

POLICY GOAL 2.5 State law prohibits the criminalization of minors under 18 for prostitution offenses.

State ¹	Does state law prohibit the criminalization of minors for prostitution offenses?	Does the non-criminalization protection allow, implicitly or explicitly, for an arrest and/or detention for investigative purposes?	Does the non-criminalization protection hinge on a finding of victimization?	Does state law direct child sex trafficking victims to an alternative, punitive process?	Relevant statute(s)
Alabama	No ²	N/A	N/A	Yes	Ala. Code § 12-15-801 (Protection of sexually exploited child); Ala. Code § 13A-12-120 (Prostitution defined); Ala. Code § 13A-12-121 (Prohibited activity)
Alaska	No	N/A	N/A	No	Alaska Stat. § 11.66.100 (Prostitution)
Arizona	No	N/A	N/A	No	Ariz. Rev. Stat. Ann. § 13-3214(D) (Prostitution; clarified)
Arkansas	Yes; however, the protection	Yes	Yes	No	Ark. Code Ann. § 5-70-102 (Prostitution); Ark. Code Ann. § 5-

¹ Evaluations of state laws are based on legislation enacted as of August 1, 2021. For more information on the importance of this policy goal, please visit https://reportcards.sharedhope.org/wp-content/uploads/2021/11/IssueBrief_2.5.pdf.

² While Alabama law prohibits the court from adjudicating “sexually exploited children” delinquent for violating the prostitution laws, Ala. Code § 12-15-801(c)–(d) (Protection of sexually exploited child) acknowledges the possibility of arrest, prosecution, or punitive responses for such offenses, stating,

(c) In any proceeding based upon a child’s arrest for an act of prostitution, there is a presumption that the child satisfies the definition of a sexually exploited child as provided in this section.

(d) If a law enforcement officer or a person seeks to file a complaint against a child for an offense of prostitution as provided in Section 13A-12-120 or 13A-12-121, the juvenile court intake officer shall evaluate the complaint to determine if the child is a sexually exploited child and could have another complaint filed stating the child is alleged to be in need of supervision or alleged to be dependent, and not a child alleged to be delinquent . . . A juvenile probation officer who is designated to be a juvenile court intake officer may determine if a child alleged to be in need of supervision is appropriate for an informal adjustment pursuant to Rule 15 of the Alabama Rules of Juvenile Procedure.

Accordingly, if a child sex trafficking victim is identified and adjudicated as “child in need of supervision” pursuant to Ala. Code § 12-15-801(d), the child may subject to traditional juvenile court procedures and outcomes, including probation and removal from the child’s home.

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	does not extend to all prostitution offenses				70-103(a)(2) (Sexual solicitation)
California	Yes	No	No	No	Cal. Penal Code § 647(b)(5) (Disorderly conduct; Punishment for violation); Cal. Penal Code § 653.22 (Loitering with intent to commit prostitution; determination of intent)
Colorado	Yes	Yes	Yes	No	Colo. Rev. Stat. Ann. § 18-7-20 (Prostitution prohibited); Colo. Rev. Stat. Ann. § 18-7-209 (Immunity from prostitution related offenses – Victim – Human trafficking of a minor for involuntary servitude – Human trafficking of a minor for sexual servitude); Colo. Rev. Stat. Ann. § 18-7-201.4 (Victim of human trafficking of a minor for sexual servitude – Provision of services – Reporting); Colo. Rev. Stat. Ann. § 19-3-308(4)(c) (Action upon report of intrafamilial, institutional, or third-party abuse – Investigations – Child protection team – Rules – Report)
Connecticut	Yes	No	No	No	Conn. Gen. Stat. § 53a-82(a) (Prostitution)
Delaware	No	N/A	N/A	No	Del. Code Ann. tit. 11, § 1342 (Prostitution; class B misdemeanor); Del. Code Ann. tit. 11, § 787(g)(2) (Trafficking an individual, forced labor and sexual servitude)
District of Columbia	Yes	Yes	No	No	D.C. Code § 22-2701 (Engaging in prostitution or soliciting for prostitution)
Florida	Yes	No	No	No	Fla. Stat. Ann. § 796.07(2) (Prohibited prostitution and related acts)
Georgia	Yes; however the protection does not extend to all	No	No	No	Ga. Code Ann. § 16-6-9 (Prostitution); Ga. Code Ann. § 16-6-16(a) (Masturbation for hire)

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	prostitution offenses				
Hawaii	No	N/A	N/A	No	Haw. Rev. Stat. Ann. § 712-1200 (Prostitution); Haw. Rev. Stat. Ann. § 712-1206 (Loitering for the purpose of engaging in or advancing prostitution)
Idaho	No	N/A	N/A	Yes; minors charged with prostitution may be diverted	Idaho Code Ann. § 18-5613(1) (Prostitution); Idaho Code Ann. § 18-8606 (Safe harbor provisions)
Illinois	Yes	Yes	No	No	720 Ill. Comp. Stat. Ann. 5/11-14 (Prostitution); 720 Ill. Comp. Stat. Ann. 5/11-14.1 (Solicitation of a sexual act)
Indiana	Yes	Yes	No	No	Ind. Code Ann. § 35-45-4-2, (Prostitution); Ind. Code Ann. § 35-45-4-7 (Detention of minor – Notice); Ind. Code Ann. § 35-42-3.5-4(c) (Additional rights of victim)
Iowa	No	N/A	N/A	Yes; minors charged with prostitution may be diverted	Iowa Code § 725.1 (Prostitution)
Kansas	No	N/A	N/A	No	Kan. Stat. Ann. § 21-6419 (Selling sexual relations)
Kentucky	Yes	Yes	No	No	Ky. Rev. Stat. Ann. § 529.120 (Treatment of minor suspected of prostitution offense)
Louisiana	No ³	N/A	N/A	Yes	La. Rev. Stat. Ann. § 14:46.3(E) (Trafficking of children for sexual purposes); La. Rev. Stat. Ann. § 14:82 (A), (G)(1); La. Rev. Stat. Ann. § 14:46.2 (F)(1), (2) (Human trafficking); La. Child. Code Ann.

³ While La. Rev. Stat. Ann. § 14:46.3(E) (Trafficking of children for sexual purposes) and La. Child. Code Ann. art. 804(3), (5) (Definitions) provide non-criminalization protections to child sex trafficking victims, conflicting state law permits minors to be arrested, charged, prosecuted, and adjudicated for prostitution offenses.

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					art. 804(3), (5) (Definitions); La. Child Code Ann. art. 839(A), (D) (Availability of an informal adjustment agreement)
Maine	Yes	No	No	No	Me. Rev. Stat. Ann. tit. 17-A, § 853-A(1) (Engaging in prostitution)
Maryland	No	N/A	N/A	No	Md. Code Ann., Crim. Law § 11-303 (House of prostitution); Md. Code Ann., Crim. Law § 11-306 (Procuring or solicitation of prostitution or assignation)
Massachusetts	No	N/A	N/A	No	Mass. Gen. Laws ch. 272, § 53A(a) (Engaging in sexual conduct for a fee; payors and payees; penalties); Mass. Gen. Laws ch. 272, § 53(a) (Penalty for certain offenses); Mass. Gen. Laws ch. 265, § 57 (Human trafficking – Victims accused of common night walking or street walking – Affirmative defense)
Michigan	Yes (under 16 only ⁴)	No	No	Yes; state law provides a rebuttable presumption of trafficking victimization to minors 16 and 17 years of age	Mich. Comp. Laws Ann. § 750.448 (Soliciting, accosting, or inviting to commit prostitution or immoral act; crime); Mich. Comp. Laws Ann. § 750.451(6), (7) (Violation of MCL 750.448, 750.449, 750.449a(1), 750.450, or 750.462; prior conviction; penalty; prosecution of persons under 18 years of age; presumption; report; investigation by department of human services; “prior conviction” defined)
Minnesota	Yes	No	No	No	Minn. Stat. Ann. § 260B.007(6), (16) (Definitions)

⁴ Mich. Comp. Laws Ann. § 740.448 (Soliciting, accosting, or inviting to commit prostitution or immoral act; crime) provides non-criminalization protections to minors under 16 years of age and a presumption of trafficking victimization for older minors; however, 16 and 17 year old minors can still be arrested, charged, prosecuted, and adjudicated for prostitution.

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Mississippi	Yes	No	No	No	Miss. Code Ann. § 97-29-49 (Prostitution; report to department of child protection services for suspected child sexual abuse or neglect if minor involved; immunity from prosecution if trafficked person involved)
Missouri	No	N/A	N/A	No	Mo. Rev. Stat. § 567.020 (Prostitution)
Montana	Yes	Yes	No	No	Mont. Code Ann. § 45-5-709 (Immunity of child – Sex therapy participants)
Nebraska	Yes	Yes	No	No	Neb. Rev. Stat. Ann. § 28-801 (Prostitution; penalty; affirmative defense; immunity from prosecution; law enforcement officer; duties)
Nevada	Yes	Yes	No	No	Nev. Rev. Stat. Ann. § 62C.015 (Treatment of child who engages in prostitution or solicitation for prostitution or who engages in certain unlawful acts in connection with commercial sexual report of commercial sexual exploitation to agency which provides child welfare services)
New Hampshire	Yes	Yes	No	No	N.H. Rev. Stat. Ann. § 645:2 (Prostitution and related offenses)
New Jersey	No	N/A	N/A	Yes; minors charged with prostitution may be diverted	N.J. Stat. Ann. § 2C:34-1(b) (Prostitution and related offenses); N.J. Stat. Ann. § 2C-34.1.1 (Loitering for the purpose of engaging in prostitution); N.J. Stat. Ann. § 2A-4A-22g (General definitions); N.J. Stat. Ann. § 2C:4A-71 (Reviewing and processing complaints)
New Mexico	Yes	No	No	No	N.M. Stat. Ann. § 32A-2-3 (Definitions); N.M. Stat. Ann. § 32A-3B-3(a) (Protective custody; interference with protective custody; penalty)
New York	No	N/A	N/A	Yes; minors charged with prostitution may be diverted	N.Y. Fam. Ct. Act § 311.4(3) (Substitution for petition or finding); N.Y. Crim. Proc. Law § 170.80 (Proceedings regarding

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					certain prostitution charges; certain persons aged sixteen or seventeen); N.Y. Crim. Proc. Law § 170.30(4) (Motion to dismiss information, simplified information, prosecutor's information or misdemeanor complaint)
North Carolina	Yes	Yes	No	No	N.C. Gen. Stat. § 14-204 (Prostitution); N.C. Gen. Stat. § 14-205.1 (Solicitation of prostitution); N.C. Gen. Stat. § 7B-1900 (Taking a juvenile into temporary custody)
North Dakota	No	N/A	N/A	Yes; minors identified as having engaged in commercial sex or as victims of sex trafficking are presumed children in need of services and directed to an alternative, juvenile justice process	N.D. Cent. Code § 12.1-29-03 (Prostitution); N.D. Cent. Code § 12.1-41-12 (Immunity of minor); N.D. Cent. Code § 27-20.2-03 (Jurisdiction); N.D. Cent. Code § 27-20.2-05 (Powers and duties of the director of the juvenile court); N.D. Cent. Code § 27-20.3-11 (Diversion)
Ohio	No	N/A	N/A	Yes; minors identified as having engaged in an array of offenses, including prostitution, as a result of their trafficking victimization may be diverted to an alternative, juvenile justice process	Ohio Rev. Code Ann. § 2907.25(A), (C) (Prostitution; after positive HIV test); Ohio Rev. Code Ann. § 2152.021(F) (Complaint alleging that child is a delinquent child or juvenile traffic offender; initiation of serious youthful offender proceedings)
Oklahoma	Yes	No	Yes	No	Okl. Stat. Ann. tit. 21, § 1029(A)(1)–(3) (Engaging in or soliciting prostitution – Residing or remaining in place for prohibited purpose – Aiding, abetting, or participating in prohibited acts –

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					Child prostitution – Human trafficking); Okla. Stat. Ann. tit. 21, § 748.2(E) (Rights of victims of human trafficking – Civil action against perpetrator)
Oregon	No	N/A	N/A	No	Or. Rev. Stat. § 167.007 (Prostitution)
Pennsylvania	Yes	Yes	Yes	No	18 Pa. Cons. Stat. § 5902(a) (Prostitution and related offenses); 18 Pa. Cons. Stat. § 3065 (Safe harbor for sexually exploited children)
Rhode Island	Yes	Yes	No	No	R.I. Gen. Laws § 11-34.1-2(a) (Prostitution); R.I. Gen. Laws § 11-67.1-15 (Immunity of a minor)
South Carolina	Yes	No	Yes	No	S.C. Code Ann. § 16-15-90 (Prostitution; lewdness, assignation and prostitution generally); S.C. Code Ann. § 16-3-2020(G) (Trafficking in persons; penalties; defenses)
South Dakota	No	N/A	N/A	Yes; minors identified as having engaged in commercial sex are presumed children in need of services and directed to an alternative, juvenile justice process	S.D. Codified Laws § 22-23-1 (Prostitution – Penalty); S.D. Codified Laws § 25-8B-2 (Child in need of supervision defined)
Tennessee	Yes	Yes	No	No	Tenn. Code Ann. § 39-13-513 (Prostitution – Defenses)
Texas	No	N/A	N/A	Yes; minors engaged in conduct in violation of the prostitution law may be deemed children in need of supervision and directed to an alternative, juvenile justice	Tex. Penal Code § 43.02 (Prostitution) ; Tex. Fam. Code § 51.03(b)(5) (Delinquent conduct; conduct indicating a need for supervision); Tex. Fam. Code § 54.04(d) (Disposition hearing); Tex. Fam. Code § 51.0413 (Jurisdiction over and transfer of combination proceedings)

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				process or may have their adjudication proceedings deferred until their 18 th birthdays if they successfully participate in court-ordered services	
Utah	Yes	Yes	No	No	Utah Code Ann. § 76-10-1032(1) (Prostitution); Utah Code Ann. § 76-10-1313 (Sexual solicitation – Penalty); Utah Code Ann. § 76-10-1315(2), (4) (Safe harbor for children as victims of commercial sex or sexual solicitation); Utah Code Ann. § 80-6-201 (Minor taken into temporary custody by peace officer, private citizen, or probation officer – Grounds – Protective custody)
Vermont	No	N/A	N/A	Yes; minors engaged in conduct in violation of the prostitution law may be subjected to delinquency proceedings	Vt. Stat. Ann. tit. 13, § 2652(c)(1) (Human trafficking)
Virginia	No	N/A	N/A	No	Va. Code Ann. § 18.2-346 (Prostitution; commercial sexual conduct; penalties)
Washington	Yes	No	No	No	Wash. Rev. Code Ann. § 9A.88.030(1) (Prostitution)
West Virginia	Yes	Yes	Yes	No	W.Va. Code Ann. § 61-8-5 (Houses of ill fame and assignation; penalties; jurisdiction of courts); W.Va. Code Ann. § 61-14-8 (Immunity for minor victim of sex trafficking)
Wisconsin	No	N/A	N/A	Yes; minors identified as engaging in	Wis. Stat. § 944.30 (Prostitution)

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				conduct in violation of the prostitution law may be diverted and receive either a consent decree or a deferred prosecution	
Wyoming	No ⁵	N/A	N/A	Yes; minors identified as having engaged in conduct in violation of the prostitution law are deemed children in need of supervision and directed to an alternative, juvenile justice process	Wyo. Stat. Ann. § 6-4-101 (Prostitution); Wyo. Stat. Ann. § 6-2-708 (Victim defenses; vacating convictions); Wyo. Stat. Ann. § 14-6-429 (Decree where child adjudged in need of supervision; dispositions; terms and conditions; legal custody); Wyo. Stat. Ann. § 14-6-438 (Liability for contempt; penalties)
Totals:	27 states & DC	16 non-crim	6 non-crim	14 states direct	

⁵ 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. Specifically, 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. Further, 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, under Wyo. Stat. Ann. § 14-6-438 (Liability for contempt; penalties) removal from the child’s home.

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	prohibit the criminalization of minors for prostitution offenses.	states & DC allow for arrest and/or detention for investigative purposes.	states hinge protection on a finding of victimization.	child sex trafficking victims to an alternative, punitive process.	