

POLICY GOAL 1.4 Mistake of age is not an available defense under sex trafficking and commercial sexual exploitation of children (CSEC) laws.

State ¹	Does state law prohibit a mistake of age defense in prosecutions for child sex trafficking? ²	Does state law prohibit a mistake of age defense in prosecutions for CSEC? ³
Alabama	Yes	Yes
Alaska	Yes	No
Arizona	No ⁴	No
Arkansas	Yes	No
California	Yes	No
Colorado	Yes	Yes
Connecticut	No	Yes
Delaware	Yes	Yes
District of Columbia	Yes	No
Florida	Yes	No
Georgia	Yes	No
Hawaii	Yes	Yes
Idaho	No	No
Illinois	No	Yes ⁵
Indiana	No	No
Iowa	Yes	No
Kansas	Yes	Yes
Kentucky	Yes	No
Louisiana	Yes	Yes
Maine	No	No
Maryland	Yes	Yes

¹ Evaluations of state laws are based on legislation enacted as of August 1, 2022. For more information on the importance of this policy goal, please visit <https://reportcards.sharedhope.org/wp-content/uploads/2022/10/2022-Issue-Briefs-1.4.pdf>.

² A “yes” response indicates that a mistake of age defense is prohibited in prosecutions for at least one child sex trafficking offense.

³ A “yes” response indicates that a mistake of age defense is prohibited in prosecutions for at least one CSEC offense.

⁴ While Ariz. Rev. Stat. Ann. § 13-3212(B)(1) (Child sex trafficking; classification; increased punishment; definition) eliminates a mistake of age defense for a person who “[e]ngag[es] in prostitution with a minor who is under fifteen years of age,” a mistake of age defense is permitted when the victim is 15–17 years of age.

⁵ 720 Ill. Comp. Stat. Ann. 5/11-14.4(c) (Promoting juvenile prostitution) prohibits a mistake of age defense but only if the offender had a “reasonable opportunity to observe” the child victim.

State ¹	Does state law prohibit a mistake of age defense in prosecutions for child sex trafficking? ²	Does state law prohibit a mistake of age defense in prosecutions for CSEC? ³
Massachusetts	No	No
Michigan	Yes	No
Minnesota	Yes	Yes
Mississippi	Yes	Yes
Missouri	Yes	Yes
Montana	Yes	Yes
Nebraska	Yes	No
Nevada	Yes	No
New Hampshire	Yes	Yes
New Jersey	Yes	Yes
New Mexico	No	No
New York	Yes	No
North Carolina	Yes	Yes
North Dakota	Yes	No
Ohio	No	Yes
Oklahoma	Yes	No
Oregon	No	Yes
Pennsylvania	Yes	No
Rhode Island	Yes	No
South Carolina	Yes	Yes
South Dakota	Yes	No
Tennessee	Yes	Yes
Texas	Yes	Yes
Utah	Yes	Yes
Vermont	No	No
Virginia	No	No
Washington	Yes	Yes
West Virginia	Yes	No
Wisconsin	Yes	Yes
Wyoming	Yes	No
Totals:	38 states & D.C. prohibit a mistake of age defense in prosecutions for child sex trafficking?	24 states prohibit a mistake of age defense in prosecutions for CSEC?