

POLICY GOAL 2.5 State law prohibits the criminalization of minors under 18 for prostitution offenses and establishes a services-referral protocol as an alternative to arrest.

State ¹	Does state law prohibit the criminalization of minors for prostitution offenses?	Does the non-criminalization protection expressly allow for a punitive form of custody (e.g., arrest)?	Does the non-criminalization protection hinge on a finding of victimization?	Does the non-criminalization protection require law enforcement to direct the child to services?	Relevant statute(s)
Alabama	No ²	N/A	N/A	N/A	Ala. Code § 12-15-801 (Protection of sexually exploited child); Ala. Code § 13A-12-120 (Prostitution defined); Ala. Code § 13A-12-121 (Prohibited activity)
Alaska	No	N/A	N/A	N/A	Alaska Stat. § 11.66.100 (Prostitution)
Arizona	No	N/A	N/A	N/A	Ariz. Rev. Stat. Ann. § 13-3214(D) (Prostitution; clarified)
Arkansas	Yes; however, the protection does not extend to all prostitution offenses	Yes	Yes	No	Ark. Code Ann. § 5-70-102 (Prostitution); Ark. Code Ann. § 5-70-103(a)(2) (Sexual solicitation)

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-2.5.pdf>.

² While Alabama law prohibits the court from adjudicating “sexually exploited children” delinquent for violating the prostitution laws, Ala. Code § 12-15-801(c)–(d) (Protection of sexually exploited child) acknowledges the possibility of arrest, prosecution, or punitive responses for such offenses, stating,

- (c) In any proceeding based upon a child’s arrest for an act of prostitution, there is a presumption that the child satisfies the definition of a sexually exploited child as provided in this section.
- (d) If a law enforcement officer or a person seeks to file a complaint against a child for an offense of prostitution as provided in Section 13A-12-120 or 13A-12-121, the juvenile court intake officer shall evaluate the complaint to determine if the child is a sexually exploited child and could have another complaint filed stating the child is alleged to be in need of supervision or alleged to be dependent, and not a child alleged to be delinquent . . . A juvenile probation officer who is designated to be a juvenile court intake officer may determine if a child alleged to be in need of supervision is appropriate for an informal adjustment pursuant to Rule 15 of the Alabama Rules of Juvenile Procedure.

Accordingly, if a child sex trafficking victim is identified and adjudicated as “child in need of supervision” pursuant to Ala. Code § 12-15-801(d), the child may subject to traditional juvenile court procedures and outcomes, including probation and removal from the child’s home.

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California	Yes	No	No	No	Cal. Penal Code § 647(b)(5) (Disorderly conduct; Punishment for violation); Cal. Penal Code § 653.22 (Loitering with intent to commit prostitution; determination of intent)
Colorado	Yes	Yes	Yes	No	Colo. Rev. Stat. Ann. § 18-7-20 (Prostitution prohibited); Colo. Rev. Stat. Ann. § 18-7-209 (Immunity from prostitution related offenses – Victim – Human trafficking of a minor for involuntary servitude – Human trafficking of a minor for sexual servitude); Colo. Rev. Stat. Ann. § 18-7-201.4 (Victim of human trafficking of a minor for sexual servitude – Provision of services – Reporting); Colo. Rev. Stat. Ann. § 19-3-308(4)(c) (Action upon report of intrafamilial, institutional, or third-party abuse – Investigations – Child protection team – Rules – Report)
Connecticut	Yes	No	No	No	Conn. Gen. Stat. § 53a-82(a) (Prostitution)
Delaware	No	N/A	N/A	N/A	Del. Code Ann. tit. 11, § 1342 (Prostitution; class B misdemeanor); Del. Code Ann. tit. 11, § 787(g)(2) (Trafficking an individual, forced labor and sexual servitude)
District of Columbia	Yes	No	No	Yes	D.C. Code § 22-2701 (Engaging in prostitution or soliciting for prostitution); D.C. Code § 16-2309 (Taking into custody)
Florida	Yes	No	No	Yes	Fla. Stat. Ann. § 796.07(2) (Prohibited prostitution and related acts); Fla. Stat. Ann. § 39.401(1), (2) (Taking a child alleged to be dependent into custody)
Georgia	Yes; however the protection does not extend to all prostitution offenses	No	No	Yes	Ga. Code Ann. § 16-6-9 (Prostitution); Ga. Code Ann. § 16-6-16(a) (Masturbation for hire); Ga. Code Ann. § 15-11-130.1 (Referral to victim assistance organizations of child suspected of

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					being a victim of sexual exploitation or trafficking)
Hawaii	No	N/A	N/A	N/A	Haw. Rev. Stat. Ann. § 712-1200 (Prostitution); Haw. Rev. Stat. Ann. § 712-1206 (Loitering for the purpose of engaging in or advancing prostitution)
Idaho	No ³	N/A	N/A	N/A	Idaho Code Ann. § 18-5613(1) (Prostitution); Idaho Code Ann. § 18-8606 (Safe harbor provisions)
Illinois	Yes	No	No	Yes	720 Ill. Comp. Stat. Ann. 5/11-14 (Prostitution); 720 Ill. Comp. Stat. Ann. 5/11-14.1 (Solicitation of a sexual act)
Indiana	Yes	No	No	Yes	Ind. Code Ann. § 35-45-4-2, (Prostitution); Ind. Code Ann. § 35-45-4-7 (Detention of minor – Notice); Ind. Code Ann. § 35-42-3.5-4(c) (Additional rights of victim)
Iowa	No ⁴	N/A	N/A	N/A	Iowa Code § 725.1 (Prostitution)
Kansas	No	N/A	N/A	N/A	Kan. Stat. Ann. § 21-6419 (Selling sexual relations)
Kentucky	Yes	No	No	Yes	Ky. Rev. Stat. Ann. § 529.120 (Treatment of minor suspected of prostitution offense)
Louisiana	No ⁵	N/A	N/A	N/A	La. Rev. Stat. Ann. § 14:46.3(E) (Trafficking of children for sexual purposes); La. Rev. Stat. Ann. § 14:82 (A), (G)(1) (Prostitution; definition; penalties); La. Rev. Stat. Ann. § 14:46.2 (F)(1), (2) (Human trafficking); La. Child. Code Ann. art. 804(3), (5) (Definitions); La. Child Code Ann. art. 839(A), (D) (Availability of an informal adjustment agreement); La. Rev. Stat. Ann. § 14:83.3 (Prostitution

³ Idaho Code Ann. § 18-5613(1) (Prostitution) applies to minors under 18; however, Idaho Code Ann. § 18-8606 (Safe harbor provisions) permits minors charged with prostitution to be diverted.

⁴ Iowa Code § 725.1 (Prostitution) applies to minors under 18; however, the code section authorizes prosecutors to refer the minor to child welfare in lieu of filing a delinquency petition.

⁵ While La. Rev. Stat. Ann. § 14:46.3(E) (Trafficking of children for sexual purposes) and La. Child. Code Ann. art. 804(3), (5) (Definitions) provide non-criminalization protections to child sex trafficking victims, conflicting state law permits minors to be arrested, charged, prosecuted, and adjudicated for prostitution offenses.

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					by massage); La. Rev. Stat. § 14:83.4 (Massage; sexual conduct prohibited)
Maine	Yes	No	No	No	Me. Rev. Stat. Ann. tit. 17-A, § 853-A(1) (Engaging in prostitution)
Maryland	No	N/A	N/A	N/A	Md. Code Ann., Crim. Law § 11-303 (House of prostitution); Md. Code Ann., Crim. Law § 11-306 (Procuring or solicitation of prostitution or assignment); Md. Code Ann., Cts. & Jud. Proc. § 3-8A-14(d) (Taking child into custody)
Massachusetts	No	N/A	N/A	N/A	Mass. Gen. Laws ch. 272, § 53A(a) (Engaging in sexual conduct for a fee; payors and payees; penalties); Mass. Gen. Laws ch. 272, § 53(a) (Penalty for certain offenses); Mass. Gen. Laws ch. 265, § 57 (Human trafficking – Victims accused of common night walking or street walking – Affirmative defense)
Michigan	Yes (under 16 only ⁶)	No	No	No ⁷	Mich. Comp. Laws Ann. § 750.448 (Soliciting, accosting, or inviting to commit prostitution or immoral act; crime); Mich. Comp. Laws Ann. § 750.451(6), (7) (Violation of MCL 750.448, 750.449, 750.449a(1), 750.450, or 750.462; prior conviction; penalty; prosecution of persons under 18 years of age; presumption; report; investigation by department of human services; “prior conviction” defined) requires law enforcement to refer 16 and 17 year olds (who are excluded from the non-criminalization protection), stating, “Excluding any reasonable period for investigation purposes, a law enforcement officer who encounters a person under 18 years of age engaging in any conduct that would be a violation of section 448 [Soliciting, accosting, or inviting to commit prostitution or immoral act; crime], 449 [Admitting to pace for purposes of prostitution], 450 [Aiding, assisting, or abetting; penalty], or 462 [Female 16 years of age or less in house of prostitution; crime] or a local ordinance substantially corresponding to section 448, 449, 450, or 462, if engaging in by a person 16 years of age or over shall immediately report to the department of health and human services as a suspected violation of human trafficking involving a person under 18 years of age in violation of sections 462a to 462h.”

⁶ Mich. Comp. Laws Ann. § 740.448 (Soliciting, accosting, or inviting to commit prostitution or immoral act; crime) provides non-criminalization protections to minors under 16 years of age and a presumption of trafficking victimization for older minors; however, 16 and 17 year old minors can still be arrested, charged, prosecuted, and adjudicated for prostitution.

⁷ Mich. Comp. Laws Ann. § 750.451(7) (Violation of MCL 750.448, 750.449, 750.449a(1), 750.450, or 750.462; prior conviction; penalty; prosecution of persons under 18 years of age; presumption; report; investigation by department of human services; “prior conviction” defined) requires law enforcement to refer 16 and 17 year olds (who are excluded from the non-criminalization protection), stating, “Excluding any reasonable period for investigation purposes, a law enforcement officer who encounters a person under 18 years of age engaging in any conduct that would be a violation of section 448 [Soliciting, accosting, or inviting to commit prostitution or immoral act; crime], 449 [Admitting to pace for purposes of prostitution], 450 [Aiding, assisting, or abetting; penalty], or 462 [Female 16 years of age or less in house of prostitution; crime] or a local ordinance substantially corresponding to section 448, 449, 450, or 462, if engaging in by a person 16 years of age or over shall immediately report to the department of health and human services as a suspected violation of human trafficking involving a person under 18 years of age in violation of sections 462a to 462h.”

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					investigation by department of human services; “prior conviction” defined)
Minnesota	Yes	No	No	No	Minn. Stat. Ann. § 260B.007(6), (16) (Definitions)
Mississippi	Yes	No	No	Yes	Miss. Code Ann. § 97-29-49 (Prostitution; report to department of child protection services for suspected child sexual abuse or neglect if minor involved; immunity from prosecution if trafficked person involved)
Missouri	Yes	No	No	Yes	Mo. Rev. Stat. § 567.020(5) (Prostitution); Mo. Rev. Stat. § 210.1500(1)-(4) (Suspected victims of sex trafficking, law enforcement duties—Division duties—Procedure); Mo. Rev. Stat. § 566.223(4) (Federal Trafficking Victims Protection Act of 2000 to apply, when—Affirmative defense—Procedures to identify victims, training on protocols)
Montana	Yes	No	No	No	Mont. Code Ann. § 45-5-709(1)-(3) (Immunity of child – Sex therapy participants)
Nebraska	Yes	No	No	Yes	Neb. Rev. Stat. Ann. § 28-801 (Prostitution; penalty; affirmative defense; immunity from prosecution; law enforcement officer; duties)
Nevada	Yes	No	No	No	Nev. Rev. Stat. Ann. § 62C.015 (Treatment of child who engages in prostitution or solicitation for prostitution or who engages in certain unlawful acts in connection with commercial sexual report of agency which provides child welfare services); Nev. Rev. Stat. Ann. § 62C.240 (Court referral for court supervision pursuant to supervision and consent decree of child alleged to have engaged in prostitution or solicitation of prostitution; violation of supervision and consent decree or order; dismissal of petition)

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New Hampshire	Yes	Yes	No	No	N.H. Rev. Stat. Ann. § 645:2 (Prostitution and related offenses)
New Jersey	No ⁸	N/A	N/A	N/A	N.J. Stat. Ann. § 2C:34-1(b) (Prostitution and related offenses); N.J. Stat. Ann. § 2C-34.1.1 (Loitering for the purpose of engaging in prostitution); N.J. Stat. Ann. § 2A-4A-22g (General definitions); N.J. Stat. Ann. § 2C:4A-71 (Reviewing and processing complaints); N.J. Stat. Ann. § 2A:4A-43(b) (Disposition of delinquency cases); N.J. Stat. Ann. § 2A:4A-46 (Disposition of juvenile-family crisis)
New Mexico	Yes	No	No	Yes	N.M. Stat. Ann. § 32A-2-3 (Definitions); N.M. Stat. Ann. § 32A-3B-3(a) (Protective custody; interference with protective custody; penalty)
New York	No ⁹	N/A	N/A	N/A	N.Y. Fam. Ct. Act § 311.4(3) (Substitution for petition or finding); N.Y. Crim. Proc. Law § 170.80 (Proceedings regarding certain prostitution charges; certain persons aged sixteen or seventeen); N.Y. Crim. Proc. Law § 170.30(4) (Motion to dismiss information, simplified information, prosecutor's information or misdemeanor complaint)
North Carolina	Yes	Yes	No	Yes	N.C. Gen. Stat. § 14-204 (Prostitution); N.C. Gen. Stat. § 14-205.1 (Solicitation of prostitution); N.C. Gen. Stat. § 7B-1900(2) (Taking a juvenile into temporary custody)

⁸ N.J. Stat. Ann. § 2C:34-1(b) (Prostitution and related offenses) and N.J. Stat. Ann. § 2C:34.1.1 (Loitering for the purpose of engaging in prostitution) apply to minors under 18; however, N.J. Stat. Ann. § 2A:4A-22(g)(5) (General definitions) defines children engaged in commercial sex as a “juvenile-family crisis,” which permits identified child sex trafficking victims to be diverted away from a standard juvenile justice response.

⁹ While New York state law does not prohibit charging and prosecuting minors for prostitution, child sex trafficking victims may be diverted and eligible for alternative dispositions. N.Y. Fam. Ct. Act § 311.4(3) (Substitution for petition or finding) provides a presumption of trafficking victimization involving any minor arrested for prostitution and permits the filing of a child in need of supervision petition in lieu of a delinquency petition so long as the minor has not been previously adjudicated for prostitution and expresses a willingness to cooperate with court-ordered services.

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North Dakota	No ¹⁰	N/A	N/A	N/A	N.D. Cent. Code § 12.1-29-03 (Prostitution); N.D. Cent. Code § 12.1-41-12 (Immunity of minor); N.D. Cent. Code § 27-20.2-03 (Jurisdiction); N.D. Cent. Code § 27-20.2-05 (Powers and duties of the director of the juvenile court); N.D. Cent. Code § 27-20.3-11 (Diversion); N.D. Cent. Code § 12.1-41-17(3) (Eligibility for benefit or services)
Ohio	No ¹¹	N/A	N/A	N/A	Ohio Rev. Code Ann. § 2907.25(A), (C) (Prostitution; after positive HIV test); Ohio Rev. Code Ann. § 2907.24 (Soliciting; after positive HIV test; driver's license suspension)
Oklahoma	Yes	No	Yes	Yes	Okla. Stat. Ann. tit. 21, § 1029(A)(1)–(3) (Engaging in or soliciting prostitution – Residing or remaining in place for prohibited purpose – Aiding, abetting, or participating in prohibited acts – Child prostitution – Human trafficking); Okla. Stat. Ann. tit. 21, § 748.2(E) (Rights of victims of human trafficking – Civil action against perpetrator)
Oregon	No	N/A	N/A	N/A	Or. Rev. Stat. § 167.007 (Prostitution)
Pennsylvania	Yes	No	Yes	Yes	18 Pa. Cons. Stat. § 5902(a) (Prostitution and related offenses); 18 Pa. Cons. Stat. § 3065 (Safe harbor for sexually exploited children)

¹⁰ While N.D. Cent. Code § 12.1-41-12(1)(a), (3) (Immunity of minor) prohibits prosecuting minors for prostitution, N.D. Cent. Code § 12.1-41-12(4) directs minors engaged in commercial sex into an alternative juvenile justice process, stating, “a minor who, under subsection 1 or 3 is not subject to criminal liability or a juvenile delinquency proceeding is presumed to be a child in need of services under chapter 50-25.1.” Pursuant to N.D. Cent. Code § 50-25.1 (Definitions) a “child in need of services” is akin to a status offender and N.D. Cent. Code § 27-20.2-05(1)(d) clarifies the possibility of punitive dispositions in CHINS cases, including the provision of a probation order.

¹¹ Ohio’s core prostitution offense, Ohio Rev. Code Ann. §2907.24 (Prostitution; after positive HIV test), applies to minors under 18 years of age; however, pursuant to Ohio Rev. Code Ann. § 2152.021(F) (Complaint alleging that child is delinquent child or juvenile traffic offender; initiation of serious youthful offender proceedings), child sex trafficking victims may be diverted to an alternative juvenile justice process for prostitution or other offenses committed as a result of their victimization.

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Rhode Island	Yes	No	Yes	No	R.I. Gen. Laws § 11-34.1-2(a) (Prostitution); R.I. Gen. Laws § 11-67.1-15 (Immunity of a minor)
South Carolina	Yes	No	Yes	Yes	S.C. Code Ann. § 16-15-90 (Prostitution; lewdness, assignation and prostitution generally); S.C. Code Ann. § 16-3-2020(G) (Trafficking in persons; penalties; defenses); S.C. Code Ann. § 63-11-2400 (Multidisciplinary team investigation of suspected crime against a child must follow Child Abuse Response Protocol; effects of failure to comply)
South Dakota	No ¹²	N/A	N/A	N/A	S.D. Codified Laws § 22-23-1 (Prostitution – Penalty); S.D. Codified Laws § 25-8B-2 (Child in need of supervision defined)
Tennessee	Yes	No	No	Yes	Tenn. Code Ann. § 39-13-513 (Prostitution – Defenses); Tenn. Code Ann. § 39-13-309(e) (Trafficking for a commercial sex act)
Texas	No ¹³	N/A	N/A	N/A	Tex. Penal Code § 43.02 (Prostitution) ; Tex. Fam. Code § 51.03(b)(5) (Delinquent conduct; conduct indicating a need for supervision); Tex. Fam. Code § 54.04(d) (Disposition hearing); Tex. Fam. Code § 51.0413 (Jurisdiction over and transfer of combination proceedings)
Utah	Yes	Yes	No	Yes	Utah Code Ann. § 76-10-1032(1) (Prostitution); Utah Code Ann. § 76-10-1313 (Sexual solicitation –

¹² While S.D. Codified Laws § 22-23-1 (Prostitution—Penalty) is inapplicable to minors, “child in need of supervision” is defined under S.D. Codified Laws § 26-8B-2(6) (Child in need of supervision defined) to include “a child . . . [w]ho engages in prostitution by offering to engage in sexual activity for a fee or other compensation,” directing such children towards a juvenile justice process and possible punitive outcomes, which include probation, community service, or commitment to the Department of Corrections.” S.D. Codified Laws §§ 26-8B-2(6), 26-8B-6.

¹³ While Tex. Penal Code § 43.02(a), (d) (Prostitution) provides an affirmative defense to victims of trafficking and exploitation, including children, it fails to insulate minors from arrest or prosecution. Further, Tex. Fam. Code § 51.03(b)(5) (Delinquent conduct; conduct indicating a need for supervision), defines “conduct indicating a need for supervision [CINS]” to include engagement in commercial sex, directing commercially sexually exploited minors towards an alternative juvenile justice process and possible punitive outcomes, including placement on probation. Tex. Fam. Code § 54.04(d) (Disposition hearing).

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					Penalty); Utah Code Ann. § 76-10-1315(2), (4) (Safe harbor for children as victims of commercial sex or sexual solicitation); Utah Code Ann. § 80-6-201 (Minor taken into temporary custody by peace officer, private citizen, or probation officer – Grounds – Protective custody); Utah Code Ann. § 80-1-102(49) (Juvenile code definitions)
Vermont	No ¹⁴	N/A	N/A	N/A	Vt. Stat. Ann. tit. 13, § 2652(c)(1) (Human trafficking); Vt. Stat. Ann. tit. 13, § 2638(b), (c) (Immunity from liability)
Virginia	No	N/A	N/A	N/A	Va. Code Ann. § 18.2-346 (Prostitution; commercial sexual conduct; penalties)
Washington	Yes	No	No	Yes	Wash. Rev. Code Ann. § 9A.88.030(1) (Prostitution); Wash. Rev. Stat. Ann. § 43-185C.260(7), (8) (Youth services—Officer taking child into custody—Authorization—Duration of custody—Transporting to crisis residential center—Report on suspected abuse or neglect)
West Virginia	Yes	No	Yes	Yes	W.Va. Code Ann. § 61-8-5 (Houses of ill fame and assignation; penalties; jurisdiction of courts); W.Va. Code Ann. § 61-14-8 (Immunity for minor victim of sex trafficking); W. Va. Code Ann. § 61-14-7(e) (General provisions and other penalties)
Wisconsin	No ¹⁵	N/A	N/A	N/A	Wis. Stat. § 944.30(1m), (2m) (Prostitution)

¹⁴ Vt. Stat. Ann. tit. 13, § 2652(c)(1) (Human trafficking) insulates minors from prosecution for a prostitution offense; however, Vt. Stat. Ann. tit. 13, § 2652(c)(1)(B) allows child sex trafficking victims to be treated as a “juvenile under 33 V.S.A. chapter 52 [Delinquency proceedings] or referred to the Department of Children and Families for treatment under 33 V.S.A. chapter 53 [Children in Need of Care or Supervision].” Consequently, minors referred for delinquency proceedings under Vt. Stat. Ann. tit. 33 § 5201-5293 face a traditional juvenile justice response to their trafficking victimization.

¹⁵ Wis. Stat. Ann. § 944.30(1m), (2m) (Prostitution) applies to minors under 18; however, minors may be subject to an alternative juvenile justice process or outcome, including a deferred prosecution or consent decree.

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Wyoming	No ¹⁶	N/A	N/A	N/A	Wyo. Stat. Ann. § 6-4-101 (Prostitution); Wyo. Stat. Ann. § 6-2-708 (Victim defenses; vacating convictions); Wyo. Stat. Ann. § 14-6-429 (Decree where child adjudged in need of supervision; dispositions; terms and conditions; legal custody); Wyo. Stat. Ann. § 14-6-438 (Liability for contempt; penalties)
Totals:	28 states & D.C. prohibit the criminalization of minors for prostitution offenses.	5 non-crim states expressly allow for a punitive form of custody.	7 non-crim states hinge protection on a finding of victimization.	18 states require law enforcement to direct child sex trafficking victims to services.	

¹⁶ While Wyoming law affords child victims of human trafficking protections against prosecution for prostitution, such protections permit alternative punitive, juvenile justice-based responses and may exclude commercially sexually exploited minors who are not identified as trafficking victims. Specifically, Wyo. Stat. Ann. § 6-2-708 (Victim defenses; vacating convictions) outlines protections against prosecution for child human trafficking victims, providing,

- (a) A victim of human trafficking is not criminally liable for any commercial sex act or other criminal acts committed as a direct result of, or incidental to, being a victim of a human trafficking . . .
- (b) A victim of human trafficking who is a minor shall be deemed a child in need of supervision [CHINS] in accordance with the Children in need of Supervision Act or a neglected child in accordance with the Child Protection Act.

Accordingly, while some commercially sexually exploited minors may be identified as “neglected children” and afforded protective responses, a minor may also be identified as a CHINS and directed to the juvenile justice system. If a child is adjudicated as a CHINS pursuant to Wyo. Stat. Ann. § 14-6-429(d) (Decree where child adjudged in need of supervision; dispositions; terms and conditions; legal custody), the court may order a number of protective and punitive dispositions. Further, minors who fail to adhere to the terms determined by the court under Wyo. Stat. Ann. § 14-6-429 may be subject to additional punitive measures, including detention, under Wyo. Stat. Ann. § 14-6-438 (Liability for contempt; penalties) removal from the child’s home.