

POLICY GOAL 2.1 **The definition of child sex trafficking victim in the criminal code includes all commercially sexually exploited children without requiring third party control.**

State ¹	Is third party control required to identify a commercially sexually exploited child as a trafficking victim under the criminal code? ²	If required, how?	Relevant statute(s)
Alabama	No	N/A	Ala. Code § 13A-6-151(8), (9) (Definitions); Ala. Code § 13A-6-152(3) (Human trafficking in the first degree)
Alaska	Yes	Trafficking law specifically excludes buyers from criminal liability.	Alaska Stat. § 11.66.110(a) (Sex trafficking in the first degree)
Arizona	No	N/A	Ariz. Rev. Stat. Ann. § 13-3212(B) (Child sex trafficking; classification; increased punishment; definition)
Arkansas	No ³	N/A	Ark. Code Ann. § 5-18-102(15) (Definitions); Ark. Code Ann. § 5-18-103(a)(4) (Trafficking of persons)
California	Yes*	Trafficking law does not apply to buyers of commercial sex with minors.	Cal. Penal Code § 236.1 (Human trafficking defined; punishment); Cal. Welf. & Inst. Code § 16524.8(a)(1), (b) (County interagency protocol); Cal. Welf. & Inst. Code § 300(b)(2) (Persons subject to jurisdiction of juvenile court)
Colorado	No	N/A	Colo. Rev. Stat. Ann. § 18-3-502(12) (Definitions); Colo. Rev. Stat. Ann. § 18-3-504

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-2.1.pdf>.

² An asterisk (*) indicates that, while third party control is required under the criminal code’s definition of commercially sexually exploited child, the definition of victim within the services section of the code clearly applies to all commercially sexually exploited minors for purposes of accessing services.

³ Arkansas law defines “victim of human trafficking” to include victims under Arkansas’s core sex trafficking offense, Ark. Code. Ann. § 5-18-103 (Trafficking in persons), which does not require third party control because it applies directly to buyers of sex with minors. However, the definition of “victim of trafficking” does not include a person who has been subjected to Ark. Code Ann. § 5-18-104 (Patronizing a victim of human trafficking), which requires the buyer to know the person patronized was a victim of human trafficking. Consequently, the victim must be under the control of a trafficker to establish the crime of patronizing a victim of human trafficking under Ark. Code Ann. § 5-18-104.

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Connecticut	Yes	Trafficking law does not apply to buyers of commercial sex with minors.	Conn. Gen. Stat. § 53a-192a (Trafficking in persons)
Delaware	Yes*	Patronizing a victim of sexual servitude requires knowledge of victimization, and core sex trafficking law does not apply to buyers of commercial sex with minors.	Del. Code Ann. tit. 11, § 787(a)(16), (b)(1), (b)(4), (m)(2) (Trafficking an individual, forced labor and sexual servitude)
District of Columbia	No	N/A	D.C. Code § 22-1831(12) (Definitions); D.C. Code § 22-1834 (Sex trafficking of children)
Florida	No	N/A	Fla. Stat. Ann. § 787.06(3) (Human trafficking)
Georgia	No	N/A	Ga. Code Ann. § 16-5-46(a)(8), (c) (Trafficking of persons for labor or sexual servitude)
Hawaii	Yes	Trafficking law specifically excludes buyers from criminal liability.	Haw. Rev. Stat. Ann. § 712-1202 (Sex trafficking)
Idaho	No	N/A	Idaho Code Ann. § 18-8602(1)(a)(i) (Human trafficking defined)
Illinois	No	N/A	720 Ill. Comp. Stat. Ann. 5/10-9(a)(10), (c) (Trafficking in persons, involuntary servitude, and related offense)
Indiana	Yes	Human trafficking law requires a buyer to pay, offer to pay, or agree to pay or offer a benefit “for a human trafficking victim.”	Ind. Code Ann. § 35-42-3.5-0.5(a)(2) (Definitions); Ind. Code Ann. § 35-42-3.5-1.4(a) (Human trafficking)
Iowa	Yes	Definition of “services,” as used within the definition of “commercial sexual activity,” creates a third party control requirement (requires “an ongoing relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor.”	Iowa Code § 710A.1(1), (4), (10), (13) (Definitions)
Kansas	No	N/A	Kan. Stat. Ann. § 21-5426(b)(5) (Human trafficking; aggravated human trafficking)
Kentucky	No	N/A	Ky. Rev. Stat. Ann. § 529.010(3)(a), (7)(b), (16) (Definitions); Ky. Rev. Stat. Ann. § 529.100(1)(b) (Human trafficking)
Louisiana	No	N/A	La. Rev. Stat. Ann. § 14:46.3 (Trafficking of children for sexual purposes); La. Rev. Stat. Ann. § 14:46.2 (Human trafficking)

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Maine	Yes	Trafficking law does not apply to buyers of commercial sex with minors.	Me. Rev. Stat. Ann. tit. 17-A, § 852 (Aggravated sex trafficking)
Maryland	Yes*	Trafficking law does not apply to buyers of commercial sex with minors.	Md. Code Ann., Crim. Law § 3-1102 (Human trafficking); Md. Code Ann., Fam. Law § 5-704.4(a)(6) (Safe harbor regional navigator grant program); Md. Code Ann., Fam. Law § 5-701(x) (Definitions)
Massachusetts	No	N/A	Mass. Gen. Laws ch. 265, § 50(a) (Human trafficking – Sexual servitude)
Michigan	No	N/A	Mich. Comp. Laws Ann. § 750.462e (Forced labor or services; prohibited conduct as relates to age of minor)
Minnesota	Yes*	Criminal code’s definition of “sex trafficking victim” and trafficking law exclude buyer conduct.	Minn. Stat. Ann. § 609.321(7b) (Prostitution and sex trafficking definitions); Minn. Stat. Ann. § 609.322(1)(a) (Solicitation, inducement, and promotion of prostitution; sex trafficking); Minn. Stat. Ann. § 260C.007(31) (Definitions)
Mississippi	No	N/A	Miss. Code Ann. § 97-3-54.4(q) (Human trafficking act; definitions); Miss. Code Ann. § 97-3-54.1(1)(c) (Human trafficking act; prohibited conduct; penalty)
Missouri	No	N/A	Mo. Rev. Stat. § 566.200(16) (Definitions); Mo. Rev. Stat. § 566.211 (Sexual trafficking of a child – Penalty); Mo. Rev. Stat. § 566.210 (Sexual trafficking of a child under age twelve – Affirmative defense not allowed when – Penalty)
Montana	No	N/A	Mont. Code Ann. § 45-5-701(5) (Definitions); Mont. Code Ann. § 45-5-702 (Trafficking of persons); Mont. Code Ann. § 45-5-705 (Patronizing victim of sexual servitude)
Nebraska	No	N/A	Neb. Rev. Stat. Ann. § 28-830(14) (Human trafficking; forced labor or services; terms; defined); Neb. Rev. Stat. Ann. § 28-831(1) (Human trafficking; forced labor or services; prohibited acts; penalties)
Nevada	No	N/A	Nev. Rev. Stat. Ann. § 201.300(2)(a)(1) (Pandering and sex trafficking; definition; penalties; exception)
New Hampshire	No	N/A	N.H. Rev. Stat. Ann. § 633:7(III-a) (Trafficking in persons)

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New Jersey	Yes	Human trafficking in the second degree requires knowledge of victimization. ⁴	N.J. Stat. Ann. § 2C:13-9 (Human trafficking in the second degree); N.J. Stat. Ann. § 2C:13-8(a)(3) (Human trafficking)
New Mexico	No	N/A	N.M. Stat. Ann. § 30-52-1(A) (Human trafficking)
New York	Yes	Trafficking law specifically excludes buyers from criminal liability.	N.Y. Penal Law § 230.34-A (Sex trafficking of a child)
North Carolina	No	N/A	N.C. Gen. Stat. § 14-43.10(a)(6) (Definitions); N.C. Gen. Stat. § 14-43.13 (Sexual servitude)
North Dakota	No	N/A	N.D. Cent. Code Ann. § 12.1-41-01(5), (12) (Definitions); N.D. Cent. Code § 12.1-41-06(1) (Patronizing a minor for commercial sexual activity)
Ohio	Yes	Trafficking law specifically excludes buyers from criminal liability.	Ohio Rev. Code Ann. § 2905.32(C) (Trafficking in persons)
Oklahoma	No	N/A	Okla. Stat. Ann. tit. 21, § 748(A)(9), (B) (Human trafficking)
Oregon	No	N/A	Or. Rev. Stat. § 163.266(1)(c) (Trafficking in persons)
Pennsylvania	Yes*	Patronizing a victim of sexual servitude requires knowledge or reckless disregard of victimization.	18 Pa. Cons. Stat. § 3001 (Definitions); 18 Pa. Cons. Stat. § 3013 (Patronizing a victim of sexual servitude); 18 Pa. Cons. Stat. § 3000 (Definitions)
Rhode Island	No	N/A	R.I. Gen. Laws Ann. § 11-67.1-2(5), (14) (Definitions); R.I. Gen. Laws Ann. § 11-67.1-7(a) (Patronizing a minor for commercial sexual activity)
South Carolina	Yes	Trafficking law requires knowledge of victimization.	S.C. Code Ann. § 16-3-2010(9) (Definitions); S.C. Code Ann. § 16-3-2020(A)(3) (Trafficking in persons; penalties; defenses)
South Dakota	No	N/A	S.D. Codified Laws § 22-49-1 (Human trafficking prohibited)
Tennessee	No	N/A	Tenn. Code Ann. § 39-13-309(a) (Trafficking for commercial sex act)
Texas	Yes	Trafficking law requires a buyer to engage in sexual conduct with a child who has been subjected to trafficking.	Tex. Penal Code Ann. § 20A.02(a) (Trafficking of persons); Tex. Penal Code § 20A.01(4) (Definitions)
Utah	No	N/A	Utah Code Ann. § 76-5-308.5(2), (3) (Human trafficking of a child – Penalties)

⁴ In contrast, New Jersey’s core sex trafficking offense, N.J. Stat. Ann. § 2C:13-8(a)(3) (Human trafficking), does not require third party control because it can apply directly to buyers of commercial sex with minors based on federal precedent.

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Vermont	No	N/A	Vt. Stat. Ann. tit. 13, § 2651(13) (Definitions); Vt. Stat. Ann. tit. 13, § 2652(a)(1) (Human trafficking)
Virginia	Yes*	Trafficking law specifically excludes buyers from criminal liability.	Va. Code Ann. § 18.2-357.1(A) (Commercial sex trafficking; penalties); Va. Code Ann. § 63.2-1517(C) (Authority to take child into custody); Va. Code Ann. § 63.2-1506.1(A) (Sex trafficking assessments by local departments)
Washington	No	N/A	Wash. Rev. Code Ann. § 9A.40.100 (Trafficking)
West Virginia	Yes	Patronizing a victim of sexual servitude requires knowledge of victimization, and definition of “sexual servitude,” as used within the definition of “human trafficking,” excludes buyer conduct.	W. Va. Code Ann. § 61-14-1(6), (14)(A), (15) (Definitions); W. Va. Code Ann. § 61-14-2(b) (Human trafficking of an individual; penalties); W. Va. Code Ann. § 61-14-6(b) (Patronizing a victim of sexual servitude; penalties)
Wisconsin	No	N/A	Wis. Stat. § 948.051(1) (Trafficking of a child)
Wyoming	Yes	Patronizing a victim of sexual servitude requires knowledge of victimization, and core human trafficking offenses do not apply to buyers of commercial sex with minors.	Wyo. Stat. Ann. § 6-2-701(a)(xv) (Definitions); Wyo. Stat. Ann. § 6-2-702 (Human trafficking in the first degree; penalty); Wyo. Stat. Ann. § 6-2-703 (Human trafficking in the second degree; penalty); Wyo. Stat. Ann. § 6-2-707(a) (Patronizing a victim of sexual servitude)
Totals:	19 states require third party control to identify a commercially sexually exploited child as a trafficking victim under the criminal code.		