

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.

State ¹	Does state law extend non-criminalization to trafficking offenses?	Does state law extend non-criminalization to CSE offenses?	If non-criminalization is not extended, is an affirmative defense available?	Relevant statute(s)
Alabama	No	No	No	N/A
Alaska	No	No	No	N/A
Arizona	No	No	No	N/A
Arkansas	No	No	Yes; victims of trafficking may raise an affirmative defense to prostitution charges, including advancing prostitution	Ark. Code Ann. § 5-2-210(b), (c)(3) (Human trafficking – Affirmative defense)
California	No	No	Yes; victims of human trafficking may raise an offense to any charge, except one constituting a serious or violent felony, or a human trafficking charge	Cal. Penal Code § 236.23 (Human trafficking; affirmative defense; burden and standard)
Colorado	No	Yes; applicable to certain prostitution-related CSE offenses	Yes	Colo. Rev. Stat. Ann. § 18-7-209 (Immunity from prostitution-related offenses); Colo. Rev. Stat. Ann. § 18-1-713(1) (Affirmative defenses); Colo. Rev. Stat. Ann. § 18-3-504(2.5) (Human trafficking for sexual servitude – Human trafficking of a minor for sexual servitude)
Connecticut	No	No	Yes	Conn. Gen. Stat. § 53a-192a(b) (Trafficking in persons)
Delaware	No	No	No	N/A
District of Columbia	No	No	No	N/A
Florida	No	No	No	N/A

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_2.7.pdf.

State ¹	Does state law extend non-criminalization to trafficking offenses?	Does state law extend non-criminalization to CSE offenses?	If non-criminalization is not extended, is an affirmative defense available?	Relevant statute(s)
Georgia	No	No	No	N/A
Hawaii	No	No	No	N/A
Idaho	No	No	Yes; victims of human trafficking may raise an affirmative defense in a prosecution for trafficking or CSEC if committed as a direct and immediate result of their trafficking victimization	Idaho Code Ann. § 18-8606(2) (Safe harbor provisions)
Illinois	No	Yes; minor victims of trafficking are provided non-criminalization protections against certain conduct amounting to promoting prostitution	No	720 Ill. Comp. Stat. Ann. 5/11-14.3(a) (Promoting prostitution)
Indiana	No	No	No	N/A
Iowa	No	No	Yes; victims of human trafficking may raise an affirmative defense to any charged committed as a result of their trafficking victimization and threat of serious injury by another. A victim under 21 years of age may also raise an affirmative defense to a charge of pimping if committed as a result of their victimization and while acting under the control of an adult	Iowa Code § 710A.3 (Affirmative defense); Iowa Code § 725.2(3) (Pimping)
Kansas	No	No	Yes; child trafficking victims may raise an affirmative defense in a prosecution for human trafficking if the offense was committed during their victimization	Kan. Stat. Ann. § 21-5426(e) (Human trafficking; aggravated human trafficking)

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Kentucky	No	No	Yes; victims of human trafficking may raise an affirmative defense in a prosecution for any offense, except a violent felony	Ky. Rev. Stat. Ann. § 529.170(1) (Being victim of human trafficking is affirmative defense to violation of chapter)
Louisiana	Yes	Yes	N/A	La. Rev. Stat. Ann. § 14:46.3(E) (Trafficking of children for sexual purposes)
Maine	No	No	No	N/A
Maryland	No	No	Yes; victims of human trafficking may raise an affirmative defense in a prosecution for certain prostitution offenses	Md. Code Ann., Crim. Law § 11-307(c)(1) (Using building, structure, or conveyance for prostitution or assignation)
Massachusetts	No	No	No	N/A
Michigan	No	Yes; minors under 16 years of age are protected from prosecution for several CSEC offenses	No	Mich. Comp. Laws. Ann. § 750.450 (Aiding, assisting, or abetting; penalty)
Minnesota	No	No	No	N/A
Mississippi	Yes	Yes; minor victims of trafficking are immune from prosecution for promoting prostitution	N/A	Miss. Code Ann. § 97-3-54.1(4) (Human trafficking act; prohibited conduct; penalty); Miss. Code Ann. § 97-29-51(3) (Prostitution; misdemeanor procuring services of prostitute; felony promoting prostitution; penalties)
Missouri	No	No	No	N/A
Montana	No	Yes; minor victims of trafficking are immune from prosecution for the crime of “promoting prostitution”	No	Mont. Code Ann. § 45-5-709(1) (Immunity of child – Sex therapy participants)
Nebraska	Yes; trafficking victims are immune for prosecution for participating in, or benefitting from, a venture that has engaged in trafficking (victims can still be charged as sex trafficking and CSE offenders)	No	No	Neb. Rev. Stat. Ann. § 28-831(3) (Human trafficking; labor trafficking or sex trafficking; labor trafficking of a minor or sex trafficking of a minor; prohibited acts; penalties)

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Nevada	No ²	No	No	N/A
New Hampshire	No	Yes; minor victims of trafficking are immune from prosecution for the crime of “promoting prostitution” if committed as a directed result of their trafficking victimization	No	N.H. Rev. Stat. Ann. § 633:7(VI)(a) (Trafficking in persons)
New Jersey	No	No	Yes; victims of human trafficking, regardless of age, are provided an affirmative defense in a prosecution for human trafficking, human trafficking in the second degree, or promoting prostitution offenses. Child victims are afforded a rebuttable presumption of trafficking victimization if charged with human trafficking in the second degree	N.J. Stat. Ann. § 2C:13-8(c) (Human trafficking); N.J. Stat. Ann. § 2C:13-9 (Human trafficking in the second degree); N.J. Stat. Ann. § 2C:24-1(e) (Prostitution and related offenses)
New Mexico	Yes; human trafficking victims, regardless of age, are immune from prosecution for operating as an accessory to the offense of human trafficking (however, they may be charged as the primary offender)	No	No	N.M. Stat. Ann. § 30-52-1(E) (Human trafficking)
New York	No	No	Yes; trafficking victims are provided an affirmative defense to	N.Y. Penal Law § 230.01 (Prostitution; affirmative defense)

² However, Nev. Rev. Stat. Ann. § 201.303 (Rebuttable presumption that pandering, sex trafficking or facilitating sex trafficking committed under duress) does create a rebuttable presumption that a child sex trafficking victim charged with a trafficking offense acted under duress.

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			promoting prostitution charges	
North Carolina	No	No	Yes; trafficking victims are provided an affirmative defense to human trafficking charges	N.C. Gen. Stat. § 14-43.16(a) (Affirmative defense)
North Dakota	No	No	No	N/A
Ohio	No	No	No	N/A
Oklahoma	No	No	Yes; victims of trafficking are provided an affirmative defense in a prosecution for any misdemeanor or felony offense committed as a direct result of the victimization	Okla. Stat. tit. 21, § 748.2(E) (Rights of victims of human trafficking – Civil action against perpetrator); Okla. Stat. tit. 21, § 748(D) (Human Trafficking)
Oregon	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	N/A
Rhode Island	No	No	No	N/A
South Carolina	Yes	Yes	N/A	S.C. Code § 16-3-2020(G) (Trafficking in persons; penalties; defenses)
South Dakota	No	No	No	N/A
Tennessee	No	No	No	N/A
Texas	No	No	No	N/A
Utah	No	No	No	N/A
Vermont	No	Yes; applicable to the offense of aiding and abetting prostitution	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)
Virginia	No	No	Yes; victims of sex trafficking are provided an affirmative defense in a prosecution for “keeping, residing in,	Va. Code Ann. § 18.2-361.1 (Victims of sex trafficking; affirmative defense)

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			or frequenting a bawdy place”	
Washington	No	No	No	N/A
West Virginia	No	Yes; applicable to the offense of aiding and abetting prostitution	No	W. Va. Code Ann. § 61-14-8(a), (b) (Immunity for minor victim of sex trafficking)
Wisconsin	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	Yes	Yes	N/A	Wyo. Stat. Ann. § 6-2-708(a) (Victim defenses; vacating convictions)
Totals:	6 states extend non-criminalization to sex trafficking offenses.	11 states extend non-criminalization to CSE offenses.	17 states make an affirmative defense available.	