

POLICY GOAL 4.4 State law mandates restitution for child sex trafficking and commercial sexual exploitation of children (CSEC) offenses.

| State ¹ | Does state law mandate restitution for child sex trafficking offenses? ² | Does state law mandate restitution for one or more CSEC offenses? ³ |
|----------------------|---|--|
| Alabama | Yes | Yes |
| Alaska | Yes | Yes |
| Arizona | Yes | No; discretionary |
| Arkansas | No; discretionary | No; discretionary |
| California | Yes | Yes |
| Colorado | Yes | Yes |
| Connecticut | Yes | Yes |
| Delaware | Yes | No |
| District of Columbia | No; discretionary | No; discretionary |
| Florida | Yes | Yes |
| Georgia | Yes | Yes |
| Hawaii | Yes | Yes |
| Idaho | Yes | Yes |
| Illinois | Yes | Yes |
| Indiana | Yes | No; discretionary |
| Iowa | Yes | Yes |
| Kansas | Yes | Yes |
| Kentucky | No | Yes |
| Louisiana | Yes | Yes |
| Maine | Yes | Yes |
| Maryland | No; discretionary | No; discretionary |

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_4.4.pdf.

² A “yes” response in this column indicates that restitution is either expressly available for child sex trafficking offenses or broadly available for victims of any criminal offense. Limitations and other procedural barriers may still apply.

³ A “yes” response in this column indicates that restitution is either expressly available for CSEC offenses or broadly available for victims of any criminal offenses. Limitations and other procedural barriers may still apply.

| State ¹ | Does state law mandate restitution for child sex trafficking offenses? ² | Does state law mandate restitution for one or more CSEC offenses? ³ |
|--------------------|---|--|
| Massachusetts | No; authorized ⁴ | No; authorized ⁵ |
| Michigan | Yes | Yes |
| Minnesota | Yes | Yes |
| Mississippi | Yes | No; discretionary |
| Missouri | Yes | No; discretionary |
| Montana | Yes | Yes |
| Nebraska | No; discretionary | No; discretionary |
| Nevada | No; discretionary | No; discretionary |
| New Hampshire | Yes | No; discretionary |
| New Jersey | Yes | No; discretionary |
| New Mexico | Yes | No; discretionary |
| New York | Yes | Yes |
| North Carolina | Yes | Yes |
| North Dakota | Yes | Yes |
| Ohio | No; discretionary | Yes ⁶ |
| Oklahoma | Yes | Yes |
| Oregon | Yes | Yes |
| Pennsylvania | Yes | Yes |
| Rhode Island | Yes ⁷ | No; discretionary |
| South Carolina | Yes | Yes |
| South Dakota | Yes | No; discretionary ⁸ |
| Tennessee | Yes | Yes |

⁴ Mass. Gen. Laws ch. 258B, § 3(o) (Rights of victims and witnesses of crime) provides crime victims with the right “to request that restitution be an element of the final disposition of a case and to obtain assistance from the prosecutor in the documentation of the victim’s losses.”

⁵ See *supra* note 4.

⁶ Pursuant to Ohio Rev. Code Ann. § 2929.18(B)(8)(a) (Financial sanctions; restitution; reimbursements), restitution is mandatory in CSEC cases if the offender is convicted of or pleads guilty to a human trafficking specification “that charges that the offender knowingly committed the offense in furtherance of human trafficking.” However, however, restitution is not expressly mandated if the offender is convicted of a violation of Ohio Rev. Code Ann. § 2905.32 (Trafficking in persons).

⁷ However, R.I. Gen. Laws Ann. § 11-67.1-10 (Restitution) does not mandate restitution for violations of Rhode Island’s buyer-applicable trafficking laws, R.I. Gen. Laws Ann. § 11-67.1-6 (Patronizing a victim of sexual servitude) or R.I. Gen. Laws Ann. § 11-67.1-7 (Patronizing a minor for commercial sexual activity).

⁸ Notably however, S.D. Codified Laws § 23A-28-1 (Policy of State – Enforcement) states,

It is the policy of this state that restitution shall be made by each violator of the criminal laws to the victims of the violator’s criminal activities to the extent that the violator is reasonably able to do so. An order of restitution may be enforced by the state or a victim named in the order to receive the restitution in the same manner as a judgment in a civil action.

| State ¹ | Does state law mandate restitution for child sex trafficking offenses? ² | Does state law mandate restitution for one or more CSEC offenses? ³ |
|--------------------|--|---|
| Texas | Yes | Yes |
| Utah | Yes | Yes |
| Vermont | Yes | No; discretionary |
| Virginia | Yes | Yes |
| Washington | Yes | Yes |
| West Virginia | Yes | Yes |
| Wisconsin | Yes | Yes |
| Wyoming | Yes | Yes |
| Totals: | 43 states mandate restitution for child sex trafficking offenses. 6 other states & DC make restitution discretionary, or otherwise authorize restitution, for child sex trafficking offenses. | 34 states mandate restitution for one or more CSEC offenses. 15 other states & DC make restitution discretionary, or otherwise authorize restitution, for CSEC offenses. |