

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 Wyoming’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.

Wyo. Stat. Ann. § 6-2-707(a) (Patronizing a victim of sexual servitude) expressly applies to buyers of commercial sex but requires the buyer to know the other person is a victim of sexual servitude; it states,

A person is guilty of patronizing a victim of sexual servitude when the person pays, agrees to pay or offers to pay anything of value so that the person or another may engage in sexual activity with an individual when the person knows that the individual is a victim of sexual servitude in violation of . . . 6-2-706 [Sexual servitude of a minor].

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

Wyoming’s CSEC laws do not criminalize purchasing or soliciting commercial sex with a minor.

1.2.1 Recommendation: Enact a CSEC law that specifically includes purchasing or soliciting sex with any minor under 18.

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

Wyo. Stat. Ann. § 6-4-103(a) (Promoting prostitution; penalties) criminalizes traffickers who commercially sexually exploit children, stating,

Except as provided in W.S. 6-2-701 [Definitions] through 6-2-710 [Restitution], a person commits a felony if he:

(i) Knowingly or intentionally entices or compels another person to become a prostitute;

- (ii) Knowingly or intentionally procures, or offers or agrees to procure, a person for another person for the purpose of prostitution;
- (iii) Having control over the use of a place, knowingly or intentionally permits another person to use the place for prostitution; or
- (iv) Receives money or other property from a prostitute, without lawful consideration, knowing it was earned in whole or in part from prostitution.

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

Wyoming law expressly prohibits a mistake of age defense in certain prosecutions for child sex trafficking but not CSEC. Pursuant to Wyo. Stat. Ann. § 6-2-706(c) (Sexual servitude of a minor), “It is not a defense in a prosecution under this section . . . that the defendant reasonably believed the individual was at least eighteen (18) years of age.” However, Wyoming’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 state trafficking laws do not expressly prohibit an offender from raising a defense based on the use of a law enforcement decoy posing as a minor, Wyoming’s criminal attempt statute, Wyo. Stat. Ann. § 6-1-301 (Attempt; renunciation of criminal intention), could provide prosecutors with an alternative avenue to prosecute those cases. Wyo. Stat. Ann. § 6-1-301(a) states,

A person is guilty of an attempt to commit a crime if:

- (i) With the intent to commit the crime, he does any act which is a substantial step towards commission of the crime. A “substantial step” is conduct which is strongly corroborative of the firmness of the person’s intention to complete the commission of the crime; or
- (ii) He intentionally engages in conduct which would constitute the crime had the attendant circumstances been as the person believes them to be.

Accordingly, an offender could be found guilty of attempting to commit a child sex trafficking offense despite the use of a law enforcement decoy.

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

Wyoming’s trafficking laws allow for business entity liability but do not provide for a business-specific penalty scheme. Pursuant to Wyo. Stat. Ann. § 6-2-702(a) (Human trafficking in the first degree; penalty),

A person is guilty of human trafficking in the first degree when the person intentionally or knowingly recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains or entices an individual for the purpose of:

- (i) Forced labor or servitude in violation of W.S. 6-2-704;
- (ii) Sexual servitude in violation of W.S. 6-2-705; or
- (iii) Sexual servitude of a minor in violation of W.S. 6-2-706.

Further, Wyo. Stat. Ann. § 6-2-703(a) (Human trafficking in the second degree; penalty) states,

A person is guilty of human trafficking in the second degree when the person recklessly recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains or entices an individual for the purpose of:

- (i) Forced labor or servitude in violation of W.S. 6-2-704;
- (ii) Sexual servitude in violation of W.S. 6-2-705;
- (iii) Sexual servitude of a minor in violation of W.S. 6-2-706.

Wyo. Stat. Ann. § 6-2-701(a)(xi) (Definitions) defines “person” as “an individual, partnership, corporation, joint stock company or any other association or entity, public or private.” Accordingly, business entities can be held liable for a human trafficking violation.

Despite allowing for business entity liability, Wyoming’s trafficking offenses do not differentiate between offenses committed by an individual or a business, meaning businesses are subject to penalties that are most pertinent to individuals.

- 1.6.1 Recommendation: Amend Wyoming’s trafficking laws to provide for a business-specific penalty scheme.

**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.<sup>1</sup>

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<sup>1</sup> Regarding asset forfeiture, Wyo. Stat. Ann. § 6-2-711(a), (c) (Asset forfeiture) provides,

- (a) The following are subject to forfeiture as permitted pursuant to subsections (c) through (j) of this section:
  - (i) All assets subject to the jurisdiction of the court:
    - (A) Used by a person while engaged in perpetrating a violation of this article [Human trafficking];
    - (B) Affording a person a source of influence over a trafficked individual in violation of this article;
    - (C) Acquired or maintained by a person with the intent to, and for the purpose of supporting, conducting or concealing an act which violates this article; or
    - (D) Derived from, involved in or used or intended to be used to commit an act which violates this article.
  - (ii) All books, records, products and materials which are used or intended for use in violation of this article;
  - (iii) All conveyances including aircraft, vehicles or vessels, knowingly used or intended for use to transport victims or in any manner to knowingly facilitate transportation of victims for human trafficking in violation of this article . . . ;
  - (iv) All buildings knowingly used or intended for use to further human trafficking in violation of this article if the owner has knowledge of or gives consent to the act of violation . . . ;
  - (v) Any property or other thing of pecuniary value furnished in exchange for human trafficking in violation of this article including any proceeds, assets or other property of any kind traceable to the exchange and any money, securities or other negotiable instruments used to facilitate a violation of this article . . . ;
  - (vi) Overseas assets of persons convicted of human trafficking under this article to the extent they can be retrieved by the state.
- . . . .
- (c) Any person convicted of a violation of this article which is punishable by imprisonment for more than one (1) year shall be subject to forfeiture of property listed under subsection (a) of this section. The procedure for forfeiture shall be as provided in subsections (d) through (j) of this section.

Disposition of property forfeited under Wyo. Stat. Ann. § 6-2-711(a), (c) is governed by Wyo. Stat. Ann. § 6-2-711(j), which states,

Persons convicted of trafficking and CSEC offenses are subject to an additional surcharge under Wyo. Stat. Ann. § 1-40-199<sup>2</sup> (Surcharge to be assessed in certain criminal cases; paid to account); however, monies collected pursuant to Wyo. Stat. Ann. § 1-40-199 are not directed to a victim services fund.

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

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[T]he state shall, by public sale or auction, liquidate forfeited tangible property and distribute the total proceeds of the forfeiture as follows:

- (i) Costs of forfeiture proceedings and the sale of forfeited property incurred by the state;
- (ii) Costs of storing and maintaining the forfeited property incurred by the court;
- (iii) The amount necessary to pay court ordered restitution shall be applied to pay that restitution;
- (iv) Civil judgments entered against the forfeiting defendant in favor of that defendant's victim, already existing at the time proceeds are received, to the extent that such judgments cannot be satisfied out of the forfeiting defendant's assets;
- (v) If a remainder exists, to the public school fund of the respective counties . . . .

However, state asset forfeiture laws do not direct a percentage of a sex trafficking offender's forfeited assets into a victim services fund nor do those laws apply to CSEC offenders.

<sup>2</sup> Wyo. Stat. Ann. § 1-40-119 (Surcharge to be assessed in certain criminal cases; paid to account) states,

(a) In addition to any fine or other penalty prescribed by law, a defendant who pleads guilty to or nolo contendere to, or is convicted of, the following criminal offenses shall be assessed a surcharge of not less than . . . one hundred fifty dollars (\$150.00) nor more than three hundred fifty dollars (\$350.00) for the first plea to or conviction of offenses specified in paragraphs (i) through (iv) for the first plea to or conviction of offenses specified in paragraphs (i) through (iv) of this subsection, and not less than two hundred dollars (\$200.00) nor more than four hundred dollars (\$400.00) for each subsequent plea to or conviction of offenses specified in paragraphs (i) through (iv) in this subsection:

- (i) Any violation of W.S. 6-1-101 through 6-2-313 and 6-2-319 through 6-10-203;

. . . .

(e) Monies paid to the court by a defendant shall be applied to the surcharge before being applied to any fine, penalty, cost or assessment imposed upon the defendant. The proceeds from the surcharge imposed by this section shall be remitted promptly by the clerk of the court to the division for deposit in the account.



## 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 does not include all commercially sexually exploited children. Wyo. Stat. Ann. § 6-2-701(a)(xv) (Definitions) defines “victim” as “the person alleged to have been subjected to human trafficking.” “Human trafficking” is not defined under Wyo. Stat. Ann. § 6-2-701, and neither Wyo. Stat. Ann. § 6-2-702 (Human trafficking in the first degree; penalty) nor Wyo. Stat. Ann. § 6-2-703 (Human trafficking in the second degree; penalty) apply to buyers of sex with minors,<sup>3</sup> thereby creating a third party control requirement, which excludes commercially sexually exploited children who are not under the control of a trafficker from being identified as a victim under these criminal offenses and, therefore, from inclusion in the definition of child sex trafficking victim.

Notably, the definition of “victim” under Wyo. Stat. Ann. § 6-2-701(a)(xv) does not include victims under Wyoming’s buyer-applicable trafficking offense, Wyo. Stat. Ann. § 6-2-707(a) (Patronizing a victim of sexual servitude). Third party control would also be required under this offense, however, because the buyer must know the other person is a victim of sexual servitude.

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<sup>3</sup> Wyo. Stat. Ann. § 6-2-702(a)(iii) states,

A person is guilty of human trafficking in the first degree when the person intentionally or knowingly recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains or entices an individual for the purpose of:

.....  
(iii) Sexual servitude of a minor in violation of W.S. 6-2-706.

Similarly, Wyo. Stat. Ann. § 6-2-703(a)(iii) states,

A person is guilty of human trafficking in the second degree when the person recklessly recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains or entices an individual for the purpose of:

.....  
(iii) Sexual servitude of a minor in violation of W.S. 6-2-706.

Under Wyo. Stat. Ann. § 6-2-706(a) (Sexual servitude of a minor),

A person is guilty of sexual servitude of a minor when the person intentionally, knowingly or recklessly offers, obtains, procures or provides an individual less than eighteen (18) years of age to engage in commercial sexual services.

Wyo. Stat. Ann. § 6-2-701(a)(xiv) defines “services” as

activities resulting from a relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor. Commercial sexual activity is “services” in this article. Nothing in this definition may be construed to legitimize or legalize prostitution.

Accordingly, the definition of “services” excludes buyer conduct, limiting applicability of Wyo. Stat. Ann. § 6-2-702, Wyo. Stat. Ann. § 6-2-703, and Wyo. Stat. Ann. § 6-2-706 to situations in which a victim is engaged in an “relationship” with a trafficker who supervises and/or benefits from the child’s exploitation, thereby creating a third party control requirement.

- 2.1.1 Recommendation: Remove third party control requirements that narrow the definition of child sex trafficking victim.<sup>4</sup>

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

Wyoming law provides policy guidance that facilitates access to services and benefits for trafficked foreign national children. Specifically, Wyo. Stat. Ann. § 6-2-709(b) (Victims' rights; services) provides,

The attorney general, a district or county and prosecuting attorney or any law enforcement official shall certify in writing to the United States Department of Justice or other federal agency, such as the United States Department of Homeland Security, that an investigation or prosecution under this article [Human trafficking] has begun and the individual who is a likely victim of a crime described in this article is willing to cooperate or is cooperating with the investigation to enable the individual, if eligible under federal law, to qualify for an appropriate special immigrant visa and to access available federal benefits. Cooperation with law enforcement shall not be required of victims of a crime described in this article who are minors. This certification shall be made available to the victim and the victim's designated legal representative.

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

Wyoming 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.

Wyoming 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.

Wyoming law prohibits the criminalization of some, but not all, minors for prostitution offenses. Additionally, while broad immunity provisions apply to identified child sex trafficking victims, alternative responses direct children towards punitive processes to access care and services.

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<sup>4</sup> See generally Shared Hope Int'l, *Eliminating the Third Party Control Barrier to Identifying Juvenile Sex Trafficking Victims*, JuST Response Policy Paper (August 2015), [http://sharedhope.org/wp-content/uploads/2015/08/Policy-Paper\\_Eliminating-Third-Party-Control\\_Final1.pdf](http://sharedhope.org/wp-content/uploads/2015/08/Policy-Paper_Eliminating-Third-Party-Control_Final1.pdf) (discussing need to include all commercially sexually exploited children within sex trafficking definitions and the corresponding need to include buyer conduct in core sex trafficking offenses regardless of whether the victim is under control of a third party).

The core prostitution offense, Wyo. Stat. Ann. § 6-4-101 (Prostitution), is age neutral, applying equally to minors and adults, stating that, “a person who knowingly or intentionally performs or permits, or offers or agrees to perform or permit an act of sexual intrusion . . . for money or other property commits prostitution which is a misdemeanor . . . .” However, Wyo. Stat. Ann. § 6-2-708 (Victim defenses; vacating convictions) outlines protections against prosecution for child human trafficking victims, providing,

- (a) A victim of human trafficking is not criminally liable for any commercial sex act or other criminal acts committed as a direct result of, or incidental to, being a victim of a human trafficking . . . .
- (b) A victim of human trafficking who is a minor shall be deemed a child in need of supervision [CHINS] in accordance with the Children in need of Supervision Act or a neglected child in accordance with the Child Protection Act.

Accordingly, while some commercially sexually exploited minors may be identified as “neglected children” and afforded protective responses, a minor may also be identified as a CHINS and directed to the juvenile justice system. If a child is adjudicated as a CHINS pursuant to Wyo. Stat. Ann. § 14-6-429(d) (Decree where child adjudged in need of supervision; dispositions; terms and conditions; legal custody), the court may order a number of protective and punitive dispositions, including,

- As part of any order of disposition and the terms and conditions thereof, the court may:
- (i) Require a child to perform a designated number of hours of community service, or to participate in a work program or to perform labor or services under the supervision of a responsible adult designated by the court and within the limits of applicable laws and regulations governing child labor, to enable the child to meet the obligations imposed pursuant to this act or for the purpose of discipline and rehabilitation when deemed necessary and desirable by the court;
  - . . . .
  - (iii) Restrict or restrain the child’s driving privileges for a period of time the court deems appropriate, and if necessary to enforce the restrictions the court may take possession of the child’s driver’s license;
  - (iv) Impose any demands, requirements, limitations, restrictions or restraints on the child, and do all things with regard to the child that his parents might reasonably and lawfully do under similar circumstances;

Minors who fail to adhere to the terms determined by the court under Wyo. Stat. Ann. § 14-6-429 may be subject to additional punitive measures, including detention. Wyo. Stat. Ann. § 14-6-438 (Liability for contempt; penalties) states,

Notwithstanding any other provision of law, the court upon its own motion or upon the motion of the district or county attorney, or guardian ad litem, may find that the court, the child’s parent, parents, or guardian or any other person who willfully violates, or neglects or refuses to obey or perform any order or provision of this act is liable for contempt of court and may be fined not more than five hundred dollars (\$500.00) or incarcerated not more than ninety (90) days, or both.

Consequently, while Wyoming law affords child victims of human trafficking protections against prosecution for prostitution, such protections permit alternative punitive, juvenile justice-based responses and may exclude commercially sexually exploited minors who are not identified as trafficking victims.

- 2.5.1 Recommendation: Amend state law to prohibit the criminalization of all minors for prostitution offenses.

**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.

Wyoming law prohibits the criminalization of child sex trafficking victims for criminal acts committed as a result of trafficking victimization; however, victims can still be charged with status offenses. Pursuant to Wyo. Stat. Ann. § 6-2-708(a) (Victim defenses; vacating convictions),

A victim of human trafficking is not criminally liable for any commercial sex act or other criminal acts committed as a direct result of, or incident to, being a victim of human trafficking in violation of W.S. 6-2-702 through 6-2-707.

Instead, Wyo. Stat. Ann. § 6-2-708(b) provides, “A victim of human trafficking who is a minor shall be deemed a child in need of supervision in accordance with the Children in Need of Supervision Act or a neglected child in accordance with the Child Protection Act.” Accordingly, while Wyo. Stat. Ann. § 6-2-708(b) allows a child to be treated as a neglected child, this statute also leaves open the possibility of a child sex trafficking victim being treated as a status offender under the Child in Need of Supervision Act to the extent that the child meets that definition.<sup>5</sup>

2.6.1 Recommendation: Amend state law to prohibit the criminalization of child sex trafficking victims for status offenses.

**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.

Wyoming law prohibits the criminalization of child sex trafficking victims for criminal acts committed as a result of trafficking victimization. Pursuant to Wyo. Stat. Ann. § 6-2-708(a) (Victim defenses; vacating convictions),

A victim of human trafficking is not criminally liable for any commercial sex act or other criminal acts committed as a direct result of, or incident to, being a victim of human trafficking in violation of W.S. 6-2-702 through 6-2-707.

**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.

Wyoming law prohibits the criminalization of child sex trafficking victims for criminal acts committed as a result of trafficking victimization; however, victims can still be charged with status offenses. Pursuant to Wyo. Stat. Ann. § 6-2-708(a) (Victim defenses; vacating convictions),

A victim of human trafficking is not criminally liable for any commercial sex act or other criminal acts committed as a direct result of, or incident to, being a victim of human trafficking in violation of W.S. 6-2-702 through 6-2-707.

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<sup>5</sup> Wyo. Stat. Ann. § 14-6-402(a)(iv) (Definitions) defines “child in need of supervision” to include

any child who has not reached his eighteenth birthday who is habitually truant or has run away from home or habitually disobeys reasonable and lawful demands of his parents, guardian, custodian or other proper authority or is ungovernable and beyond control. “Child in need of supervision” includes any child who has not reached his eighteenth birthday who has committed a status offense.



## EXTRA CREDIT



Because Wyo. Stat. Ann. § 6-2-702 through Wyo. Stat. Ann. § 6-2-707 criminalizes trafficking of both minor and adult victims, the affirmative defense provided for under Wyo. Stat. Ann. § 6-2-708(a) extends to youth who are charged with offenses as a result of their victimization.



Because Wyo. Stat. Ann. § 6-2-702 through Wyo. Stat. Ann. § 6-2-707 criminalizes both sex trafficking and labor trafficking, the affirmative defense provided for under Wyo. Stat. Ann. § 6-2-708(a) extends to child labor trafficking victims who are charged with offenses as a result of their victimization.

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

Wyoming law does not provide age-appropriate juvenile court responses for all minors accused of engaging in juvenile or criminal conduct. While Wyoming 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 and permits direct file for minors charged with certain offenses. Additionally, the juvenile court is not required to consider the impact of trauma or past trafficking 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
<b>Summary</b>	None. “Child” and “minor” are defined as, “an individual who is under the age of majority.”	17	Yes. Minors: (1); 17 years of age charged with a felony offense; (2) 14+ years of age charged with a violent felony; (3) 14+ years of age charged with a felony following two previous adjudications for felony offenses; or (4) charged with certain misdemeanor offenses.	Yes. Minors charged with any offense.	No.
<b>Relevant Statute(s)</b>	Wyo. Stat. § 14-6-201(a)(iii), (xv)	Wyo. Stat. § 14-6-201(a)(iii), (xv)	Wyo. Stat. § 14-6-203(f) (Jurisdiction;	Wyo. Stat. § 14-6-237(a) (Transfer	Wyo. Stat. § 14-6-237(b)

	(Definitions; short title; statement of purpose and interpretation)	(Definitions; short title; statement of purpose and interpretation)	confidentiality of records)	hearing; transfer of proceedings commenced in district court or in municipal or circuit court)	(Transfer hearing; transfer of proceedings commenced in district court or in municipal or circuit court)
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Consequently, some minors may still be subjected to 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 automatically transferred to criminal court; and (3) do not require the juvenile court to consider previous trafficking victimization or trauma in 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.

Wyoming’s Child Protection Act and Child Protective Services code do not define “abuse” to include child sex trafficking or commercial sexual exploitation of children. Specifically, Wyo. Stat. Ann. § 14-3-402 (Definitions), codified under the Child Protection Act, does not define “abuse,” but Wyo. Stat. Ann. § 14-3-402(a)(xii)(B) defines “neglected child” to include a child “who has been subjected to abuse” as defined in Wyo. Stat. Ann. § 14-3-202(a)(ii) (Definitions), which includes “the commission or allowing the commission of a sexual offense against a child as defined by law;” however, child sex trafficking and commercial sexual exploitation of children are not included.

Wyo. Stat. Ann. § 6-2-708(b) (Victim defenses; vacating convictions) identifies some child sex trafficking victims as “neglected,” stating, “[a] victim of human trafficking who is a minor shall be deemed a child a child in need of supervision in accordance with the Children in Need of Supervision Act or a neglected child in accordance with the Child Protection Act.” However, responses specific to children deemed “neglected” may be inappropriate and restrictive in cases in which the child’s parent or caregiver is not the perpetrator of abuse.

- 2.10.1 Recommendation: Amend the definition of “child abuse” 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.

Wyoming does not allow for a child welfare response in non-familial child sex trafficking cases and does not provide for a specialized response to child sex trafficking reports. While Wyo. Stat. Ann § 6-2-708(b) (Victim defenses; vacating convictions) states that “[a] victim of human trafficking who is a minor shall be deemed a child in need of supervision in accordance with the Children in Need of Supervision Act [Wyo. Stat. Ann §§ 14-6-401 – 440] or a neglected child in accordance with the Child Protection Act [Wyo. Stat. Ann. §§ 14-3-401 – 441],” this does not result in child sex trafficking being defined as a form of abuse nor does it allow for a child welfare response in non-familial child sex trafficking cases as it is still limited by the definitions of “neglected child” under Wyo. Stat. Ann. § 14-3-402(a)(xii)(B) and “abuse” as defined in Wyo. Stat. Ann. § 14-3-202(a)(ii) (Definitions). Because neither of these definitions include child sex trafficking and do not expressly allow for a child welfare response to non-familial child sex trafficking cases, and because the code does not outline a child sex trafficking-specific response to non-familial child sex trafficking cases, Wyoming does not provide a specialized response to non-familial child sex trafficking that does not hinge on caregiver fault.

- 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.

Although Wyoming law requires a commercially sexually exploited child to be referred to a child-serving entity, that entity is not mandated to provide that child with access to specialized services. Pursuant to Wyo. Stat. Ann. § 6-2-709(a) (Victims' rights; services),

As soon as possible after the initial encounter with a person who reasonably appears to a law enforcement agency, district or county and prosecuting attorneys' office to be a victim of human trafficking, the agency or office shall:

- (i) Notify the victim services division within the office of the attorney general that the person may be eligible for services under this article; and
  - (ii) Make a preliminary assessment of whether the victim or possible victim of human trafficking appears to meet the criteria for certification as a victim of a severe form of trafficking in persons as defined in the Trafficking Victims Protection Act, 22 U.S.C. section 7105, or appears to be otherwise eligible for any federal, state or local benefits and services. If it is determined that the victim appears to meet such criteria, the agency or office shall report the finding to the victim and shall refer the victim to services available, including legal service providers. If the possible victim is a minor or is a vulnerable adult, the agency or office shall also notify the department of family services.
- 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.

Although child sex trafficking victims could receive a multi-disciplinary team (MDT) response through an existing child abuse and neglect MDT, Wyoming law does not require an MDT response specific to child sex trafficking cases. Pursuant to Wyo. Stat. Ann. § 14-3-212 (Child protection teams; creation; composition; duties; records confidential),

- (a) The state agency and the local child protective agency shall encourage and assist in the creation of child protection teams within the communities in the state. The purposes of the child protection teams shall be to identify or develop community resources to serve abused and neglected children within the community, to advocate for improved services or procedures for such children and to provide information and assistance to the state agency, local child protection agency and multidisciplinary teams, if a multidisciplinary team has been appointed. The department may promulgate reasonable rules and regulations in accordance with the Wyoming Administrative Procedure Act to define the roles and procedures of child protection teams.
- (b) The local child protection team shall be composed of:
  - (i) A member of the district attorney's office;
  - (ii) A designated representative from the school district or districts within the area served by the team;
  - (iii) A representative from the local field office of the department of family services;
  - (iv) A representative from the county government;
  - (v) A representative from each city and town in the county;

- (vi) Representatives from other relevant professions; and
- (vii) Temporary members selected for the needs of a particular case as determined by the team.
- (c) The local child protection team may:
  - (i) Assist and coordinate with the state agency, the local child protective agency and all available agencies and organizations dealing with children;
  - (ii) Repealed by Laws 2005, ch. 236, § 4.
  - (iii) Coordinate the provision of appropriate services for abused and neglected children and their families;
  - (iv) Identify or develop community resources to serve abused and neglected children and advocate for improved services and procedures for such children;
  - (v) Identify training needs, sponsor training and raise community awareness of child protection issues; and
  - (vi) Assist and make recommendations of appropriate services in individual cases brought to it by the state agency or the local child protection agency.
- (d) The local child protection team shall not act as a multidisciplinary team, but members of the child protection team may serve on a multidisciplinary team if appointed . . .

3.2.1 Recommendation: Enact legislation requiring a multi-disciplinary team response specific 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.

Wyoming 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.

Wyoming law extends foster care services to youth under 21 years of age through a court process. However, these services are not extended to youth under 23 years of age as permitted under federal law.<sup>6</sup> Specifically, Wyo. Stat. Ann. § 14-3-431(b) (Duration of orders of disposition; termination of orders; permanency hearings; petition for termination of parental rights) provides,

Unless sooner terminated by court order, all orders issued under this act shall terminate with respect to a child adjudicated neglected, when he reaches eighteen (18) years of age unless the court has ordered care or services to continue beyond that time. The court shall conduct a review hearing at least six (6) months before the child reaches eighteen (18) years of age to determine whether care or transitional services should continue and for what period of time prior to the individual reaching the age of twenty-one (21) years.

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.

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<sup>6</sup> 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](https://sharedhope.org/wp-content/uploads/2020/12/SH_Issue-Brief-3.4_2020.pdf) (discussing the need to extend child welfare protections to youth under 24 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 Wyoming 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 Wyoming 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.

While civil orders of protection exist under Wyoming law, this protection is not expressly available to victims of child sex trafficking and CSEC.

- 4.1.1 Recommendation: Enact legislation expressly allowing victims of trafficking and CSEC to obtain ex parte civil orders of protection against their exploiters.

### 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 Wyoming Crime Victims Compensation Act defines “victim” broadly enough to include victims of child sex trafficking victims and CSEC, and ineligibility factors may prevent a commercially sexually exploited child from accessing an award.

For purposes of accessing crime victims' compensation, Wyo. Stat. Ann. § 1-40-102(a)(ix)(A)(I), (IV) (Definitions) defines “victim” to “[a] person who suffers personal injury<sup>7</sup> or is killed in this state as a direct result of . . . [a] criminal act of another person . . . [or a] federal crime occurring in Wyoming.” “Criminal act” is defined under Wyo. Stat. Ann. § 1-40-102(a)(iii) as “an act committed or attempted in this state . . . which constitutes a crime as defined by the laws of this state . . . and which results in actual bodily injury, or actual mental harm, or death to the victim.” Further, Wyo. Stat. Ann. § 6–2–709(d) (Victims' rights; services) clarifies that “[v]ictims of human trafficking are entitled to . . . forms of compensation under the Crime Victims Compensation Act.”

However, certain ineligibility factors may still limit a commercially sexually exploited child's ability to seek crime victims' compensation. Pursuant to Wyo. Stat. Ann. § 1-40-106(a)(i)–(v) (Eligibility for compensation),

The victim . . . is entitled to compensation under this act if:

(i) The victim suffered personal injury as a result of a criminal act;

. . . .

(iii) The injury to or death of the victim was not attributable to his own wrongful act;

(iv) The appropriate law enforcement authorities were notified of the criminal act allegedly causing the injury to or death of the victim as soon as practical under the circumstance after perpetration of the offense and the claimant cooperates with appropriate law enforcement authorities with respect to the crime for which compensation is sought;

(v) The application for compensation is filed with the division within one (1) year after the date of the injury to or death of the victim, or within any extension of time the division allows for good cause shown;

Although Wyo. Stat. Ann. § 1-40-106 does not explain what constitutes “good cause” for purposes of this section, 015-0012-3 Wyo. Code R. § 4(b)(viii)(A) (Eligibility for compensation) states,

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<sup>7</sup> Wyo. Stat. Ann. § 1-40-102(a)(vii) defines “personal injury” as “actual bodily injury or actual mental harm.”

Good cause in determining whether a victim has satisfied the requirement to report a crime to law enforcement, the Division may consider the victims age, physical condition and psychological state, and any compelling health or safety reason that would jeopardize the well being of the victim. The Division may waive the report to law enforcement or the 1 year filing date if good cause is shown.

Further, 015-0012-3 Wyo. Code R. § 4(c)(i) provides guidance regarding what constitutes “reasonable cooperation with law enforcement,” stating,

In determining whether a victim reasonably cooperated with law enforcement the Division may consider the victims age, physical condition and psychological state and any compelling health and safety reasons that would jeopardize the well being of the victim.

(i) Reasonable cooperation with law enforcement by the victim may include but not be limited to the following:

- (A) providing law enforcement with a true, accurate and complete statement of the circumstances that led to the crime;
- (B) participating in the investigation of the crime to assist law enforcement with the identification of a suspect;
- (C) participating in prosecution procedures including deposition and trial testimony as requested;
- (D) Sexual abuse victims shall be deemed to have reasonably cooperated with law enforcement if the victim undergoes a sexual assault forensic exam.

Because child sex trafficking and CSEC victims are not expressly exempt from the ineligibility factors noted above, however, some commercially sexually exploited children may not have access to an award.

- 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 Wyoming law allows trafficking victims to vacate criminal convictions, vacatur is unavailable for delinquency adjudications arising from trafficking victimization. Pursuant to Wyo. Stat. Ann. § 6-2-708(c) (Victim defenses; vacating convictions) provides,

At any time after the entry of a conviction, the court in which it was entered may vacate the conviction if the defendant’s participation in the offense is found to have been the result of having been a victim. Official documentation of the defendant’s status as a victim at the time of the offense from a federal, state or local government agency shall create a presumption that the defendant’s participation in the offense was a result of having been a victim, but shall not be required for granting a motion under this section.

However, Wyo. Stat. Ann. § 6-2-708(c) applies specifically to “convictions,” and Wyo. Stat. Ann. § 14-6-238 (Proceedings deemed in equity; effect of orders and decrees) states in part, “No order or decree pursuant to this act [Juvenile Justice Act] shall be deemed a conviction of a crime . . . .” Accordingly, a delinquency adjudication cannot be vacated under Wyo. Stat. Ann. § 6-2-708(c).

- 4.3.1 Recommendation: Strengthen existing law by allowing trafficking victims to vacate delinquency adjudications 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.

Wyoming law requires an offender convicted of a child sex trafficking or CSEC offense to pay restitution. Pursuant to Wyo. Stat. Ann. § 6-2-710(a) (Restitution), “In addition to any other punishment prescribed by law, upon conviction for felony under this article [Human trafficking], the court shall order a defendant to pay mandatory restitution to each victim as determined under W.S. 7-9-103 [Determination of amount owed] and 7-9-114 [Determination of long-term restitution; time for order; enforcement].”

Restitution is available more generally to victims of other crimes pursuant to Wyo. Stat. Ann. § 7-9-102 (Order to pay upon conviction), which provides,

In addition to any other punishment prescribed by law the court shall, upon conviction for any misdemeanor or felony, order a defendant to pay restitution to each victim as determined under W.S. 7-9-103 [Determination of amount owed] and 7-9-114 [Determination of long-term restitution; time for order; enforcement] unless the court specifically finds that the defendant has no ability to pay and that no reasonable probability exists that the defendant will have an ability to pay.

For purposes of determining the amount of restitution, Wyo. Stat. Ann. § 7-9-103(b) (Determination of amount owed; execution) states,

In every case in which a claim for restitution is submitted, the court shall fix a reasonable amount as restitution owed to each victim for actual pecuniary damage resulting from the defendant’s criminal activity, and shall include its determination of the pecuniary damage as a special finding in the judgment of conviction or in the order placing the defendant on probation under W.S. 7-13-301 [Placing person found guilty, but not convicted, on probation]. In determining the amount of restitution, the court shall consider and include as a special finding, each victim’s reasonably foreseeable actual pecuniary damage that will result in the future as a result of the defendant’s criminal activity. A long-term physical health care restitution order shall be entered as provided in W.S. 7-9-113 [Restitution for long-term care] through 7-9-115 [Modification of order].<sup>8</sup>

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<sup>8</sup> Regarding restitution for long-term physical health care, Wyo. Stat. Ann. § 7-9-114(a) (Determination of long-term restitution; time for order; enforcement) provides,

In determining the amount of restitution to be ordered for long-term physical health care, the court shall consider the factors stated in W.S. 7-9-106 [Factors considered by probation and parole officer, and by court] together with an estimated monthly cost of long-term physical health care of the victim provided by the victim or his representative. The victim’s estimate of long-term physical health care costs may be made as part of a victim impact statement under W.S. 7-21-103 [Submission of victim impact statement to sentencing court] or made separately. The court shall enter the long-term physical health care restitution order at the time of sentencing. An order of restitution made pursuant to this section shall fix a monthly amount to be paid by the defendant for as long as long-term physical health care of the victim is required as a result of the crime. The order may exceed the length of any sentence imposed upon the defendant for the criminal activity. The court shall include as a special finding in the judgment of conviction its determination of the monthly cost of long-term physical health care.

## EXTRA CREDIT



Wyoming law mandates restitution for victims of child labor trafficking under Wyo. Stat. Ann. § 6-2-710(a), which requires offenders convicted of any violation of the human trafficking article to pay victim restitution.

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

Wyoming law does not allow victims of child sex trafficking to pursue civil remedies against their exploiters.

4.5.1 Recommendation: Provide child sex trafficking victims with a trafficking-specific civil remedy.

### **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.

Prosecutions for child sex trafficking and CSEC offenses may commence at any time since no statutes of limitation apply to prosecutions of any crimes in Wyoming.<sup>9</sup> Wyoming law does not provide child sex trafficking victims with a trafficking-specific civil remedy.

4.6.1 Recommendation: Eliminate the civil statute of limitation for all cases involving child sex trafficking.<sup>10</sup>

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<sup>9</sup> See *Boggs v. State*, 484 P.2d 711, 714 (Wyo. 1971).

<sup>10</sup> The recommendation in this Policy Goal is predicated upon the recommendation in Policy Goal 4.5 being simultaneously or previously enacted.



## 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.

Wyoming 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.

Wyoming law does not provide child sex trafficking victims with an alternative to live, in-court testimony. Although Wyo. Stat. Ann. § 7-11-408 (Videotape depositions) allows for admission of a videotaped statement in lieu of a child's testimony, that protection only applies to children under 12 years of age who are the victim of a specified sexual offense. Specifically, Wyo. Stat. Ann. § 7-11-408 states,

(a) In any case in which the defendant is charged with incest as defined in W.S. 6-4-402(a) or sexual assault as defined in W.S. 6-2-302 through 6-2-304 and 6-2-314 through 6-2-317 and a child less than twelve (12) years of age is the victim, the judge may order the taking of a videotape deposition of the child.<sup>11</sup> The videotaping shall be done under the supervision of the court.

(b) Persons allowed to be present at the videotaping of the deposition are the child, the judge, prosecutor, defendant and defense counsel, a family member who was not a witness to the offense or a support person for the child and any technicians required to operate the equipment.

....  
(d) The judge may deny the defendant's face-to-face confrontation of the child at the videotape deposition if:

- (i) The defendant is alleged to have inflicted physical harm or is alleged to have threatened to inflict physical harm upon the child, and physical or psychological harm to the child is likely to occur if there is a face-to-face confrontation of the child by defendant;
- (ii) The defendant's legal counsel will have reasonable opportunity to confer with his client before and at any time during the videotape deposition; and
- (iii) The defendant will have opportunity to view and hear the proceedings while being taken.

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<sup>11</sup> Pursuant to Wyo. Stat. Ann. § 7-11-408(c),

Before ordering the deposition, the judge shall find that:

- (i) The child's testimony would be relevant and material;
- (ii) The best interests of the child would be served by permitting the videotape deposition;
- (iii) A potential physical or psychological harm to the child is likely to occur if the child is required to testify which would effectively render the child incapable to testify at the trial; and
- (iv) The defendant or his legal counsel has the opportunity to be present and to cross-examine the child at the videotape deposition.

(e) A videotape deposition may be admitted at trial in lieu of the direct testimony of the child, if the judge finds, after hearing, that:

- (i) The visual and sound qualities of the videotape are satisfactory;
- (ii) The videotape is not misleading;
- (iii) All portions of the videotape that have been ruled inadmissible have been deleted; and
- (iv) A potential physical or psychological harm to the child is likely to occur if the child is required to testify which would effectively render the child incapable to testify at the trial.

.....

(h) If the prosecutor elects to utilize a videotaped deposition pursuant to this section and the videotape has been taken and is admissible, the child may not testify in court without the consent of the defendant.

According, this protection likely does not extend to victims of sex trafficking or CSEC or child victims who are 12 years of age or older, thereby increasing their risk of re-traumatization from testifying.

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.

	<b>Child sex trafficking victims have the right to a victim advocate</b>	<b>Child sex trafficking victims testifying against their exploiter are provided supports in the courtroom</b>	<b>Child sex trafficking victims’ identifying information is protected from disclosure in court records</b>
<b>Summary</b>	Not statutorily required.	Not statutorily required.	In a prosecution for an offense under this article [Human trafficking], police and prosecuting agencies shall keep the identity of the victim and the victim’s family confidential.
<b>Relevant Statute(s)</b>	None.	None.	Wyo. Stat. Ann. § 6-2-709(e) (Victims’ rights; services)

5.3.1 Recommendation: Statutorily require that child sex trafficking victims have the right to a victim advocate and are provided courtroom supports when testifying against their exploiter.

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

Wyoming law does not provide for privileged communications between caseworkers and child sex trafficking victims.<sup>12</sup>

- 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.

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<sup>12</sup> Although not available in cases related to child sex trafficking, Wyo. Stat. Ann. § 1-12-116(b) (Confidential communications between family violence and sexual assault advocate and victim) provides protection in cases involving sexual assault, incest, or family violence, stating,

Except as provided by [W.S. 14-3-210 \[Admissibility of evidence constitution privileged communications\]](#), a person exempted from testifying under the provisions of [this section] shall not be examined as a witness in any civil, criminal, legislative or administrative proceeding concerning the following communications and information:

- (i) An advocate shall not testify concerning a confidential communication made by a victim in the course of that relationship, except the advocate:
  - (A) May testify:
    - (I) With the express consent of the victim; or
    - (II) If the victim voluntarily testifies, provided the advocate’s testimony shall be limited to the same subject matter.
  - (B) May be compelled to testify if the victim is unable to testify due to death or incompetence.
- (ii) Any employee of a family violence and sexual assault program who has access to confidential communication shall not testify except in those circumstances where the advocate may testify.



## ISSUE 6: Prevention & Training

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

Wyoming law does not mandate statewide training for child welfare agencies on identification and response to child sex trafficking.

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.

Wyoming law authorizes statewide training for anyone involved in the juvenile justice system. Pursuant to Enacted House Bill 133, § 3(a) (2013),<sup>13</sup>

The division of victim services shall continue to provide training regarding provisions of this act to be used for presentation to law enforcement agencies, the law enforcement academy, prosecutors, public defenders, judges and others involved in the juvenile and criminal justice systems. The training may include:

- (i) State and federal laws on human trafficking;
- (ii) Methods used to identify United States citizen and foreign national victims of human trafficking;
- (iii) Methods of prosecuting human traffickers; and
- (iv) Methods of protecting the rights of victims of human trafficking, including collaboration with nongovernmental and other social service agencies in the course of investigating and prosecuting human trafficking cases.

Resultingly, training regarding child sex trafficking may be, or become, available to juvenile justice agencies. However, Wyoming law does not statutorily require individuals employed by juvenile justice agencies 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.

Wyoming law authorizes trafficking-specific training for law enforcement. Pursuant to Enacted House Bill 133, § 3(a) (2013),<sup>14</sup>

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<sup>13</sup> 2013 Wyo. Sess. Laws 91.

<sup>14</sup> 2013 Wyo. Sess. Laws 91.

The division of victim services shall continue to provide training regarding provisions of this act to be used for presentation to law enforcement agencies, the law enforcement academy, prosecutors, public defenders, judges and others involved in the juvenile and criminal justice systems. The training may include:

- (i) State and federal laws on human trafficking;
- (ii) Methods used to identify United States citizen and foreign national victims of human trafficking;
- (iii) Methods of prosecuting human traffickers; and
- (iv) Methods of protecting the rights of victims of human trafficking, including collaboration with nongovernmental and other social service agencies in the course of investigating and prosecuting human trafficking cases.

Resultingly, training regarding child sex trafficking may be, or become, available to law enforcement. However, law enforcement officers are not statutorily mandated 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.

Wyoming law authorizes trafficking-specific training for prosecutors. Pursuant to Enacted House Bill 133, § 3(a) (2013),<sup>15</sup>

The division of victim services shall continue to provide training regarding provisions of this act to be used for presentation to law enforcement agencies, the law enforcement academy, prosecutors, public defenders, judges and others involved in the juvenile and criminal justice systems. The training may include:

- (i) State and federal laws on human trafficking;
- (ii) Methods used to identify United States citizen and foreign national victims of human trafficking;
- (iii) Methods of prosecuting human traffickers; and
- (iv) Methods of protecting the rights of victims of human trafficking, including collaboration with nongovernmental and other social service agencies in the course of investigating and prosecuting human trafficking cases.

Resultingly, training regarding child sex trafficking may be, or become, available to prosecutors. However, prosecutors are not statutorily mandated 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.

Wyoming 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.

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<sup>15</sup> 2013 Wyo. Sess. Laws 91.

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

Wyoming law does not mandate child sex trafficking prevention education in schools.

6.6.1 Recommendation: Statutorily mandate developmentally and age-appropriate child sex trafficking prevention education in schools.



## State Laws Addressing Child Sex Trafficking

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1. Wyo. Stat. Ann. § 6-2-702 (Human trafficking in the first degree) states,
  - (a) A person is guilty of human trafficking in the first degree when the person intentionally or knowingly recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains or entices an individual for the purpose of:
    - (i) Forced labor or servitude in violation of W.S. 6-2-704;
    - (ii) Sexual servitude in violation of W.S. 6-2-705; or
    - (iii) Sexual servitude of a minor in violation of W.S. 6-2-706.
  - (b) Except as provided in W.S. 6-2-712(a) [Penalties for subsequent human trafficking convictions],<sup>16</sup> human trafficking in the first degree is a felony punishable by imprisonment for not less than five (5) nor more than fifty (50) years unless the victim is a minor in which case it is a felony punishable by imprisonment for not less than twenty-five (25) nor more than fifty (50) years and a fine of not more than ten thousand dollars (\$10,000.00), or both.
  
2. Wyo. Stat. Ann. § 6-2-703 (Human trafficking in the second degree) states,
  - (a) A person is guilty of human trafficking in the second degree when the person recklessly recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains or entices an individual for the purpose of:
    - (i) Forced labor or servitude in violation of W.S. 6-2-704;
    - (ii) Sexual servitude in violation of W.S. 6-2-705;
    - (iii) Sexual servitude of a minor in violation of W.S. 6-2-706.
  - (b) Except as provided in W.S. 6-2-712(a) [Penalties for subsequent human trafficking convictions],<sup>17</sup> human trafficking in the second degree is a felony punishable by imprisonment for not less than two (2) nor more than twenty (20) years and a fine of not more than ten thousand dollars (\$10,000.00), or both.
  
3. Wyo. Stat. Ann. § 6-2-706(a), (b) (Sexual servitude of a minor) states,

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<sup>16</sup> Pursuant to Wyo. Stat. Ann. § 6-2-712(a),

A person who is convicted of human trafficking under W.S. 6-2-702 or 6-2-703 shall be punished by imprisonment for not less than twenty-five (25) years or for life imprisonment without parole if:

- (i) The victim in the instant case was a minor;
- (ii) The person has one (1) or more previous convictions for a violation of W.S. 6-2-702, 6-2-703 or a criminal statute containing the same or similar elements as the crimes defined by W.S. 6-2-702 or 6-2-703 where the victim was a minor and which arose out of separate occurrences in this state or elsewhere; and
- (iii) The convictions were for offenses committed after the person reached eighteen (18) years of age.

<sup>17</sup> See *supra* note 16 for the provisions of Wyo. Stat. Ann. § 6-2-712(a).

(a) A person is guilty of sexual servitude of a minor when the person intentionally, knowingly or recklessly offers, obtains, procures or provides an individual less than eighteen (18) years of age to engage in commercial sexual services.<sup>18</sup>

(b) Intentionally, knowingly or recklessly compelling the sexual servitude of a minor is a felony punishable by imprisonment for not more than five (5) years and a fine of not more than five thousand dollars (\$5,000.00), or both.

4. Wyo. Stat. Ann. § 6-2-707 (Patronizing a victim of sexual servitude) states,

(a) A person is guilty of patronizing a victim of sexual servitude when the person pays, agrees to pay or offers to pay anything of value so that the person or another may engage in sexual activity with an individual when the person knows that the individual is a victim of sexual servitude in violation of W.S. 6-2-705 [Sexual servitude of an adult] or 6-2-706 [Sexual servitude of a minor].

(b) Patronizing a victim of sexual servitude is a felony punishable by a fine of not more than five thousand dollars (\$5,000.00), imprisonment for not more than three (3) years, or both.

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<sup>18</sup> Wyo. Stat. Ann. § 6-2-701(a)(xiv) (Definitions) defines “services” as

activities resulting from a relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor. Commercial sexual activity is “services” in this article. Nothing in this definition may be construed to legitimize or legalize prostitution.

Further, Wyo. Stat. Ann. § 6-2-701(a)(iii) defines “commercial sex act” as “any sexual act for which anything of value is given to, promised or received by a person in exchange for the sexual act.”

## State Laws Addressing Commercial Sexual Exploitation of Children (CSEC)

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1. Wyo. Stat. Ann. § 6-4-103 (Promoting prostitution; penalties) states,
  - (a) Except as provided in W.S. 6-2-701 [Definitions] through 6-2-710 [Restitution], a person commits a felony if he:
    - (i) Knowingly or intentionally entices or compels another person to become a prostitute;
    - (ii) Knowingly or intentionally procures, or offers or agrees to procure, a person for another person for the purpose of prostitution;
    - (iii) Having control over the use of a place, knowingly or intentionally permits another person to use the place for prostitution; or
    - (iv) Receives money or other property from a prostitute, without lawful consideration, knowing it was earned in whole or in part from prostitution.
  - (b) The felony defined by this section is punishable by imprisonment for not more than three (3) years, a fine of not more than three thousand dollars (\$3,000.00), or both. However, the crime is a felony punishable by imprisonment for not more than five (5) years, a fine of not more than five thousand dollars (\$5,000.00), or both, under paragraph (i) of subsection (a) of this section if the person enticed or compelled is under eighteen (18) years of age.