. Gen. Laws Ann. § 14-1-6(c), (d) (Retention of jurisdiction) provides,

(c) A child, who is in foster care on their eighteenth birthday due to the filing of a miscellaneous petition or a petition alleging that the child is dependent, neglected, or abused pursuant to §§ 14-1-5, 40-11-7 or 42-72-14, may voluntarily elect to continue responsibility for care and placement from DCYF and to remain under the legal supervision of the court as a young adult until age twenty-one (21), provided:

- (1) The young adult was in the legal custody of the department at age eighteen (18); and
- (2) The young adult is participating in at least one of the following:
 - (i) Completing the requirements to receive a high school diploma or GED;
 - (ii) Completing a secondary education or a program leading to an equivalent credential; enrolled in an institution that provides postsecondary or vocational education;
 - (iii) Participating in a job-training program or an activity designed to promote or remove barriers to employment;
 - (iv) Be employed for at least eighty (80) hours per month; or
 - (v) Incapable of doing any of the foregoing due to a medical condition that is regularly updated and documented in the case plan.

(d) A former foster child who was adopted or placed in guardianship with an adoption assistance agreement or a guardianship assistance agreement that was executed on or after his or her sixteenth birthday and prior to his or her eighteenth birthday may voluntarily agree to extended care and placement by the department and legal supervision by the court until age twenty-one (21) if the young adult satisfies the requirements in subsection (c)(2). Provided, however, the department retains the right to review the request and first attempt to address the issues through the adoption assistance agreement by providing post adoptive or post guardianship support services to the young adult and his or her adoptive or guardianship family.

Further, R.I. Gen. Laws Ann. § 40-11-12.5(a) (Review of young adults under the court's legal supervision and receiving care and placement services from DCYF) states,

In the case of a young adult, between the ages of eighteen (18) and twenty-one (21), who has executed a voluntary placement agreement for continued care and placement responsibility from the department and

¹³ For more information, see Shared Hope Int'l, *Issue Brief 3.4: Continuum of Care*, https://sharedhope.org/wp-content/uploads/2020/12/SH_Issue-Brief-3.4_2020.pdf (discussing federal laws that allow for funded foster care services to be extended to youth under 23 years of age).

for legal supervision of the court, the permanency plan shall document the reasonable efforts made by the department and the young adult to finalize a permanency plan that addresses the goal of preparing the young adult for independence and successful adulthood. This includes, but is not limited to, housing assistance to obtain supervised independent living arrangements, shared living arrangements or extended foster and kinship care; education, vocational assessment, job training and employment plan needed to transition the young adult to self-sufficiency; assisting the young adult in obtaining educational goals; a job, employment/vocational skills; any other services and supports that will assist the young adult in accessing available services; applying for public benefits; acquiring important documents, such as ID card, driver's license, birth certificate, social security card, health insurance cards, medical records; attending to physical and mental health needs; maintaining relationships with individuals who are important to them and acquiring information about siblings and other maternal and paternal relatives.

- 3.4.1 Recommendation: Strengthen existing law to better support transition age youth by extending transitional foster care services to youth under 23 years of age.

Policy Goal 3.5 State funding is appropriated to support specialized services and a continuum of care for sex trafficked children regardless of system involvement.

The Rhode Island state legislature did not appropriate funds to support the development and provision of specialized, community-based services and care to child and youth survivors.

- 3.5.1 Recommendation: Appropriate state funds to support the development of and access to specialized, community-based services to child and youth survivors of sex trafficking.

Policy Goal 3.6 State funding is appropriated to support child-serving agencies with providing specialized services and a continuum of care for sex trafficked children.

The Rhode Island state legislature did not appropriate funds to support child-serving agencies with developing and providing specialized services and ensuring a continuum of care for child and youth survivors who interact or are involved with state systems.

- 3.6.1 Recommendation: Appropriate state funds to support child-serving agencies in the development of and access to specialized services to child and youth survivors of sex trafficking.



ISSUE 4: Access to Justice for Trafficking Survivors

Policy Goal 4.1 State law allows trafficking victims to seek emergency civil orders of protection.

Rhode Island law allows trafficking victims to seek ex parte civil orders of protection against their exploiters. Pursuant to R.I. Gen. Laws Ann. § 15-15-3(a)(1) (Protective orders),

A person, or a parent, custodian, or legal guardian on behalf of a minor child or the director of the department of children, youth and families (“DCYF”) or its designee for a child in the custody of DCYF, . . . suffering from domestic abuse or sexual exploitation as defined in § 15-15-1 [Definitions], may file a complaint in the family court requesting any order that will protect and support her or him from abuse or sexual exploitation, including, but not limited to, the following:

- (1) Ordering that the defendant be restrained and enjoined from contacting, assaulting, molesting, sexually exploiting, or interfering with the plaintiff at home, on the street, or elsewhere, whether the defendant is an adult or a minor

R.I. Gen. Laws Ann. § 15-15-1(8)(i) (Definitions) defines “sexual exploitation” as follows:

[T]he occurrence of any of the following acts by any person who knowingly or willfully encourages, aids, or coerces any child under the age of eighteen (18) years:

- (i) Recruiting, employing, enticing, soliciting, isolating, harboring, transporting, providing, persuading, obtaining, or maintaining, or so attempts, any minor for the purposes of commercial sex acts or sexually explicit performances; or selling or purchasing a minor for the purposes of commercial sex acts.
 - (A) “Commercial sex act” means any sex act or sexually explicit performance on account of which anything of value is given, promised to, or received, directly or indirectly, by any person.
 - (B) “Sexually-explicit performance” means an act or show, intended to arouse, satisfy the sexual desires of, or appeal to the prurient interests of patrons or viewers, whether public or private, live, photographed, recorded, or videotaped.

Accordingly, civil orders of protection are available to victims of child sex trafficking. Further, R.I. Gen. Laws Ann. § 15-15-4(a), (b) (Temporary orders – Ex parte proceedings) allows those orders to be granted on an ex parte basis, stating,

- (a)
 -
 - (2) If it clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss, or damage will result to the plaintiff before notice can be served and a hearing held on the matter, the court may enter any temporary order without notice that it deems necessary to protect the plaintiff. Every order granted without notice shall expire by its terms within any time after entry, not to exceed twenty-one (21) days, that the court fixes, unless within the time fixed the order, by consent or for good cause shown and after hearing of argument by the parties or counsel, is extended for an additional period
- (b)
 - (1) When the court is unavailable after the close of business, a family court judge may grant relief to the plaintiff as provided in this chapter
 - (2) In addition, when there is no family court in session at a location when a division of the district court is in session, the district court judge at the division is authorized to grant relief to the plaintiff under this chapter upon cause shown in an ex parte proceeding.

(3) No temporary order shall be granted pursuant to the provisions of subdivision (1) of this subsection unless it clearly appears from specific facts shown in plaintiff’s written statement that immediate and irreparable injury, loss, or damage will result to the plaintiff before notice can be served and a hearing held on the matter.

(4) Any temporary order granted pursuant to the provisions of subdivision (1) of this subsection expires at close of the next business day unless a longer time is granted by the family court judge.

Policy Goal 4.2 Ineligibility factors for crime victims’ compensation do not prevent victims of child sex trafficking and commercial sexual exploitation of children (CSEC) from accessing compensation.

Although Rhode Island’s crime victims’ compensation laws define “victim” broadly enough to include victims of child sex trafficking and CSEC, ineligibility factors may prevent a commercially sexually exploited child from accessing an award.

For purposes of accessing crime victims’ compensation, R.I. Gen. Laws Ann. § 12-25-17(13) (Definitions) defines “victim” as “a person who is injured or killed by any act of a person or persons that is within the description of any of the offenses specified in § 12-25-20 and which act occurs in the state of Rhode Island” Although Rhode Island’s trafficking and CSEC offenses are not specifically enumerated, R.I. Gen. Laws Ann. § 12-25-20(18) (Offenses to which chapter applies) broadly states,

The office may award compensation in accordance with the provisions of this chapter for personal injury or death which resulted from offenses in the following categories:

.....

(18) Any other crime excluding motor vehicle offenses other than those enumerated in this section which results in personal injury¹⁴ or death; and

Further, R.I. Gen. Laws Ann. § 11-67.1-21 (Eligibility for benefit or service) provides,

(a) A victim is eligible for a benefit or service available through the state in any plan established by the council on human trafficking . . . , including compensation under the criminal injuries compensation act pursuant to chapter 25 of title 12, regardless of immigration status.

(b) A minor who has engaged in commercial sexual activity is eligible for a benefit or service available through the state in any plan established by the council on human trafficking, regardless of immigration status.

Accordingly, victims of child sex trafficking and CSEC should have access to crime victims’ compensation. However, certain ineligibility factors may still limit a commercially sexually exploited child’s ability to receive an award. Pursuant to R.I. Gen. Laws Ann. § 12-25-22(a) (Limitations upon awarding compensation),

Actions for compensation under this chapter shall be commenced within three (3) years after the date of the injury or death, and no compensation shall be awarded for an injury or death resulting from a crime that was not reported to the appropriate law enforcement authority within fifteen (15) days of its occurrence; provided, that the office shall have the authority to allow a claim that was not reported pursuant to this section when the victim or secondary victim was below the age of eighteen (18) years of age, or of unsound mind, or for good cause shown.

Further, R.I. Gen. Laws Ann. § 12-25-19(d) (Awarding compensation) provides,

¹⁴ R.I. Gen. Laws Ann. § 12-25-17(7) defines “personal injury” as “actual bodily harm, mental or nervous shock, and a pregnancy resulting from sexual attack.”

- (1) In determining whether to award compensation as described in this section and the amount of compensation, the office shall consider any circumstances it determines to be relevant, including, but not limited to:
 - (i) Compliance by the victim with the reasonable requests of law enforcement agencies and personnel;
 - (ii) Violent felonious criminal conduct of the victim committed within the past five (5) years or subsequent to his or her injury;
 - (iii) Any conviction of a crime of violence by the victim; and
 - (iv) The behavior of the victim, including past behavior, that directly or indirectly contributed to his or her injury or death, unless the injury or death resulted from the victim's lawful attempt to prevent the commission of a crime or to apprehend an offender. The office may reduce or deny an award based on these circumstances.
- (2) Any individual who is incarcerated at any criminal institutional facility at the time of his or her injury shall be deemed ineligible to receive an award of compensation as described in this section.

- 4.2.1 Recommendation: Statutorily exempt victims of child sex trafficking and CSEC from ineligibility factors for crime victims' compensation.

Policy Goal 4.3 Sex trafficked children and youth may vacate delinquency adjudications and criminal convictions for any offense arising from trafficking victimization.

Although Rhode Island law allows trafficking victims to vacate criminal convictions, vacatur is unavailable for delinquency adjudications arising from trafficking victimization. Pursuant to R.I. Gen. Laws Ann. § 11-67.1-17(a), (b) (Motion to vacate and expunge conviction),

- (a) An individual convicted of prostitution or solicitation to commit a sexual act, committed as a direct result of being a victim, may apply by motion to the court having jurisdiction over the offense to vacate the conviction and seal or expunge the record of conviction. The court may grant the motion after a hearing and upon a finding that the individual's participation in the offense was a direct result of being a victim.
- (b) An official determination or documentation from a federal, state, local, or tribal agency that the individual was a victim at the time of the offense creates a presumption that the individual's participation was a direct result of being a victim.

However, R.I. Gen. Laws § 11-67.1-17 applies specifically to “convictions,” and R.I. Gen. Laws Ann. § 14-1-40(a) (Adjudication not having effect of conviction) states that an adjudication shall not be deemed a conviction. Accordingly, child sex trafficking victims are unable to vacate delinquency adjudications under R.I. Gen. Laws § 11-67.1-17. Further, R.I. Gen. Laws Ann. § 11-67.1-17 applies only to Rhode Island’s prostitution and solicitation offenses, which fails to recognize the array of crimes trafficking victims are charged with and leaves many survivors without any avenue for relief.

- 4.3.1 Recommendation: Strengthen existing law by allowing sex trafficked children and youth to vacate delinquency adjudications and criminal convictions for any offense arising from trafficking victimization.

Policy Goal 4.4 State law mandates restitution for child sex trafficking and commercial sexual exploitation of children (CSEC) offenses.

Restitution is mandatory in certain cases involving child sex trafficking but not CSEC. Under R.I. Gen. Laws Ann. § 11-67.1-10 (Restitution),

- (a) The court shall order a person convicted of an offense under §§ 11-67.1-3 [Trafficking an individual], 11-

- 67.1-4 [Forced labor], or 11-67.1-5 [Sexual servitude] to pay restitution to the victim of the offense for:
- (1) Expenses incurred or reasonably certain to be incurred by the victim as a result of the offense, including reasonable attorneys' fees and costs; and
 - (2) An amount equal to the greatest of the following, with no reduction for expenses the defendant incurred to maintain the victim:
 - (i) The gross income to the defendant for, or the value to the defendant of, the victim's labor or services or sexual activity;
 - (ii) The amount the defendant contracted to pay the victim; or
 - (iii) The value of the victim's labor or services or sexual activity, calculated under the minimum-wage and overtime provisions of the "Fair Labor Standards Act," 29 U.S.C. § 201 et seq., or subsection (a)(2) of this section, whichever is greater, even if the provisions do not apply to the victim's labor or services or sexual activity.
- (b) The court shall order restitution under subsection (a) of this section even if the victim is unavailable to accept payment of restitution.
- (c) If the victim does not claim restitution ordered under subsection (a) of this section for five (5) years after entry of the order, the restitution must be paid to the criminal injuries compensation fund, as established in chapter 25 of title 12.

However, R.I. Gen. Laws Ann. § 11-67.1-10 does not mandate restitution for violations of Rhode Island's buyer-applicable trafficking laws, R.I. Gen. Laws Ann. § 11-67.1-6 (Patronizing a victim of sexual servitude) or R.I. Gen. Laws Ann. § 11-67.1-7 (Patronizing a minor for commercial sexual activity).

Restitution is available more generally to victims of other crimes pursuant to R.I. Gen. Laws Ann. § 12-19-32 (Restitution); however, restitution under R.I. Gen. Laws Ann. § 12-19-32 is discretionary. It states,

In addition to or in lieu of any non-mandatory sanction imposed as part of a sentence or as a condition of probation, a judge at the time of sentencing may order restitution which may be in the form of monetary payment or some type of community restitution

4.4.1 Recommendation: Statutorily mandate restitution in all child sex trafficking and CSEC cases.

Policy Goal 4.5 State law provides child sex trafficking victims with a trafficking-specific civil remedy.

Rhode Island law allows victims of child sex trafficking to pursue civil remedies against their exploiters. R.I. Gen. Laws Ann. § 11-67.1-18(a), (b) (Civil action) states,

- (a) A victim may bring a civil action against a person who or that commits an offense against the victim under §§ 11-67.1-3 [Trafficking an individual], 11-67.1-4 [Forced labor], or 11-67.1-5 [Sexual servitude] for compensatory damages, punitive damages, injunctive relief, and any other appropriate relief.
- (b) If a victim prevails in an action under this section, the court shall award the victim reasonable attorneys' fees and costs.

Further, under R.I. Gen. Laws Ann. § 9-1-2 (Civil liability for crimes and offenses), Rhode Island's general civil liability statute,

Whenever any person shall suffer any injury to his or her person, reputation, or estate by reason of the commission of any crime or offense, he or she may recover his or her damages for the injury in a civil action against the offender, and it shall not be any defense to such action that no criminal complaint for the crime or offense has been made; and whenever any person shall be guilty of larceny, he or she shall be liable to the owner of the money or articles taken for twice the value thereof, unless the money or articles are restored, and for the value thereof in case of restoration.

EXTRA CREDIT



Rhode Island law provides sex trafficked youth with a trafficking-specific civil remedy under R.I. Gen. Laws Ann. § 11-67.1-18, which expressly includes victims of sex trafficking regardless of their age.



Rhode Island law provides child labor trafficking victims with a trafficking-specific civil remedy under R.I. Gen. Laws Ann. § 11-67.1-18, which expressly includes victims of R.I. Gen. Laws Ann. § 11-67.1-4 (Forced labor) and R.I. Gen. Laws Ann. § 11-67.1-3 (Trafficking an individual).

Policy Goal 4.6 Statutes of limitation for criminal and civil actions for child sex trafficking or commercial sexual exploitation of children (CSEC) offenses are eliminated to allow prosecutors and victims a realistic opportunity to pursue criminal action and legal remedies.

Rhode Island law lengthens, but does not eliminate, statutes of limitation for criminal and civil actions related to child sex trafficking. Pursuant to R.I. Gen. Laws Ann. § 11-67.1-12 (Statute of limitations), “A prosecution for an offense under this chapter [Uniform Act on the Prevention of and Remedies for Human Trafficking] must be commenced not later than ten (10) years after the commission of the offense.” In contrast, R.I. Gen. Laws Ann. § 12-12-17(c) (Statute of limitations) establishes a general 3-year statute of limitation for other criminal offenses.

Regarding civil actions, R.I. Gen. Laws Ann. § 11-67.1-18(c) (Civil action) provides,

An action under this section must be commenced not later than ten (10) years after the later of the date on which the victim:

- (1) No longer was subject to human trafficking; or
- (2) Attained eighteen (18) years of age.

4.6.1 Recommendation: Eliminate criminal and civil statutes of limitation for all cases involving child sex trafficking and CSEC.



ISSUE 5: Tools for a Victim-Centered Criminal Justice Response

Policy Goal 5.1 State law provides a child sex trafficking-specific hearsay exception that applies to non-testimonial evidence to reduce reliance on victim testimony.

Rhode Island law does not allow non-testimonial, out-of-court statements made by a commercially sexually exploited child to be admitted into evidence in lieu of, or for the purpose of corroborating, the child's testimony.

5.1.1 Recommendation: Enact a hearsay exception that applies to non-testimonial evidence in cases involving commercial sexual exploitation of children under 18 years of age.

Policy Goal 5.2 State law provides child sex trafficking victims with alternatives to live, in-court testimony regardless of the prosecuted offense.

Rhode Island law allows for testimony by an alternative method, but limitations based on the offense charged exclude some commercially sexually exploited children from protection. Specifically, R.I. Gen. Laws Ann. § 11-37-13.2 (Alternative methods of victim testimony – Child victim) permits the court to order the testimony of a child be taken by closed circuit television (CCTV) during a prosecution involving sexual assault of a child. Because R.I. Gen. Laws Ann. § 11-37-8.8(a) (Indecent solicitation of a child), one of Rhode Island's CSEC offenses, is codified under the "Sexual Assault" chapter, CCTV protections would be available to commercially sexually exploited children whose offenders are charged with that crime. R.I. Gen. Laws Ann. § 11-37-13.2 states,

(a) In any judicial proceeding in which a person has been charged with sexual assault of a child who at the time of trial is seventeen (17) years of age or less, the court may order, upon a showing that the child is unable to testify before the court without suffering unreasonable and unnecessary mental or emotional harm, that the testimony of the child be taken in a room other than the courtroom and either be recorded for later showing before the court and/or the finder of fact in the proceeding or be broadcast simultaneously by closed circuit television to the court and/or finder of fact in the proceeding. When the child is fourteen (14) years of age or younger at the time of trial, there shall be a rebuttable presumption that the child is unable to testify before the court without suffering unreasonable and unnecessary mental or emotional harm. Only the judge, attorneys for the parties, persons necessary to operate the recording or broadcasting equipment, and any person whose presence would contribute to the welfare and well-being of the child may be present in the room with the child during his or her testimony

. . . .

(c) If the court orders the testimony of a child to be so recorded or broadcast, the child shall not be required to testify at the proceeding for which the testimony was taken, and the testimony shall be used in lieu of the live testimony of the child.

5.2.1 Recommendation: Strengthen existing protections to allow all commercially sexually exploited children to testify by an alternative method regardless of the child's age and the offense charged.

Policy Goal 5.3 Child sex trafficking victims have access to victim protections in the criminal justice system.

	Child sex trafficking victims have the right to a victim advocate	Child sex trafficking victims testifying against their exploiter are provided supports in the courtroom	Child sex trafficking victims' identifying information is protected from disclosure in court records
Summary	Not statutorily required.	Courts can minimize the time the child is present in court and allow for a person contributing to the child's well-being to accompany the child to testimony.	Not statutorily required.
Relevant Statute(s)	None.	R.I. Gen. Laws Ann. § 12-28-8(b), (c) (Child victims)	None.

5.3.1 Recommendation: Statutorily require that child sex trafficking victims have the right to a victim advocate and their identifying information is protected from disclosure in court records.

Policy Goal 5.4 State law provides for privileged communications between caseworkers and child sex trafficking victims.

Rhode Island law does not provide for privileged communications between caseworkers and child sex trafficking victims.

5.4.1 Recommendation: Enact a child sex trafficking-specific caseworker privilege law that protects a child sex trafficking victim's communications with a caseworker from being disclosed.



ISSUE 6: Prevention & Training

Policy Goal 6.1 State law mandates statewide training for child welfare agencies on identification and response to child sex trafficking.

Rhode Island law authorizes trafficking-specific training for state and local employees, which would include child welfare employees. Pursuant to R.I. Gen. Laws Ann. § 11-67.1-19(c)(5) (Council on human trafficking), the council on human trafficking must “[c]oordinate training on human trafficking prevention and victim services for state and local employees who may have recurring contact with victims or perpetrators.” Resultingly, training regarding child sex trafficking may be, or become, available to child welfare employees. However, Rhode Island law does not clarify that child welfare employees are required to receive such training.

- 6.1.1 Recommendation: Statutorily mandate statewide training for child welfare agencies on identification and response to child sex trafficking.

Policy Goal 6.2 State law mandates statewide training for juvenile justice agencies on identification and response to child sex trafficking.

Rhode Island law authorizes trafficking-specific training for state and local employees, which would include juvenile justice agency employees. Pursuant to R.I. Gen. Laws Ann. § 11-67.1-19(c)(5) (Council on human trafficking), the council on human trafficking must “[c]oordinate training on human trafficking prevention and victim services for state and local employees who may have recurring contact with victims or perpetrators.” Resultingly, training regarding child sex trafficking may be, or become, available to juvenile justice agency employees. However, Rhode Island law does not clarify that juvenile justice agency employees are required to receive such training.

- 6.2.1 Recommendation: Statutorily mandate statewide training for juvenile justice agencies on identification and response to child sex trafficking.

Policy Goal 6.3 State law mandates ongoing, trafficking-specific training on victim-centered investigations for law enforcement.

Rhode Island law authorizes trafficking-specific training for state and local employees, which would include law enforcement officers. Pursuant to R.I. Gen. Laws Ann. § 11-67.1-19(c)(5) (Council on human trafficking), the council on human trafficking must “[c]oordinate training on human trafficking prevention and victim services for state and local employees who may have recurring contact with victims or perpetrators.” Resultingly, training regarding child sex trafficking may be, or become, available to law enforcement officers. However, Rhode Island law does not clarify that officers are required to receive such training.

- 6.3.1 Recommendation: Statutorily mandate ongoing, trafficking-specific training on victim-centered investigations for law enforcement.

Policy Goal 6.4 State law mandates trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.

Rhode Island law authorizes trafficking-specific training for state and local employees, which would include prosecutors. Pursuant to R.I. Gen. Laws Ann. § 11-67.1-19(c)(5) (Council on human trafficking), the council on human trafficking must “[c]oordinate training on human trafficking prevention and victim services for state and local employees who may have recurring contact with victims or perpetrators.” Resultingly, training regarding child sex trafficking may be, or become, available to prosecutors. However, Rhode Island law does not clarify that all prosecutors are required to receive such training.

- 6.4.1 Recommendation: Statutorily mandate trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.

Policy Goal 6.5 State law mandates child sex trafficking training for school personnel.

Rhode Island law does not mandate training on child sex trafficking for school personnel.

- 6.5.1 Recommendation: Statutorily mandate trafficking-specific prevention education training for school personnel.

Policy Goal 6.6 State law mandates child sex trafficking prevention education in schools.

Rhode Island law mandates child sexual exploitation prevention education for students in grades K-8. Pursuant to R.I. Gen. Laws § 16-22-26(b), (c) (Age appropriate sexual abuse and assault awareness education),

- (b) Prevention of child abduction, child sexual exploitation, and child sexual abuse.
 - (1) All pupils in grades kindergarten through eight (8) in all public schools in the state shall receive instruction designed to prevent the abduction, exploitation, or sexual abuse of children. Such instruction shall be provided by, or under the direct supervision of, regular classroom teachers; provided, however, that such instruction may be provided by any other agency, public or private.
 - (2) The department of elementary and secondary education shall continue to provide guidance and materials on age-appropriate sexual abuse and assault awareness and prevention. The commissioner shall provide technical assistance to assist in the development of curricula that shall be age-appropriate and developed according to the needs and abilities of pupils at successive grade levels in order to provide awareness skills, information, self-confidence, and support to aid in the prevention of child abduction, child sexual exploitation, and child sexual abuse.
- (c) Action by school committees. The school committees of the several cities, towns, and school districts shall provide for the incorporation of the curricula described herein into existing health education courses.

State Laws Addressing Child Sex Trafficking

1. R.I. Gen. Laws Ann. § 11-67.1-3(a), (b) (Trafficking an individual) states,
 - (a) A person commits the offense of trafficking an individual if the person knowingly recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains, or entices an individual in furtherance of:
.....
 - (2) Sexual servitude in violation of § 11-67.1-5.
 - (b) Every person who shall commit trafficking of a minor shall be guilty of a felony, subject to not more than fifty (50) years imprisonment, a fine of up to forty thousand dollars (\$40,000), or both.

2. R.I. Gen. Laws Ann. § 11-67.1-5(a), (c) (Sexual servitude) states,
 - (a) A person commits the offense of sexual servitude if the person knowingly:
 - (1) Maintains or makes available a minor for the purpose of engaging the minor in commercial sexual activity¹⁵
.....
 - (c) Every person who shall commit sexual servitude of a minor shall be guilty of a felony, subject to not more than fifty (50) years imprisonment, a fine of up to forty thousand dollars (\$40,000), or both.

3. R.I. Gen. Laws Ann. § 11-67.1-6(a), (b) (Patronizing a victim of sexual servitude) states,
 - (a) A person commits the offense of patronizing a victim of sexual servitude if the person knowingly gives, agrees to give, or offers to give anything of value so that an individual may engage in commercial sexual activity¹⁶ with another individual and the person knows that the other individual is a victim of sexual servitude.
 - (b) Every person who shall patronize a minor for purposes of sexual servitude of a minor shall be guilty of a felony, subject to not more than twenty (20) years imprisonment, a fine of up to twenty thousand dollars (\$20,000), or both.

4. R.I. Gen. Laws Ann. § 11-67.1-7 (Patronizing a minor for commercial sexual activity) states,
 - (a) A person commits the offense of patronizing a minor for commercial sexual activity if:
 - (1) With the intent that an individual engage in commercial sexual activity¹⁷ with a minor, the person gives, agrees to give, or offers to give anything of value to a minor or another person so that the individual may engage in commercial sexual activity with a minor; or
 - (2) The person gives, agrees to give, or offers to give anything of value to a minor or another person so that an individual may engage in commercial sexual activity with a minor.
 - (b) Every person who shall patronize a minor for purposes of commercial sexual activity with a minor shall be guilty of a felony, subject to not more than ten (10) years imprisonment, a fine of up to twenty thousand dollars (\$20,000), or both.

¹⁵ R.I. Gen. Law § 11-67.1-2(a)(3) defines “commercial sexual activity” as sexual activity for which anything of value is given to, promised to, or received, by a person.”

¹⁶ See *supra* note 15 for the definition of “commercial sexual activity.”

¹⁷ See *supra* note 15 for the definition of “commercial sexual activity.”

5. R.I. Gen. Laws Ann. § 11-67.1-8 (Business entity liability) states,

- (a) A person that is a business entity may be prosecuted for an offense under §§ 11-67.1-3 — 11-67.1-7 only if:
- (1) The entity knowingly engages in conduct that constitutes human trafficking; or
 - (2) An employee or nonemployee agent of the entity engages in conduct that constitutes human trafficking and the conduct is part of a pattern of activity in violation of this chapter for the benefit of the entity, which the entity knew was occurring and failed to take effective action to stop.
- (b) When a person that is a business entity is prosecuted for an offense under §§ 11-67.1-3 — 11-67.1-7, the court may consider the severity of the entity’s conduct and order penalties in addition to those otherwise provided for the offense, including:
- (1) A fine of not more than fifty thousand dollars (\$50,000) per offense;
 - (2) Disgorgement of profit from activity in violation of this chapter; and
 - (3) Debarment from state and local government contracts.

State Laws Addressing Commercial Sexual Exploitation of Children (CSEC)

1. R.I. Gen. Laws Ann. § 11-9-1(c) (Exploitation for commercial or immoral purposes) states,

Every person who shall exhibit, use, employ or shall in any manner or under pretense so exhibit, use, or employ any child under the age of eighteen (18) years to any person for the purpose of prostitution or for any other lewd or indecent act shall be imprisoned not exceeding twenty (20) years, or be fined not exceeding twenty thousand dollars (\$20,000), or both.

2. R.I. Gen. Laws Ann. § 11-9-2 (Employment of children for unlawful purposes) states,

Every person who shall take, receive, hire, employ, exhibit, or have in custody, or who shall cause to be taken, hired, employed, exhibited, or held in custody, any child under the age of sixteen (16) years, for any of the purposes prohibited in § 11-9-1 [Exploitation for commercial or immoral purposes], shall be held guilty of a misdemeanor, and shall be punished for every such offense in the manner provided in that section.

3. R.I. Gen. Laws Ann. § 11-37-8.8(a) (Indecent solicitation of a child) states,

A person is guilty of indecent solicitation of a child if he or she knowingly solicits¹⁸ another person under eighteen (18) years of age or one whom he or she believes is a person under eighteen (18) years of age for the purpose of engaging in an act of prostitution or in any act in violation of chapter 9 [Children], 34 [Prostitution and Lewdness], or 37 [Sexual assault] of this title.

A violation of R.I. Gen. Laws Ann. § 11-37-8.8 is punishable under R.I. Laws Ann. § 11-37-8.9 (Penalty for indecent solicitation of a child), which states, “Every person who shall commit indecent solicitation of a child shall be imprisoned for not less than five (5) years.”

¹⁸ R.I. Gen. Laws Ann. § 11-37-8.8(b) defines “solicit” or “solicitation” as “to command, authorize, urge, incite, request, or advise another to perform an act by any means including, but not limited to, in person, over the phone, in writing, by computer, through the Internet, or by advertisement of any kind.”