

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.

State ¹	Does state law provide child sex trafficking victims with non-criminalization protections or an affirmative defense to violent felonies?	If so, does protection extend to all violent felonies?	Relevant statute(s)
Alabama	No	N/A	N/A
Alaska	No	N/A	N/A
Arizona	No	N/A	N/A
Arkansas	No	N/A	N/A
California	No	N/A	N/A
Colorado	Yes	No; unavailable in cases involving a class 1 felony offense	Colo. Rev. Stat. Ann. § 18-1-713(1) (Victims of human trafficking of a minor for involuntary servitude or sexual servitude – Affirmative defenses); Colo. Rev. Stat. Ann. § 18-1.3-406(2)(a), (b) (Mandatory sentences for violence crimes – Definitions)
Connecticut	No	N/A	N/A
Delaware	No	N/A	N/A
District of Columbia	No	N/A	N/A
Florida	No	N/A	N/A
Georgia	No	N/A	N/A
Hawaii	No	N/A	N/A
Idaho	No ²	N/A	N/A
Illinois	No	N/A	N/A
Indiana	No	N/A	N/A
Iowa	No	N/A	N/A
Kansas	No	N/A	N/A
Kentucky	No	N/A	N/A
Louisiana	Yes	Yes	La. Rev. Stat. Ann. § 14:46.3(E) (Trafficking of children for sexual purposes)
Maine	No	N/A	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_2.8.pdf.

² Although Idaho Code Ann. § 18-8602(2) (Safe harbor provisions) provides trafficking victims with an affirmative defense, that protection is not available for vast majority of violent felonies that victims would be charged with.

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Maryland	No	N/A	N/A
Massachusetts	No	N/A	N/A
Michigan	No	N/A	N/A
Minnesota	No	N/A	N/A
Mississippi	No	N/A	N/A
Missouri	No	N/A	N/A
Montana	No	N/A	N/A
Nebraska	No	N/A	N/A
Nevada	No	N/A	N/A
New Hampshire	No	N/A	N/A
New Jersey	No	N/A	N/A
New Mexico	No	N/A	N/A
New York	No	N/A	N/A
North Carolina	No	N/A	N/A
North Dakota	No	N/A	N/A
Ohio	No	N/A	N/A
Oklahoma	Yes	Yes	Okla. Stat. tit. 21, § 748.2(E) (Rights of victims of human trafficking – Civil action against perpetrator)
Oregon	Yes	Yes	Or. Rev. Stat. § 163.269 (Victim assertion of defense of duress); Or. Rev. Stat. § 163.261 (Definitions)
Pennsylvania	No	N/A	N/A
Rhode Island	No	N/A	N/A
South Carolina	Yes	Yes	S.C. Code § 16-3-2020(F) (Trafficking in persons; penalties; defenses)
South Dakota	No	N/A	N/A
Tennessee	Yes ³	No	Tenn. Code Ann. § 39-11-611 (Self-defense)
Texas	No	N/A	N/A
Utah	No	N/A	N/A
Vermont	Yes	Yes	Vt. Stat. Ann. tit. 13, § 2652(c)(2) (Human trafficking)
Virginia	No	N/A	N/A
Washington	No	N/A	N/A
West Virginia	No	N/A	N/A

³ Tenn. Code Ann. § 39-11-611(b)–(d)(3) (Self-defense) allows child sex trafficking victims to assert self-defense, providing an exception to requirements that the person not be engaged in conduct that would constitute a felony or Class A misdemeanor or other specified behavior at the time they used force against another.

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Wisconsin	Yes	Yes	Wis. Stat. § 939.46(1m) (Coercion)
Wyoming	Yes	Yes	Wyo. Stat. Ann. § 6-2-708(a) (Victim defenses; vacating convictions)
Totals:	9 states provide child sex trafficking victims with non-criminalization protections or an affirmative defense to violent felonies.	7 states extend protection to all violent felonies.	