

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.

State ¹	Does state law extend non-criminalization to status offenses?	Does state law extend non-criminalization to misdemeanors?	Does state law extend non-criminalization to non-violent felonies?	If non-criminalization is not extended, is an affirmative defense available?	Relevant statute(s)
Alabama	No	No	No	No	N/A
Alaska	No	No	No	No	N/A
Arizona	No	No	No	No	N/A
Arkansas	No	No	No	Yes; victims of trafficking may raise an affirmative defense to forgery, defrauding a prospective adoptive parent, prostitution, including advancing prostitution, obscene performance, and controlled substance charges	Ark. Code Ann. § 5-2-210(b), (c) (Human trafficking – Affirmative defense)
California	No	No	No	Yes; victims of human trafficking may raise an affirmative defense to any charge, except one constituting a serious or violent felony, or a human	Cal. Penal Code § 236.23 (Human trafficking; affirmative defense; burden and standard)

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_2.6.pdf.

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				trafficking charge	
Colorado	No	No	No	Yes; victims of child sex trafficking may raise an affirmative defense to any charge other than a class 1 felony	Colo. Rev. Stat. Ann. § 18-1-713(1) (Victims of human trafficking of a minor for involuntary servitude or sexual servitude – Affirmative defenses)
Connecticut	No	No	No	No	N/A
Delaware	No	No	No	No	N/A
District of Columbia	No	No	No	No	N/A
Florida	No	No	No	No	N/A
Georgia	No	No	No	No	N/A
Hawaii	No	No	No	No	N/A
Idaho	No	No	No	Yes; victims of human trafficking may raise an affirmative defense to any non-violent offense if committed as a direct and immediate result of their trafficking victimization	Idaho Code Ann. § 18-8606(2) (Safe harbor provisions)
Illinois	No	No	No	No	N/A
Indiana	No	No	No	No	N/A
Iowa	No	No	No	Yes; victims of human trafficking may raise an affirmative defense in a prosecution for any offense committed as a result of their trafficking victimization and threat of	Iowa Code § 710A.3 (Affirmative defense)

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				serious injury by another	
Kansas	No	No	No	No	N/A
Kentucky	Yes	No	No	Yes; victims of human trafficking may raise an affirmative defense in a prosecution for an any offense, except a violent felony	Ky. Rev. Stat. Ann. § 630.125 (Child not to be charged with or found guilty of status offense related to human trafficking); Ky. Rev. Stat. Ann. § 529.170(1) (Being victim of human trafficking is affirmative defense to violation of chapter)
Louisiana	Yes	Yes	Yes	N/A	La. Rev. Stat. Ann. § 14:46.3(E) (Trafficking of children for sexual purposes)
Maine	No	No	No	No	N/A
Maryland	No	No	No	No	N/A
Massachusetts	No	No	No	No	N/A
Michigan	No	No	No	No	N/A
Minnesota	No	No	No	No	N/A
Mississippi	No	No	No	No	N/A
Missouri	No	No	No	No	N/A
Montana	Yes	Yes	Yes	N/A	Mont. Code Ann. § 45-5-709(1) (Immunity of child – Sex therapy participants)
Nebraska	No	No	No	No	N/A
Nevada	Yes	Yes; but not all	No	N/A	Nev. Rev. Stat. Ann. § 62C.015 (2), (3) (Treatment of child who engages in prostitution or solicitation for prostitution or who engages in certain unlawful acts in connection with commercial sexual exploitation; report of commercial sexual exploitation to agency which provides child welfare services)
New Hampshire	No	Yes	Yes; but only Class B felony offenses	N/A	N.H. Rev. Stat. Ann. § 633:7 (VI)(a) (Trafficking in persons)
New Jersey	No	No	No	No	N/A
New Mexico	No	No	No	No	N/A
New York	No	No	No	No	N/A
North Carolina	No	No	No	No	N/A

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North Dakota	No	Yes; but not all	Yes, but not all	Yes; victims of human trafficking may raise an affirmative defense in a prosecution for felony forgery, felony theft, or felony drug distribution charges	N.D. Cent. Code § 12.1-41-12(1)-(3) (Immunity of minor); N.D. Cent. Code § 12.1-41-13 (Affirmative defense to victim)
Ohio	No	No	No	No	N/A
Oklahoma	No	Yes	No	Yes	Okla. Stat. tit. 21, § 748.2(E) (Rights of victims of human trafficking – Civil action against perpetrator); Okla. Stat. tit. 21, § 748(E) (Human trafficking)
Oregon	No	No	No	Yes	Or. Rev. Stat. § 163.269 (Victim assertion of defense of duress); Or. Rev. Stat. § 163.261 (Definitions for ORS 163.263 and 163.264)
Pennsylvania	No	No	No	No	N/A
Rhode Island	No	No	No	No	N/A
South Carolina	No	No	No	Yes	S.C. Code § 16-3-2020(F) (Trafficking in persons; penalties; defenses)
South Dakota	No	No	No	No	N/A
Tennessee	No	No	No	No	N/A
Texas	No	No	No	No	N/A
Utah	No	No	No	No	N/A
Vermont	No	Yes, but not all	Yes, but not all	Yes; victims of sex trafficking are provided an affirmative defense in a prosecution for any offense other than prostitution or obscenity if the offense was committed as a result of force, fraud, or coercion	Vt. Stat. Ann. tit. 13, § 2652(c) (1)-(2) (Human Trafficking)

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Virginia	No	No	No	No	N/A
Washington	No	No	No	No	N/A
West Virginia	No	No	No	No	N/A
Wisconsin	No	No	No	Yes; victims of trafficking are provided an affirmative defense in a prosecution for any offense committed as a direct result of the trafficking victimization	Wis. Stat. § 939.46(1m) (Coercion)
Wyoming	No	Yes	Yes	N/A	Wyo. Stat. Ann. § 6-2-708(a) (Victim defenses; vacating convictions)
Totals:	4 states extend non-criminalization to status offenses.	8 states extend non-criminalization to misdemeanors.	6 states extend non-criminalization to non-violent felonies.	12 states make an affirmative defense available.	