



2023 REPORT

# ALABAMA

## Report Cards on Child & Youth Sex Trafficking

*State Action. National Change.*

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IN 2011, SHARED HOPE RELEASED THE NATION'S FIRST LEGAL FRAMEWORK THAT CHALLENGED states to enact laws that comprehensively address the crime of child sex trafficking. When we launched the Protected Innocence Challenge project—and issued the inaugural State Report Cards—the majority of states received an “F” grade, reflecting the reality that many states’ laws failed to even recognize the crime of child sex trafficking. Since then, we have been working to lay the foundation for transformational policy, practice, and cultural change by supporting state legislators and stakeholders in identifying gaps in the fabric of laws needed to address this heinous crime. By 2019, no state received an “F” grade, and a majority of the country received an “A” or “B.”

## PROTECTED INNOCENCE CHALLENGE

### ALABAMA

2019	SCORE	GRADE	7.5	25	15	10	22	15
	94.5	A	10	25	15	10	27.5	15
2011	SCORE	GRADE	4.5	11	14.5	7	16.5	12.5
	66	D	10	25	15	10	27.5	15

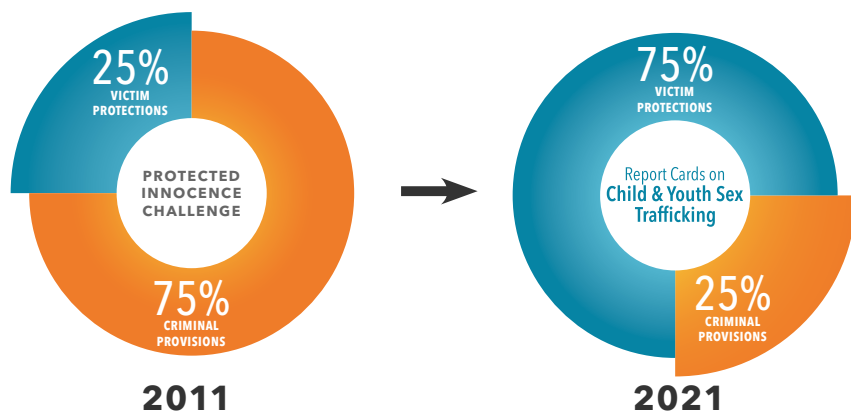
From 2011 to 2019, Alabama raised their grade under the Protected Innocence Challenge from a “D” to an “A,” enacting legislation aimed at holding offenders accountable and protecting survivors.

To view Alabama’s 2019 PIC report, visit [sharedhope.org/PICframe9/reportcards/PIC\\_RC\\_2019\\_AL.pdf](https://sharedhope.org/PICframe9/reportcards/PIC_RC_2019_AL.pdf)

## A SHIFT IN FOCUS

THE PROTECTED INNOCENCE CHALLENGE PROJECT WAS SHARED HOPE’S VISION FOR MOBILIZING collective state action to ensure national change. Building on the progress already made under that project—while preserving its most fundamental components—we released a new, advanced legislative framework in 2020 that

focuses on new policy priorities reflective of feedback and research collected from the field. This framework is meant to challenge states to take the next step in the fight against sex trafficking by focusing on the area of law where the largest gaps remain—victim protections.



## ADVANCED LEGISLATIVE FRAMEWORK

### 6 ISSUE AREAS IDENTIFIED:

CRIMINAL PROVISIONS

IDENTIFICATION OF & RESPONSE TO VICTIMS

CONTINUUM OF CARE

ACCESS TO JUSTICE FOR TRAFFICKING SURVIVORS

TOOLS FOR A VICTIM-CENTERED CRIMINAL JUSTICE RESPONSE

PREVENTION & TRAINING

### 40 POLICY GOALS ANALYZED:

### 110 TOTAL POINTS AWARDED:

States earn up to 2.5 points per policy goal

Extra credit: Protections for labor and youth 18+

100 possible points

plus up to 10 points

### FINAL LETTER GRADES ASSIGNED:

**A** | 90-110 **B** | 80-89 **C** | 70-79 **D** | 60-69 **F** | <60

#### TIER RANKING

Another way the Report Cards on Child & Youth Sex Trafficking will measure progress is through a Tier system that will help states understand how they are doing compared to other states. Especially at this stage where grades are clustered at lower levels, the Tiers help to show states where they are on a spectrum. This provides another way for states to evaluate the progress they make beyond changes to their letter grade.

#### THE TIERS ARE STRUCTURED AS FOLLOWS:

- ▶ TIER 1 = TOP 10 SCORES
- ▶ TIER 2 = MIDDLE 31 SCORES
- ▶ TIER 3 = BOTTOM 10 SCORES

F



# ALABAMA

## 2023 Report Card

TIER II

**GRADES ARE BASED SOLELY ON AN ANALYSIS OF STATE STATUTES.** While we recognize the critical importance of non-legislative responses to propel progress, grading on statutory law provides a clear mechanism for evaluating policy goals across all states while ensuring that survivor-centered reforms are an enduring part of states' responses.

### STATE HIGHLIGHTS:

- Between 2021-2023, raised score by 14 points.
- One of only 9 states to achieve full credit for its criminal provisions.
- Buyers of sex with children can be prosecuted for child sex trafficking and commercial sexual exploitation offenses.
- Business entities can be held criminally liable for conduct amounting to human trafficking.
- Commercially sexually exploited children can be identified as child sex trafficking victims regardless of whether they have or identify a trafficker.

### SAFE HARBOR STATUS:

One of 21 states that fail to unequivocally protect all minors from punitive consequences for engagement in commercial sex. Thus, state law permits some commercially sexually exploited children to be held accountable for their own victimization.

Issue			Grade	Score	Summary
	1. Criminal Provisions		A	$\frac{17.5}{17.5}$	Policy goals accomplished in all areas, including buyer accountability under the trafficking law, buyer and trafficker accountability under state CSEC laws, mistake of age defenses, decoy defenses, business entity liability under the trafficking law, and financial penalties.
	2. Identification of and Response to Victims		F	$\frac{6}{27.5}$	Policy goals accomplished related to third party control and child abuse definitions. Gaps remain related to foreign national victims, screening through child welfare and the juvenile justice system, non-criminalization for prostitution offenses, expanded non-criminalization, juvenile court jurisdiction, and non-caregiver trafficking cases.
	3. Continuum of Care		F	$\frac{5}{15}$	Gaps remain in all areas, including community-based services, MDT responses, services through child welfare and the juvenile justice system, extended foster care services, and appropriations.
	4. Access to Justice for Trafficking Survivors		F	$\frac{8}{15}$	Policy goals accomplished related to restitution and civil remedies. Gaps remain related to civil orders of protection, crime victims' compensation, vacatur, and statutes of limitation.
	5. Tools for a Victim-Centered Criminal Justice Response		B	$\frac{8.5}{10}$	Policy goal accomplished related to alternatives to live, in-court testimony. Gaps remain related to hearsay exceptions, victim-witness supports, and privileged communications.
	6. Prevention and Training		F	$\frac{1}{15}$	Gaps remain in all areas, including training for child welfare, juvenile justice agencies, law enforcement, prosecutors, and school personnel as well as prevention education in schools.
EXTRA CREDIT		Youth		3	Protections related to third party control, civil remedies, and alternatives to live, in-court testimony are extended to sex trafficked youth.
		Child Labor Trafficking		4	Protections related to financial penalties, restitution, civil remedies, and alternatives to live, in-court testimony are extended to child labor trafficking victims.

**OVERALL GRADE**  
TIER II

**F 53**

## WHAT IS SAFE HARBOR?

“Safe Harbor” refers to laws that insulate survivors from a punitive response and direct them toward funded, comprehensive, and protective services.




## WHY SAFE HARBOR?

These laws ensure survivors of child and youth sex trafficking are not involved in the juvenile or criminal justice system and receive trauma-informed care. Appropriate identification and access to services are vital to creating a just response for survivors of child and youth sex trafficking.

## SAFE HARBOR LAWS

Comprehensive Safe Harbor laws  
**SHOULD PROHIBIT  
ARRESTING, DETAINING,  
CHARGING, & PROSECUTING**  
all minors for prostitution offenses, regardless of  
whether a finding of trafficking victimization is  
made, and, instead, require law enforcement to  
direct child and youth survivors to  
**SPECIALIZED SERVICES & CARE.**

Safe Harbor laws  
**SHOULD ALSO PROHIBIT  
CRIMINALIZATION**  
of child sex trafficking survivors for other crimes  
committed as a result of their victimization.

Status	Safe Harbor Policy Goal
 <b>Fully met</b>	The definition of child sex trafficking victim in the criminal code includes all commercially sexually exploited children without requiring third party control (see Policy Goal 2.1 for further analysis and <a href="#">Issue Brief 2.1</a> for background).
 <b>Not met</b>	State law mandates child welfare agencies to conduct trauma-informed CSEC screening for children at risk of sex trafficking (see Policy Goal 2.3 for further analysis and <a href="#">Issue Brief 2.3</a> for background).
 <b>Not met</b>	State law mandates juvenile justice agencies to conduct trauma-informed CSEC screening of children at risk of sex trafficking (see Policy Goal 2.4 for further analysis and <a href="#">Issue Brief 2.4</a> for background).
 <b>Not met</b>	State law prohibits the criminalization of minors under 18 for prostitution offenses and establishes a services-referral protocol as an alternative to arrest (see Policy Goal 2.5 for further analysis and <a href="#">Issue Brief 2.5</a> for background).
 <b>Not met</b>	State law prohibits the criminalization of child sex trafficking victims for status offenses, and misdemeanor and non-violent felony offenses committed as a result of their trafficking victimization (see Policy Goal 2.6 for further analysis and <a href="#">Issue Brief 2.6</a> for background).
 <b>Not met</b>	State law prohibits the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization (see Policy Goal 2.7 for further analysis and <a href="#">Issue Brief 2.7</a> for background).
 <b>Not met</b>	State law provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization (see Policy Goal 2.8 for further analysis and <a href="#">Issue Brief 2.8</a> for background).
 <b>Not met</b>	State law mandates a process for coordinating access to specialized services for child sex trafficking victims that does not require involvement in child-serving systems (see Policy Goal 3.1 for further analysis and <a href="#">Issue Brief 3.1</a> for background).
 <b>Not met</b>	State funding is appropriated to support specialized services and a continuum of care for sex trafficked children regardless of system involvement (see Policy Goal 3.6 for further analysis and <a href="#">Issue Brief 3.6</a> for background).

## STATE SUMMARY:

Alabama law fails to fully prohibit the criminalization of minors for prostitution offenses. While protections exist, they are limited to minors legally identified as “sexually exploited children” and are undermined by conflicting provisions that allow minors, including sexually exploited children, to be subjected to punitive processes. Further, state law does not facilitate access to, or provide funding for, community-based services, potentially leaving some survivors underserved or disconnected from resources that are necessary to address trauma and promote healing.

**SAFE HARBOR RESOURCES:** For additional information, visit [reportcards.sharedhope.org/safeharbor/](https://reportcards.sharedhope.org/safeharbor/).

**SAFE HARBOR MAP:** To see our map of state Safe Harbor law development, visit [reportcards.sharedhope.org/wp-content/uploads/2022/11/SafeHarborMapDec2022.pdf](https://reportcards.sharedhope.org/wp-content/uploads/2022/11/SafeHarborMapDec2022.pdf).



This report provides a thorough analysis of Alabama’s statutes related to offender accountability and victim protections while providing recommendations for addressing gaps in those statutes.<sup>1</sup> This report does not analyze case law, agency rules, or regulations, nor does it analyze practices or initiatives that exist outside of statutory law. However, stakeholders were invited to share non-statutory responses to paint a fuller picture of the state’s anti-child sex trafficking response; where such responses were submitted, they are included as “Insights from the Field” under the respective policy goal but are not factored into the state’s grade.

For more information on how to use this Analysis Report, click [here](#).



## ISSUE 1: Criminal Provisions

### Policy Goal 1.1

The child sex trafficking law is expressly applicable to buyers of commercial sex with any minor under 18.

● FULLY MET

Ala. Code § 13A-6-152 (Human trafficking in the first degree) expressly applies to buyers of commercial sex with minors. Specifically, Ala. Code § 13A-6-152(3) states,

A person commits the crime of human trafficking in the first degree if:

....

(3) He or she knowingly gives monetary consideration or any other thing of value to engage in any sexual conduct with a minor or an individual he or she believes to be a minor.

Further, Ala. Code § 13A-6-152(2) can apply to buyers based on the terms “solicits” and, following federal precedent, “obtains.”<sup>2</sup>

<sup>1</sup> Evaluations of state laws are based on legislation enacted as of July 1, 2023.

<sup>2</sup> See *United States v. Jungers*, 702 F.3d 1066 (8th Cir. 2013). In this case, the Eighth Circuit specifically addressed whether the federal sex trafficking law, 18 U.S.C. § 1591 (Sex trafficking of children or by force, fraud, or coercion) applies to buyers of sex with minors. Reversing a District of South Dakota ruling that Congress did not intend the string of verbs constituting criminal conduct under 18 U.S.C. § 1591(a)(1) (“recruits, entices, harbors, transports, provides, obtains, or maintains”) to reach the conduct of buyers (*United States v. Jungers*, 834 F. Supp. 2d 930, 931 (D.S.D. 2011)), the Eighth Circuit concluded that 18 U.S.C. § 1591 does not contain a “latent exemption for purchasers” because buyers can “engage in at least some of the prohibited conduct.” *Jungers*, 702 F. 3d 1066, 1072. Congress codified *Jungers* clarifying that the federal sex trafficking law is intended to apply to buyers in the Justice for Victims of Trafficking Act (JVTA) of 2015 Pub. L. No. 114-22, 129 Stat 227,

### Policy Goal 1.2

Commercial sexual exploitation of children (CSEC) laws<sup>3</sup> specifically criminalize purchasing or soliciting commercial sex with any minor under 18.

● FULLY MET

Alabama law criminalizes both purchasing and soliciting commercial sex with a minor. Specifically, Ala. Code § 13A-12-121.1 (Engaging in an act of prostitution with a minor) states,

- (a) No person shall commit an act of prostitution, as defined in Section 13A-12-120 [Prostitution defined], with a minor.
- (b) No person shall solicit, compel, or coerce any minor to have sexual intercourse or participate in any natural or unnatural sexual act, deviate sexual intercourse, or sexual contact for monetary consideration or other thing of marketable value.
- (c) No person shall agree to engage in sexual intercourse, deviate sexual intercourse, or sexual contact with a minor or participate in the act for monetary consideration or other thing of marketable value and give or accept monetary consideration or other thing of value in furtherance of the agreement.
- (d) No person shall knowingly do any of the following:
  - (1) Cause or aid a minor to commit or engage in prostitution.
  - (2) Procure or solicit a minor for prostitution.
  - (3) Provide premises for the prostitution of a minor.
  - (4) Receive or accept money or other thing of value pursuant to a prior agreement with a minor where the minor participates or is to participate in the proceeds of any prostitution activity.
  - (5) Operate or assist in the operation of a house of prostitution or a prostitution enterprise where minors participate in prostitution.
  - (6) Sell or offer to sell travel services that include or facilitate travel for the purpose of engaging in sexual intercourse, sexual acts, deviate sexual intercourse, or any other sexual contact with a minor.

### Policy Goal 1.3

Commercial sexual exploitation of children (CSEC) laws<sup>4</sup> apply to traffickers and protect all minors under 18.

● FULLY MET

Alabama's CSEC laws address an array of trafficker conduct. Pursuant to Ala. Code § 13A-12-112(a) (Promoting prostitution; second degree),

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enacted on May 29, 2015. The JVTa adds the terms “patronize” and “solicit” to the list of prohibited conduct and expressly states, “section 108 of this title amends section 1591 of title 18, United States Code, to add the words ‘solicits or patronizes’ to the sex trafficking statute making absolutely clear for judges, juries, prosecutors, and law enforcement officials that criminals who purchase sexual acts from human trafficking victims may be arrested, prosecuted, and convicted as sex trafficking offenders when this is merited by the facts of a particular case.” Id. at Sec. 109. The Eighth Circuit decision in *United States v. Jungers* and the federal sex trafficking law as amended by the Justice for Victims of Trafficking Act establish persuasive authority when state courts interpret the string of verbs constituting prohibited conduct in state sex trafficking laws (in particular, the term “obtains”) to the extent such interpretation does not conflict with state case law.

<sup>3</sup> The phrase “commercial sexual exploitation of children” (or “CSEC”) encompasses a variety of criminal offenses committed against a child in which the child engages, or agrees to engage, in a sex act in exchange for something of value either directly or through a third party. Appropriately crafted CSEC laws can be important, additional tools available in a prosecution of child sex trafficking conduct by supplementing available penalties under the trafficking law and providing additional options for plea negotiations without requiring prosecutors to rely on unrelated or low-level offenses in that context. For this reason, we analyze trafficking laws separately from CSEC laws—even though both involve commercial sexual exploitation. For a complete list of Alabama's CSEC laws, see the appendix located at the end of this report.

<sup>4</sup> See *supra* note 3 for a full discussion on the purpose of analyzing trafficking laws separately from CSEC laws throughout this report.

A person commits the crime of promoting prostitution in the second degree if he knowingly:

- (1) Advances or profits from prostitution by managing, supervising, controlling or owning, either alone or in association with others, a house of prostitution or a prostitution business or enterprise involving prostitution activity by two or more prostitutes other than the defendant; or
- (2) Advances or profits from prostitution of a person less than 18 years of age.

Ala. Code § 13A-12-111(a) (Promoting prostitution; first degree) criminalizes similar conduct but requires use of force, coercion, or intimidation unless the minor is under 16 years of age; it states,

A person commits the crime of promoting prostitution in the first degree if he knowingly:

- (1) Advances prostitution by compelling a person by force or intimidation to engage in prostitution, or profits from such coercive conduct by another; or
- (2) Advances<sup>5</sup> or profits<sup>6</sup> from prostitution of a person less than 16 years of age.

**Policy Goal 1.4**      Mistake of age is not an available defense in child sex trafficking prosecutions.

● **FULLY MET**

Alabama law prohibits a mistake of age defense in prosecutions for child sex trafficking.<sup>7</sup> Pursuant to Ala. Code § 13A-6-154(5) (Prohibited defenses), “Evidence of the following facts or conditions shall not constitute a defense in a prosecution for human trafficking in the first or second degree, nor shall the evidence preclude a finding of a violation: . . . [m]istake as to the human trafficking victim’s age, even if the mistake is reasonable.” Ala. Code § 13A-6-152(b) (Human trafficking in the first degree) reinforces this prohibition for cases involving human trafficking in the first degree, stating, “For purposes of this section, it is not required that the defendant have knowledge of a minor victim’s age, nor is reasonable mistake of age a defense to liability under this section.”

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<sup>5</sup> Ala. Code § 13A-12-110 (Definitions) defines “advance prostitution” as follows:

[A]cting other than as a prostitute or a patron of a prostitute, he knowingly causes or aids a person to commit or engage in prostitution, procures or solicits patrons for prostitution, provides persons or premises for prostitution purposes, operates or assists in the operation of a house of prostitution or a prostitution enterprise.

<sup>6</sup> Ala. Code § 13A-12-110 defines “profit from prostitution” as follows:

[A]cting other than as a prostitute receiving compensation for personally-rendered prostitution services, he accepts or receives money or other property pursuant to a prior agreement with any person whereby he participates or is to participate in the proceeds of prostitution activity.

<sup>7</sup> Additional, Alabama laws prohibits a mistake of age defense in certain CSEC prosecutions. Specifically, Ala. Code § 13A-12-124 (Mistake of age defense prohibited) prohibits the defense for prosecutions under Ala. Code § 13A-12-121.1 (Engaging in an act of prostitution with a minor). Ala. Code § 13A-12-124(b)(5) states,

Evidence of any of the following facts or conditions does not constitute a defense in a prosecution under Section 13A-12-121.1, Code of Alabama 1975, nor shall the evidence preclude a finding of a violation:

....

- (5) Mistake as to the minor victim’s age, even if the mistake is reasonable.



### Policy Goal 1.5

Use of a law enforcement decoy is not an available defense in child sex trafficking cases.

● FULLY MET

Although state trafficking laws do not expressly prohibit an offender from raising a defense based on the use of a law enforcement decoy posing as a minor, Alabama's criminal attempt statute, Ala. Code § 13A-4-2<sup>8</sup> (Attempt), could provide prosecutors with an alternative avenue to prosecute those cases. Ala. Code § 13A-4-2(b) states,

It is no defense under this section that the offense charged to have been attempted was, under the attendant circumstances, factually or legally impossible of commission, if the offense could have been committed had the attendant circumstances been as the defendant believed them to be.

Accordingly, an offender could be found guilty of attempting to commit a child sex trafficking offense despite the use of a law enforcement decoy.

#### INSIGHTS FROM THE FIELD

“Case law supports (and some statutes specifically provide) that a law enforcement officer may pose as the potential child.”<sup>\*</sup>

*\*This information was gathered through our Insights from the Field process and was anonymized at the contributor's request.*

### Policy Goal 1.6

Business entities can be held criminally liable for conduct that violates the trafficking law.

● FULLY MET

Alabama law allows business entities to be held criminally liable for conduct that violates the trafficking law. Pursuant to Ala. Code § 13A-6-152(c) (Human trafficking in the first degree),

A corporation, or any other legal entity other than an individual, may be prosecuted for human trafficking in the first degree<sup>9</sup> for an act or omission only if an agent of the corporation or entity performs the conduct which is an element of the crime while acting within the scope of his or her office or employment and on behalf of the corporation or entity, and the commission of the crime was either authorized, requested, commanded, performed, or within the scope of the person's employment on behalf of the corporation or entity or constituted a pattern of conduct that an agent of the corporation or entity knew or should have known was occurring.

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<sup>8</sup> The text of Ala. Code § 13A-4-2 cited here and elsewhere in this report includes amendments made by the enactment of Senate Bill 198 during the 2023 Regular Session of the Alabama state legislature (effective July 1, 2023).

<sup>9</sup> Conduct criminalized under Ala. Code § 13A-6-152(a) as human trafficking in the first degree includes:

- (1) . . . [K]nowingly subject[ing] another person to labor servitude or sexual servitude.
- (2) . . . [K]nowingly obtain[ing], recruit[ing], entic[ing], solicit[ing], induc[ing], threaten[ing], isolate[ing], harbor[ing], hold[ing], restrain[ing], transport[ing], provid[ing], or maintain[ing] any minor for the purpose of causing a minor to engage in sexual servitude.
- (3) . . . [K]nowingly giv[ing] monetary consideration or any other thing of value to engage in any sexual conduct with a minor or an individual . . . believe[d] to be a minor.

Similarly, Ala. Code § 13A-6-153(a)(3) (Human trafficking in the second degree) states,

A corporation, or any other legal entity other than an individual, may be prosecuted for human trafficking in the second degree<sup>10</sup> for an act or omission only if an agent of the corporation or entity performs the conduct which is an element of the crime while acting within the scope of his or her office or employment and on behalf of the corporation or entity, and the commission of the crime was either authorized, requested, commanded, performed, or within the scope of the person's employment on behalf of the corporation or entity or constituted a pattern of conduct that an agent of the corporation or entity knew or should have known was occurring.

**Policy Goal 1.7** State law mandates that financial penalties are levied on sex trafficking and CSEC offenders and are directed to a victim services fund.

● FULLY MET

Alabama law levies financial penalties, including fees and asset forfeiture, on sex trafficking and CSEC offenders and directs at least a percentage of those financial penalties into a victim services fund. Specifically, under Ala. Code § 13A-12-125 (Additional penalty for engaging in an act of prostitution with a minor), offenders must pay a \$500 fee to be deposited in the Alabama Crime Victims Compensation Fund for purposes of compensating victims of commercial sexual exploitation or for providing other benefits.<sup>11</sup> It states,

In addition to all other fines and penalties prescribed by law, a person convicted of violating Section 13A-6-152 [Human trafficking in the first degree], Section 13A-6-153 [Human trafficking in the second degree], Section 13A-12-111 [Promoting prostitution; first degree], Section 13A-12-112 [Promoting prostitution; second degree], Section 13A-12-121 [Prohibited activity], or Section 13A-12-121.1 [Engaging in an act of prostitution with a minor] shall pay a fine of five hundred dollars (\$500) which shall be used to compensate victims of prostitution and human trafficking. The fine shall be deposited into the State Treasury to the credit of the Alabama Crime Victims Compensation Fund under Section 15-23-16 [Fund]. Amounts deposited into the Alabama Crime Victims Compensation Fund shall be budgeted and allocated in accordance with Sections 41-4-80 through 41-4-96 [regarding the Division of the Budget] and Sections 41-19-1 through 41-19-12 [regarding budget management].

Ala. Code § 13A-6-156 (Penalties – Forfeiture of property) also directs part of a sex trafficking offender's forfeited assets toward the Alabama Crime Victims Compensation Fund, stating,

A person who commits the offense of human trafficking in the first degree or human trafficking in the second degree shall forfeit to the State of Alabama any profits or proceeds and any interest in property that he or she has acquired or maintained that the sentencing court determines to have been acquired or maintained as a result of committing human trafficking in the first degree or human trafficking in the second degree. Any assets seized shall first be used to pay restitution to trafficking victims and subsequently

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<sup>10</sup> Conduct criminalized under Ala. Code § 13A-6-153(a)(1), (2) as human trafficking in the second degree includes:

- (1) . . . [K]nowingly benefit[ing], financially or by receiving anything of value, from participation in a venture or engagement for the purpose of sexual servitude or labor servitude.
- (2) . . . [K]nowingly recruit[ing], entic[ing], solicit[ing], induc[ing], harbor[ing], transport[ing], hold[ing], restrain[ing], provid[ing], maintain[ing], subject[ing], or obtain[ing] by any means another person for the purpose of labor servitude or sexual servitude.

<sup>11</sup> Ala. Code § 15-23-16(b) states, "The fund shall be placed under the management or administration of the Alabama Crime Victims Compensation Commission for purposes of providing compensation or other benefits to crime victims and for purposes of implementing this article [Crime Victims' Compensation]."

to pay any damages awarded to victims in a civil action. Any remaining assets shall go toward the cost of the investigation and prosecution and the remaining assets shall be remitted to funding the Alabama Crime Victims Compensation Fund.

Further, sex trafficking and CSEC offenders face asset forfeiture under Ala. Code § 15-5-61(a) (Seizure and forfeiture of property criminally acquired), which provides,

Any property, proceeds, or instrumentality of every kind, used or intended for use in the course of, derived from, or realized through the commission of a felony offense, as defined in this article, or a misdemeanor offense under Article 3, Chapter 12, Title 13A, relating to prostitution offenses, or as inducement or attempt or conspiracy to commit such offenses, is subject to civil forfeiture.

However, a percentage of assets forfeited under Ala. Code § 15-5-61(a) is not directed into a victim services fund.

#### EXTRA CREDIT



Alabama law levies financial penalties on child labor trafficking offenders and directs at least a percentage of those financial penalties into a victim services fund. Ala. Code §§ 13A-12-125, 13A-6-156.



## ISSUE 2: Identification of & Response to Victims

**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.

● **FULLY MET**

The definition of child sex trafficking victim includes all commercially sexually exploited children without requiring third party control. Ala. Code § 13A-6-151(9) (Definitions) defines “trafficking victim” as “any person, including minors, subjected to . . . sexual servitude . . . .” “Sexual servitude” is defined under Ala. Code § 13A-6-151(8) to include the following:

- a. Except as provided in paragraph b., any sexual conduct for which anything of value is directly or indirectly given, promised to, or received by any person, which conduct is induced or obtained by coercion or deception from a person.
- b. If the sexual conduct is with a minor . . . , no coercion or deception is required.

Further, Alabama’s human trafficking law does not require third party control because it expressly applies to buyers of sex with minors. Ala. Code § 13A-6-152(3) (Human trafficking in the first degree) states,

A person commits the crime of human trafficking in the first degree if:

. . . .

- (3) He or she knowingly gives monetary consideration or any other thing of value to engage in any sexual conduct with a minor or an individual he or she believes to be a minor.

Accordingly, third party control is not required to identify a commercially sexually exploited child as a trafficking victim or to establish the crime of human trafficking.

### EXTRA CREDIT



As used in the statutes analyzed above, Ala. Code § 13A-6-151(5) (Definitions) defines “minor” as “[a] person under the age of 19.” Accordingly, third party control is not required to identify a commercially sexually exploited youth under 19 years of age as a trafficking victim.

**Policy Goal 2.2** State law provides policy guidance to facilitate access to services and assistance for trafficked foreign national children.

○ **NOT MET**

Alabama law does not provide policy guidance that facilitates appropriate responses to foreign national child sex trafficking victims.

- 2.2.1 Recommendation: Statutorily provide policy guidance that facilitates access to services and assistance for trafficked foreign national children. (See [Issue Brief 2.2](#).)

#### INSIGHTS FROM THE FIELD

“Facilitation to access to services for any victim of [human trafficking] is partially dependent on the agency investigating and prosecuting the case. The Alabama Anti-Human Trafficking Alliance, however, is working to streamline the process.”<sup>\*</sup>

*<sup>\*</sup>This information was gathered through our Insights from the Field process and was anonymized at the contributor's request.*

**Policy Goal 2.3** State law mandates child welfare agencies to conduct trauma-informed CSEC screening for children at risk of sex trafficking.

○ NOT MET

Alabama law does not require child welfare to conduct trauma-informed CSEC screening of system-involved children and youth who are at risk of sex trafficking.

- 2.3.1 Recommendation: Statutorily mandate child welfare to screen system-involved children and youth at risk of sex trafficking for experiences of commercial sexual exploitation. (See [Issue Brief 2.3](#).)

#### INSIGHTS FROM THE FIELD

“The Department of Human Resources has created a screening process to be used by their personnel. The state’s child protection agency has enacted internal policies and procedures that address screening at-risk children. See <https://dhr.alabama.gov/family-services/children-and-family-services-policy>.”<sup>\*</sup>

*<sup>\*</sup>This information was gathered through our Insights from the Field process and was anonymized at the contributor's request.*

**Policy Goal 2.4** State law mandates juvenile justice agencies to conduct trauma-informed CSEC screening of children at risk of sex trafficking.

○ NOT MET

Ala. Code § 12-15-701(d) (Protection of sexually exploited child) requires a juvenile court intake officer to screen a prostitution complaint filed against a child to determine whether the child meets the legal definition of “sexually exploited child.” It states,

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 [Prostitution defined] or 13A-12-121 [Engaging in an act of prostitution with a minor], the juvenile court intake officer shall evaluate the complaint to determine if the



child is a sexually exploited child<sup>12</sup> and could have another complaint filed stating that the child is alleged to be in need of supervision or alleged to be dependent, and not a child alleged to be delinquent, pursuant to Rule 12 of the Alabama Rules of Juvenile Procedure. 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.

However, Alabama law does not mandate juvenile justice agencies to conduct trauma-informed CSEC screening for commercially sexually exploited children who enter the juvenile justice system on other charges related to their trafficking victimization.

- 2.4.1 Recommendation: Amend Ala. Code § 12-15-701(d) (Protection of sexually exploited child) to protect all children at risk of sex trafficking who enter the juvenile justice system. (See [Issue Brief 2.4](#).)

#### INSIGHTS FROM THE FIELD

“The juvenile court system works with the Department of Human Resources. Additionally, some juvenile courts within the state had created an additional screening process.”<sup>\*</sup>

*<sup>\*</sup>This information was gathered through our Insights from the Field process and was anonymized at the contributor’s request.*

**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.

○ NOT MET

Alabama law fails to fully prohibit the criminalization of minors for prostitution offenses. While protections exist, they are limited to minors legally identified as “sexually exploited children” and are undermined by conflicting provisions that allow minors, including sexually exploited children, to be subjected to punitive processes.

Pursuant to Ala. Code § 12-15-701(b) (Protection of sexually exploited child), “A sexually exploited child may not be adjudicated delinquent or convicted of a crime of prostitution as provided in Section 13A-12-120 [Prostitution defined] or 13A-12-121 [Prohibited activity], or any municipal ordinance prohibiting such acts.” As such, while a

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<sup>12</sup> Ala. Code § 12-15-701(a) defines “sexually exploited child” as follows:

an individual under the age of 18 years who is under the jurisdiction of the juvenile court and who has been subjected to sexual exploitation because he or she is any of the following:

- (1) A victim of the crime of human trafficking sexual servitude as provided in Section 13A-6-150, et seq., Code of Alabama 1975.
- (2) Engaged in prostitution as provided in Section or 13A-12-121, Code of Alabama 1975.
- (3) A victim of the crime of promoting prostitution as provided in Section 13A-12-111, 13A-12-112, or 13A-12-113, Code of Alabama 1975.

presumption of victimization exists under Ala. Code § 12-15-701(c),<sup>13</sup> minors not identified as sexually exploited are excluded from protection.

Protection is further compromised by a conflicting provision that clearly allows a minor, including one identified as a sexually exploited child, to be adjudged a child in need of supervision<sup>14</sup> and subjected to an informal adjustment, a punitive process akin to diversion. Ala. Code § 12-15-701(d) states,

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

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<sup>13</sup> Ala. Code § 12-15-701(c) states, “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.” Ala. Code § 12-15-701(a) defines “sexually exploited child” as follows:

[A]n individual under the age of 18 years who is under the jurisdiction of the juvenile court and who has been subjected to sexual exploitation because he or she is any of the following:

- (1) A victim of the crime of human trafficking sexual servitude as provided in Section 13A-6-150, et seq.
- (2) Engaged in prostitution as provided in Section 13A-12-120 or 13A-12-121.
- (3) A victim of the crime of promoting prostitution as provided in Section 13A-12-111, 13A-12-112, or 13A-12-113.

<sup>14</sup> If a child sex trafficking victim is identified and adjudicated as “child in need of supervision” pursuant to Ala. Code § 12-15-701(d), the child may subject to traditional juvenile court procedures and outcomes, including probation and removal from the child’s home. Ala. Code § 12-15-215(a) (Disposition of delinquent children or children in need of supervision) states,

If the juvenile court finds on proof beyond a reasonable doubt . . . that the child committed the acts by reason of which the child is alleged to be . . . in need of supervision, it may proceed immediately to hear evidence as to whether the child is need of care or rehabilitation and to file its findings thereon . . . . If the juvenile court finds that the child is in need of care or rehabilitation, it may make any of the following orders or dispositions, subject to the limitations and prohibitions on secure custody contained in Section 12-15-208:

- (1) Permit the child to remain with the parent, legal guardian, or other legal custodian of the child, subject to the conditions and limitations the juvenile court may prescribe.
- (2) Place the child on probation pursuant to conditions and limitations the juvenile court may prescribe.
- (3) Transfer legal and physical custody to any of the following:
  - (a) The Department of Youth Services, with or without an order to a specific institution.
  - (b) In the case of a child in need of supervision, the Department of Youth Services, or the Department of Human Resources; provided however (i) that prior to any transfer of custody to the Department of Human Resources, the case must first be referred to the county children’s services facilitation team, which must proceed according to Article 5; and (ii) the child’s commission of one or more status offense shall not constitute a sufficient basis for transfer of legal or physical custody to the Department of Human Resources. Upon referral to the county children’s services facilitation team. When the juvenile court transfers legal and physical custody to the Department of Human Resources, all requirements shall be met for the child to be eligible for federal funding . . . .
  - (c) A local, public, or private agency, organization, or facility willing and able to assume the education, care, and maintenance of the child and which is licensed or otherwise authorized by law to receive and provide care for children.
  - (d) During the term of supervision, a relative or other individual who is found by the juvenile court to be qualified to receive and care for the child.
- (4) Make any other order as the juvenile court in its discretion shall deem to be for the welfare and best interests of the child, including random drug screenings, assessment of fines not to exceed two hundred fifty dollars (\$250), and restitution against the parent, legal guardian, legal custodian, or child, as the juvenile court deems appropriate . . . .
- (5) Direct the parent, legal guardian, or legal custodian of the child to perform reasonable acts as are deemed necessary to promote the best interests of the child.

evaluate the complaint to determine if the child is a sexually exploited child and could have another complaint filed stating that 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.

Consequently, while Alabama law recognizes some minors engaged in commercial sex as victims of sex trafficking and, thus, eligible for limited non-criminalization protections as “sexually exploited children” under Ala. Code § 12-15-701, victims may still be subject to arrest and other punitive outcomes for violations of the state prostitution laws.

- 2.5.1 Recommendation: Strengthen existing law to expressly prohibit the criminalization of all minors for prostitution offenses, regardless of whether the minor is legally identified as a sexually exploited child, and establish a protocol requiring law enforcement to refer impacted children to a direct services organization or child-serving agency in lieu of arrest. (See [Issue Brief 2.5](#).)

#### INSIGHTS FROM THE FIELD

“[Sexually exploited minors] enter the dependency track in Alabama’s court system to determine placement and necessary services.”<sup>\*</sup>

<sup>\*</sup>This information was gathered through our Insights from the Field process and was anonymized at the contributor’s request.

- Policy Goal 2.6** State law prohibits the criminalization of child sex trafficking victims for status offenses, and misdemeanor and non-violent felony offenses committed as a result of their trafficking victimization.

○ NOT MET

Alabama law does not prohibit the criminalization of child sex trafficking victims for status offenses nor does it prohibit charging victims with misdemeanors or non-violent felonies committed as a result of their trafficking victimization.

- 2.6.1 Recommendation: Amend state law to prohibit the criminalization of child sex trafficking victims for status offenses, and misdemeanors and non-violent felonies committed as a result of their trafficking victimization. (See [Issue Brief 2.6](#).)

- Policy Goal 2.7** State law prohibits the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization.

○ NOT MET

Alabama law does not prohibit the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization.

- 2.7.1 Recommendation: Amend state law to prohibit the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization. (See [Issue Brief 2.7](#).)

**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.

○ **NOT MET**

Alabama law does not provide child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.

- 2.8.1 Recommendation: Amend state law to provide child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization. (*See [Issue Brief 2.8](#).*)

**Policy Goal 2.9**

Juvenile court jurisdiction provides for a developmentally appropriate response.

● **PARTIALLY MET**

Alabama law does not provide age-appropriate juvenile court responses for all minors accused of engaging in juvenile or criminal conduct. While juvenile court jurisdiction extends to all minors under 18 years of age, Alabama law does not establish a minimum age for jurisdictional purposes, permits direct file and transfers to adult criminal court for minors accused of certain offenses or those previously adjudicated or convicted in criminal court, and fails to require courts to consider the impact of trauma or past victimization in making discretionary transfer determinations.

	Minimum Age of Juvenile Court Jurisdiction	Maximum Age for Charging Youth in Juvenile Court	Automatic Transfers or Permits Direct File	Discretionary Transfers	Requirement for Court to Consider Trauma or Past Victimization
<b>Summary</b>	None. “Child” is defined as “an individual under the age of 18 . . . .”	17.	Yes. Minors 16+ years old who have been charged with certain offenses and minors previously convicted in criminal court.	Yes. Minors 14+ years old may be transferred to criminal court following a transfer hearing.	No.
<b>Relevant Statute(s)</b>	Ala. Code § 12-15-102(3) (Definitions)	Ala. Code § 12-15-102(3) (Definitions)	Ala. Code § 12-15-203 (Transfer of cases from juvenile court); Ala. Code § 12-15-204 (Acts for which person who has attained age 16 shall be charged, arrested, and tried as adult)	Ala. Code § 12-15-203 (Transfer of cases from juvenile court)	Ala. Code 12-15-203(d) (Transfer of cases from juvenile court)

Consequently, Alabama law fails to provide age-appropriate juvenile court responses to all minors, including child sex trafficking victims, as governing state statute: (1) does not establish a minimum age for juvenile court jurisdiction that is in alignment with domestic standards; (2) allows minors to be subjected to automatic transfers; and (3) does not require the juvenile court to consider past trafficking victimization or trauma when making a transfer determination.

- 2.9.1 Recommendation: Amend state law to require age-appropriate juvenile court responses for all children accused of engaging in juvenile or criminal conduct. (See [Issue Brief 2.9](#).)

**Policy Goal 2.10** State law defines child abuse to include child sex trafficking to ensure access to child welfare services.

● FULLY MET

The definition of “child abuse” includes commercial sexual exploitation of children. Specifically, Ala. Code Ann. § 12-15-301(4) (Definitions) defines “child abuse” as “[h]arm or the risk of harm to the emotional health, physical health, or welfare of a child, which can occur through nonaccidental physical or mental injury, sexual abuse, or attempted sexual abuse or sexual exploitation or attempted sexual exploitation.” In turn, Ala. Code Ann. § 12-15-301(15), (16) defines “sexual abuse” and “sexual exploitation” to include commercial sexual exploitation of children, stating,

(15) SEXUAL ABUSE. Sexual abuse includes the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any person to engage in, any sexually explicit conduct or any simulation of the conduct for the purpose of producing any visual depiction of the conduct. Sexual abuse also includes rape, molestation, prostitution, or other forms of sexual exploitation or abuse of children, or incest with children, as those acts are defined in this article or by Alabama law.

(16) SEXUAL EXPLOITATION. Sexual exploitation includes allowing, permitting, or encouraging a child to engage in prostitution and allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child.

**Policy Goal 2.11** State law allows for child welfare involvement in sex trafficking cases that do not involve caregiver fault and provides for an alternative, specialized response in those cases.

○ NOT MET

Alabama’s child welfare code does not allow for a child welfare response in non-caregiver child sex trafficking cases. While the definition of “child abuse” under Ala. Code Ann. § 12-15-301(4) (Definitions) is not limited to acts committed by a caregiver, Ala. Code § 12-15-102(8) (Definitions) defines “dependent child” to require caregiver fault.<sup>15</sup> Further, a specialized response is not statutorily required for children reported to child welfare due to trafficking victimization perpetrated by a non-caregiver trafficker.

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<sup>15</sup> Ala. Code § 12-15-102(8)(a) (Definitions) defines “dependent child” as follows:

A child who has been adjudicated dependent by a juvenile court and is in need of care or supervision and meets any of the following circumstances:

1. Whose parent, legal guardian, legal custodian, or other custodian subjects the child or any other child in the household to abuse, as defined in Section 12-15-301 or neglect as defined in Section 12-15-301, or allows the child to be so subjected.
2. Who is without a parent, legal guardian, or legal custodian willing and able to provide for the care, support, or education of the child.
3. Whose parent, legal guardian, legal custodian, or other custodian neglects or refuses, when able to do so or when the service is offered without charge, to provide or allow medical, surgical, or other care necessary for the health or well-being of the child.



- 2.11.1 Recommendation: Statutorily allow for child welfare involvement in child sex trafficking cases regardless of parent or caregiver fault and provide for a specialized response in those cases. (*See [Issue Brief 2.11.](#)*)

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4. Whose parent, legal guardian, legal custodian, or other custodian fails, refuses, or neglects to send the child to school in accordance with the terms of the compulsory school attendance laws of this state.
  5. Whose parent, legal guardian, legal custodian, or other custodian has abandoned the child, as defined in subdivision (1) of Section 12-15-301.
  6. Whose parent, legal guardian, legal custodian, or other custodian is unable or unwilling to discharge his or her responsibilities to and for the child.
  7. Who has been placed for care or adoption in violation of the law.
  8. Who, for any other cause, is in need of the care and protection of the state.



## ISSUE 3: Continuum of Care

### Policy Goal 3.1

State law mandates a process for coordinating access to specialized services for child sex trafficking victims that does not require involvement in child-serving systems.

○ NOT MET

Alabama law does not mandate a process for coordinating access to specialized, community-based services for child sex trafficking victims that does not require involvement in a child-serving system.

- 3.1.1 Recommendation: Statutorily mandate a process for coordinating access to specialized services for child sex trafficking victims that does not require involvement in child-serving systems. (See [Issue Brief 3.1](#).)

#### INSIGHTS FROM THE FIELD

“The WellHouse provides a broad range of services for minors who are victims of sex trafficking.”<sup>†</sup>

<sup>†</sup>This information was gathered through our Insights from the Field process and was anonymized at the contributor's request.

### Policy Goal 3.2

State law provides for a survivor-centered multi-disciplinary team response to child sex trafficking cases.

○ NOT MET

Alabama does not statutorily require a multi-disciplinary team response to child sex trafficking cases.

- 3.2.1 Recommendation: Statutorily require a multi-disciplinary team response to child sex trafficking victims. (See [Issue Brief 3.2](#).)

#### INSIGHTS FROM THE FIELD

“[Child Advocacy Centers] and [the] Department of Human Resources utilize [multi-disciplinary] teams.”<sup>†</sup>

<sup>†</sup>This information was gathered through our Insights from the Field process and was anonymized at the contributor's request.

### Policy Goal 3.3

State law requires child welfare to provide access to specialized services for identified sex trafficked children and youth.

#### 1 PARTIALLY MET

Under Alabama law, child welfare's requirement to provide access to specialized services is limited to sexually exploited children who are adjudicated as dependent. Pursuant to Ala. Code § 12-15-701(d)–(h) (Protection of sexually exploited child),<sup>16</sup>

(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 [Prostitution defined] or 13A-12-121 [Prohibited activities], the juvenile court intake officer shall evaluate the complaint to determine if the child is a sexually exploited child<sup>17</sup> and could have another complaint filed stating that the child is alleged to be in need of supervision or alleged to be dependent, and not a child alleged to be delinquent, pursuant to Rule 12 of the Alabama Rules of Juvenile Procedure . . . .

(e) If a petition alleging that a sexually exploited child is in need of supervision or is dependent is filed, a sexually exploited child may be adjudicated a child in need of supervision or a dependent child pursuant to Section 12-15-102(4) and (8) [Definitions]. Once the sexually exploited child is adjudicated, the juvenile court shall retain jurisdiction over the sexually exploited child and may enforce prior orders requiring payment of court-ordered monies pursuant to Section 12-15-117 [Retention and termination of jurisdiction generally]. The juvenile court may issue any requisite order or conduct any hearing necessary to protect the health or safety of a sexually exploited child that is determined to be in the best interests of the child. The juvenile court may also, on an emergency basis, enter an order of protection or restraint to protect the health or safety of a sexually exploited child.

....

(g) A sexually exploited child who commits an act of prostitution as provided in Section 13A-12-120 or 13A-12-121 shall be afforded all rights pursuant to Section 12-15-202 [Rights of the child].

(h) All social and community services shall be made available to a sexually exploited child. Services may include, but are not limited to, any of the following:

- (1) Forensic evidence collection.
- (2) Forensic interviewing.
- (3) Counseling.
- (4) Advocacy.
- (5) Shelter.
- (6) Alcohol or substance abuse treatment.
- (7) Mental health services.
- (8) Medical treatment.
- (9) Legal services.
- (10) Educational tutoring, counseling, and language interpreter services.

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<sup>16</sup> Although Ala. Code. § 13A-12-123 (Treatment of sexually exploited child) states that a commercially sexually exploited child should be treated in accordance with the process outlined in Ala. Code § 13A-6-181 (Additional fine for certain crimes relating to prostitution; pre-trial diversion programs), that process is specific to adult victims. Instead, Ala. Code § 12-15-701 (Protection of sexually exploited child) outlines the process for child victims.

<sup>17</sup> Ala. Code § 12-15-701(a) defines “sexually exploited child” as follows:

[A]n individual under the age of 18 years who is under the jurisdiction of the juvenile court and who has been subjected to sexual exploitation because he or she is any of the following:

- (1) A victim of the crime of human trafficking sexual servitude as provided in Section 13A-6-150, et seq.
- (2) Engaged in prostitution as provided in Section 13A-12-120 or 13A-12-121.
- (3) A victim of the crime of promoting prostitution as provided in Section 13A-12-111, 13A-12-112, or 13A-12-113.

- (11) Crisis intervention services.
- (12) Safety planning.
- (13) Investigation and prosecution of the individuals subjecting the child to sexual exploitation or abuse.

Problematically, requiring a sexually exploited child to be adjudicated as dependent to receive services through child welfare could unjustly involve non-offending parents in the family court system and result in harmful, albeit unintentional, consequences for the child and family.

- 3.3.1 Recommendation: Strengthen existing law by requiring child welfare to provide access to specialized services for all child sex trafficking victims without requiring the child to be adjudicated as dependent. (See [Issue Brief 3.3](#).)

#### INSIGHTS FROM THE FIELD

“All identified sexually exploited minors are assessed to determine what services are needed.”<sup>†</sup>

*†This information was gathered through our Insights from the Field process and was anonymized at the contributor’s request.*

**Policy Goal 3.4** State law requires the juvenile justice system to provide access to specialized services for identified sex trafficked children and youth.

❶ PARTIALLY MET

Alabama law does not provide access to specialized services for all identified sex trafficked children and youth in the juvenile justice system; however, services may be available to the limited extent that a minor has a complaint filed against them for a prostitution offense, is determined to be a sexually exploited child, and is adjudicated as a child in need of supervision. Pursuant to Ala. Code § 12-15-701(d)–(h) (Protection of sexually exploited child),<sup>18</sup>

(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 [Prostitution defined] or 13A-12-121 [Prohibited activities], the juvenile court intake officer shall evaluate the complaint to determine if the child is a sexually exploited child<sup>19</sup> and could have another complaint filed stating that the child is alleged to be in need of supervision or alleged to be dependent, and not a child alleged to be delinquent, pursuant to Rule 12 of the Alabama Rules of Juvenile Procedure. A juvenile probation officer who is designated to be a juvenile court intake

<sup>18</sup> Although Ala. Code. § 13A-12-123 (Treatment of sexually exploited child) states that a commercially sexually exploited child should be treated in accordance with the process outlined in Ala. Code § 13A-6-181 (Additional fine for certain crimes relating to prostitution; pre-trial diversion programs), that process is specific to adult victims. Instead, Ala. Code § 12-15-701 (Protection of sexually exploited child) outlines the process for child victims.

<sup>19</sup> Ala. Code § 12-15-701(a) defines “sexually exploited child” as follows:

[A]n individual under the age of 18 years who is under the jurisdiction of the juvenile court and who has been subjected to sexual exploitation because he or she is any of the following:

- (1) A victim of the crime of human trafficking sexual servitude as provided in Section 13A-6-150, et seq.
- (2) Engaged in prostitution as provided in Section 13A-12-120 or 13A-12-121.
- (3) A victim of the crime of promoting prostitution as provided in Section 13A-12-111, 13A-12-112, or 13A-12-113.

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.

(e) If a petition alleging that a sexually exploited child is in need of supervision or is dependent is filed, a sexually exploited child may be adjudicated a child in need of supervision or a dependent child pursuant to Section 12-15-102(4) and (8) [Definitions]. Once the sexually exploited child is adjudicated, the juvenile court shall retain jurisdiction over the sexually exploited child and may enforce prior orders requiring payment of court-ordered monies pursuant to Section 12-15-117 [Retention and termination of jurisdiction generally]. The juvenile court may issue any requisite order or conduct any hearing necessary to protect the health or safety of a sexually exploited child that is determined to be in the best interests of the child. The juvenile court may also, on an emergency basis, enter an order of protection or restraint to protect the health or safety of a sexually exploited child.

....

(g) A sexually exploited child who commits an act of prostitution as provided in Section 13A-12-120 or 13A-12-121 shall be afforded all rights pursuant to Section 12-15-202 [Rights of the child].

(h) All social and community services shall be made available to a sexually exploited child. Services may include, but are not limited to, any of the following:

- (1) Forensic evidence collection.
- (2) Forensic interviewing.
- (3) Counseling.
- (4) Advocacy.
- (5) Shelter.
- (6) Alcohol or substance abuse treatment.
- (7) Mental health services.
- (8) Medical treatment.
- (9) Legal services.
- (10) Educational tutoring, counseling, and language interpreter services.
- (11) Crisis intervention services.
- (12) Safety planning.
- (13) Investigation and prosecution of the individuals subjecting the child to sexual exploitation or abuse.

Consequently, a commercially sexually exploited minor must be adjudicated as a child in need of supervision to have the option of receiving specialized services through the juvenile justice system.

- 3.4.1 Recommendation: Statutorily require the juvenile justice system to provide access to specialized services for identified sex trafficked children and youth. (See [Issue Brief 3.4.](#))

#### INSIGHTS FROM THE FIELD

“All identified sexually exploited minors are assessed to determine what services are needed.”<sup>\*</sup>

*<sup>\*</sup>This information was gathered through our Insights from the Field process and was anonymized at the contributor's request.*



**Policy Goal 3.5** State law extends foster care services to older foster youth.

① **PARTIALLY MET**

Alabama law extends foster care services to youth under 21 years of age. However, these services are not extended to youth under 23 years of age as permitted under federal law.<sup>20</sup> Ala. Code § 38-7-2(1) (Definitions) defines “child” as “[a]ny person under 19 years of age, a person under the continuing jurisdiction of the juvenile court pursuant to Section 12-15-117 [Retention and termination of jurisdiction generally],<sup>21</sup> or a person under 21 years of age in foster care as defined by the Department of Human Resources.” Additionally, Ala. Code § 38-7-2(14) specifically defines “transitional living facility” as a program designed to give opportunities to practice independent living skills to foster care involved youth ages 16 to under 21.<sup>22</sup>

- 3.5.1 Recommendation: Strengthen existing law to better support transition age youth by extending transitional foster care services to youth under 23 years of age. (See [Issue Brief 3.5](#).)

**Policy Goal 3.6** State funding is appropriated to support specialized services and a continuum of care for sex trafficked children regardless of system involvement.

○ **NOT MET**

The Alabama state legislature did not appropriate funds to support the development and provision of specialized, community-based services and care to child and youth survivors.

- 3.6.1 Recommendation: Appropriate state funds to support the development of and access to specialized, community-based services to child and youth survivors of sex trafficking. (See [Issue Brief 3.6](#).)

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<sup>20</sup> For more information, see Shared Hope Int’l, *Issue Brief 3.5: Continuum of Care*, <https://reportcards.sharedhope.org/issue-briefs/#IB3.5> (discussing federal laws that allow for funded foster care services to be extended to youth under 23 years of age).

<sup>21</sup> See *supra* Policy Goal 2.9 for discussion of juvenile court jurisdiction.

<sup>22</sup> Ala. Code § 38-7-2(14) (Definitions) defines “transitional living facility” as “[a] child-care facility or program that is designed to give opportunities to practice independent living skills to eligible persons at least 16 years of age and under 21 years of age in foster care in a variety of residential settings with varying degrees of care and supervision.”



## ISSUE 4: Access to Justice for Trafficking Survivors

**Policy Goal 4.1** State law allows trafficking victims to seek emergency civil orders of protection.

○ NOT MET

While civil orders of protection exist under Alabama law, this protection is not expressly available to victims of child sex trafficking and CSEC.

- 4.1.1 Recommendation: Amend state law to expressly allow victims of trafficking and CSEC to obtain ex parte civil orders of protection against their exploiters. (See [Issue Brief 4.1](#).)

### INSIGHTS FROM THE FIELD

“These would be the same as seen in our domestic violence cases.”<sup>†</sup>

*<sup>†</sup>This information was gathered through our Insights from the Field process and was anonymized at the contributor’s request.*

**Policy Goal 4.2** Ineligibility factors for crime victims’ compensation do not prevent victims of child sex trafficking and commercial sexual exploitation of children (CSEC) from accessing compensation.

● PARTIALLY MET

Although the Alabama Crime Victims Compensation Act defines “victim” broadly enough to include victims of child sex trafficking and CSEC, ineligibility factors may prevent a commercially sexually exploited child from accessing an award.

For purposes of accessing crime victims’ compensation, Ala. Code § 15-23-3(3) (Definitions) defines “victim” as “[a] person who suffered serious personal injury or death as a result of criminally injurious conduct.” Under Ala. Code § 15-23-3(2)(a), “criminally injurious conduct” is defined in part as “[a]n act occurring or attempted within the geographical boundaries of this state which results in serious personal injury or death to a victim for which punishment by fine, imprisonment, or death may be imposed.” Under Ala. Code § 15-23-8(a) (Determination of claims.) a victim may receive compensation from the Alabama Crime Victims Compensation Commission if the commission is “satisfied by a preponderance of the evidence that the requirements for compensation have been met.”

However, ineligibility factors could still bar access to an award. Pursuant to Ala. Code § 15-23-12(a) (Grounds for denial – Reduction of award),

Compensation shall not be awarded in any of the following circumstances:

- (1) A claim has been filed with the commission later than one year after the injury or death upon which the claim is based, unless the commission finds there was good cause for the failure to file within that time.
- (2) To a claimant who was the offender, or an accomplice of the offender, or who encouraged or in any way participated in the criminally injurious conduct.

- (3) If the award would unjustly benefit the offender or accomplice of the offender.
- (4) The criminally injurious conduct resulting in injury or death was reported to a law enforcement officer later than 72 hours after its occurrence, unless the commission finds there was good cause for the failure to report within that time.

Further, under Ala. Code § 15-23-12(c), the commission can deny or reduce the award for compensation if the claimant or victim did not fully cooperate with appropriate law enforcement agencies.

Alabama law does not exempt child sex trafficking victims from these ineligibility factors. As a result, some commercially sexually exploited children may not have access to an award.

- 4.2.1 Recommendation: Statutorily exempt victims of child sex trafficking and CSEC from ineligibility factors for crime victims' compensation. (See [Issue Brief 4.2.](#))

**Policy Goal 4.3** Sex trafficked children and youth may vacate delinquency adjudications and criminal convictions for any offense arising from trafficking victimization.

○ NOT MET

Alabama law does not allow sex trafficked children and youth to vacate delinquency adjudications or criminal convictions for offenses arising from trafficking victimization.

- 4.3.1 Recommendation: Amend state law to allow sex trafficked children and youth to vacate delinquency adjudications and criminal convictions for any offense arising from trafficking victimization. (See [Issue Brief 4.3.](#))

**INSIGHTS FROM THE FIELD**

“Victims of [human trafficking] can petition to have prior convictions expunged. Further, convictions regarding minors in Alabama are not a matter of public record.”<sup>†</sup>

<sup>†</sup>This information was gathered through our Insights from the Field process and was anonymized at the contributor's request.

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

● FULLY MET

Alabama law requires an offender convicted of a child sex trafficking or CSEC offense to pay. Pursuant to Ala. Code § 13A-6-155(a) (Mandatory restitution),

A person or entity convicted of any violation of this article [Human trafficking] shall be ordered to pay mandatory restitution to the victim, prosecutorial or law enforcement entity, with the proceeds from property forfeited under [Ala. Code § 13A-6-156 (Penalties – Forfeiture of property)] applied first to payment of restitution. Restitution under this section shall include items covered under Article 4A [Restitution to victims of crimes], commencing with Section 15-18-65 [Legislative intent] of Chapter 18 of Title 15 of the Code of Alabama 1975, and any of the following:

- (1) Costs of medical and psychological treatment, including physical and occupational therapy and rehabilitation, at the court's discretion.

- (2) Costs of necessary transportation, temporary housing, and child care, at the court's discretion.
- (3) Cost of the investigation and prosecution, attorney's fees, and other court-related costs such as victim advocate fees.
- (4) The greater of a. the value of the human trafficking victim's labor as guaranteed under the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA); or b. the gross income or value to the defendant of the victim's labor servitude or sexual servitude engaged in by the victim while in the human trafficking situation.
- (5) Return of property, cost of damage to property, or full value of property if destroyed or damaged beyond repair.
- (6) Expenses incurred by a victim and any household members or other family members in relocating away from the defendant or his or her associates, including, but not limited to, deposits for utilities and telephone service, deposits for rental housing, temporary lodging and food expenses, clothing, and personal items. Expenses incurred pursuant to this section shall be verified by law enforcement to be necessary for the personal safety of the victim or household or family members, or by a mental health treatment provider to be necessary for the emotional well-being of the victim.
- (7) Any and all other losses suffered by the victim as a result of any violation of this article.

Restitution is available more generally to victims of other crimes pursuant to Ala. Code § 15-18-67 (Hearings), which provides,

When a defendant is convicted of a criminal activity or conduct which has resulted in pecuniary damages or loss to a victim, the court shall hold a hearing to determine the amount or type of restitution due the victim or victims of such defendant's criminal acts. Such restitution hearings shall be held as a matter of course and in addition to any other sentence which it may impose, the court shall order that the defendant make restitution or otherwise compensate such victim for any pecuniary damages. The defendant, the victim or victims, or their representatives or the administrator of any victim's estate as well as the district attorney shall have the right to be present and be heard upon the issue of restitution at any such hearings.

Pursuant to Ala. Code § 15-18-68(a) (Determination of amount),

In determining the manner, method, or amount of restitution to be ordered, the court may take into consideration all of the following:

- (1) The financial resources of the defendant and the victim and the burden that the manner or method of restitution will impose upon the victim or the defendant.
- (2) The ability of the defendant to pay restitution on an installment basis or on other conditions to be fixed by the court.
- (3) The anticipated rehabilitative effect on the defendant regarding the manner of restitution or the method of payment.
- (4) Any burden or hardship upon the victim as a direct or indirect result of the defendant's criminal acts.
- (5) The mental, physical, and financial well-being of the victim.

#### EXTRA CREDIT



Alabama law mandates restitution for victims of child labor trafficking under Ala. Code § 13A-6-155(a), which requires offenders convicted of any violation of Article 8 (Human trafficking) to pay victim restitution.

## Policy Goal 4.5

State law provides child sex trafficking victims with a trafficking-specific civil remedy.

● FULLY MET

Alabama law allows victims of child sex trafficking to pursue civil remedies against their exploiters. Ala. Code § 13A-6-157(a)–(d) (Civil action – Damages) states,

(a) An individual who is a victim of human trafficking<sup>23</sup> may bring a civil action in the appropriate state court.

....

(c) The court may award actual damages, compensatory damages, punitive damages, injunctive relief, and any other appropriate relief. A prevailing plaintiff shall also be awarded attorney’s fees and costs. Treble damages shall be awarded on proof of actual damages where defendant’s acts were willful and malicious.

(d) The court shall award a prevailing plaintiff attorney’s fees and costs.

Additionally, the Attorney General is permitted to bring a civil action against an offender convicted of human trafficking for the purpose of recovering damages for victims. Pursuant to Ala. Code § 13A-6-157.1(b) (Attorney General may enforce the human trafficking laws and recover damages for victims), “In addition to any other remedy under this article, the Attorney General may bring a civil action on behalf of the state in the appropriate state court to recover actual damages for victims of acts or practices performed in violation of this article.”

### EXTRA CREDIT



Alabama law provides sex trafficked youth with a trafficking-specific civil remedy under Ala. Code § 13A-6-157(a), which allows “an individual who is a victim of human trafficking [to] bring a civil action . . . .” Importantly, Ala. Code § 13A-6-151(9) defines “trafficking victim” to include “[a]ny person . . . subjected to . . . sexual servitude” regardless of their age.



Alabama law provides child labor trafficking victims with a trafficking-specific civil remedy under Ala. Code § 13A-6-157(a), which allows “an individual who is a victim of human trafficking [to] bring a civil action . . . .” Importantly, Ala. Code § 13A-6-151(9) defines “trafficking victim” to include “[a]ny person, including minors, subjected to labor servitude, sexual servitude, or involuntary servitude.”

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<sup>23</sup> Ala. Code § 13A-6-151(9) (Definitions) defines “trafficking victim” as “[a]ny person, including minors, subjected to labor servitude, sexual servitude, or involuntary servitude.”



#### Policy Goal 4.6

Statutes of limitation for criminal and civil actions for child sex trafficking or commercial sexual exploitation of children (CSEC) offenses are eliminated to allow prosecutors and victims a realistic opportunity to pursue criminal action and legal remedies.

##### 1 PARTIALLY MET

Prosecutions for human trafficking and CSEC offenses involving victims under 16 years of age may commence at any time; in contrast, Alabama law does not eliminate or lengthen the criminal statutes of limitation for offenses committed against older minors, and the statute of limitation for filing a trafficking-specific civil action is only lengthened, not eliminated.

Pursuant to Ala. Code § 15-3-5(a)(4) (Offenses having no limitation), “There is no limitation of time within which a prosecution must be commenced for . . . [a]ny sex offense pursuant to Section 15-20A-5 involving a victim under 16 years of age, regardless of whether it involves force, serious physical injury, or death.” Ala. Code § 15-20A-5(12)–(34) (Offenses) defines “sex offense” to include the following crimes:

- (12) Promoting prostitution in the first degree, as provided by Section 13A-12-111.
- (13) Promoting prostitution in the second degree, as provided by Section 13A-12-112.
- ....
- (28) Human trafficking in the first degree, as provided by Section 13A-6-152, provided that the offense involves sexual servitude.
- (29) Human trafficking in the second degree, as provided by Section 13A-6-153, provided that the offense involves sexual servitude.
- ....
- (34) Any solicitation, attempt, or conspiracy to commit any of the offenses listed in subdivisions (1) to (33), inclusive.

Accordingly, the criminal statute of limitation would be eliminated for prosecutions of these crimes if the victim was under 16 years of age. Further, Ala. Code § 15-3-5(a)(2) eliminates the criminal statute of limitation for felonies involving “serious physical injury or death of a person,” regardless of the victim’s age. Otherwise, Ala. Code § 15-3-1 (Felonies generally) provides, “the prosecution of all felonies, except those specified in Section 15-3-3 [Conversion of public revenues], Section 15-3-5 [Offenses having no limitation], or any other felony that has a specified limitations period, shall be commenced within five years after the commission of the offense.”

Regarding civil actions, an action brought under Ala. Code § 13A-6-157 (Civil action by victims; relief awarded) must be commenced within 5 years of the victim being freed from the trafficking situation or turning 19 years of age, whichever occurs later, and may be tolled as provided under Ala. Code § 13A-6-158(a), (b) (Limitation period), which states,

- (a)
  - (1) Except as provided in subsection (c), an action for an offense defined by this article where the victim is not a minor shall be brought within five years from the date the victim was removed or escaped from the human trafficking situation.
  - (2) Any statute of limitations that would otherwise preclude prosecution for an offense involving the trafficking of a minor, or the physical or sexual abuse of a minor, shall be tolled until such time as the victim has reached the age of 19 years.
  - (3) The running of the statute of limitations shall be suspended where a person entitled to bring a claim of an offense defined by this article could not have reasonably discovered the crime due to circumstances resulting from the human trafficking situation, such as psychological trauma, cultural and linguistic isolation, and the inability to access services.
- (b) Any statute of limitation period imposed for the filing of a civil action under this article will not begin to run until the plaintiff discovers both that the sex trade act occurred and that the defendant caused, was responsible for, or profited from the sex trade act.

- (1) If the plaintiff is a minor, then the limitation period will not commence running until he or she has reached the age of majority.
- (2) If the plaintiff is under a disability at the time the cause of action accrues, so that it is impossible or impractical for him or her to bring an action, then the time of the disability is not part of the time limited for the commencement of the action. Disability includes, but is not limited to, insanity, imprisonment, or other incapacity or incompetence.
- (3) If the plaintiff's injury is caused by two or more acts that are part of a continuing series of sex trade acts by the same defendant, then the limitation period will not commence running until the last sex trade act in the continuing series occurs.
- (4) If the plaintiff is subject to threats, intimidation, manipulation, or fraud perpetrated by the defendant or by any person acting in the interest of the defendant, then the time when these acts occur will not be part of the time limited for the commencement of this action.

Notably, a civil action filed by the Attorney General under Ala. Code § 13A-6-157.1 (Attorney General may enforce the human trafficking laws and recover damages for victims) is not subject to a statute of limitation. Ala. Code § 13A-6-158(c) provides, "There shall be no limitation period for civil actions brought under this article by the Attorney General."

- 4.6.1 Recommendation: Strengthen existing law to allow prosecutions for child sex trafficking and CSEC to commence at any time, regardless of the minor victim's age, and eliminate the statute of limitation for filing trafficking-specific civil actions. (*See [Issue Brief 4.6.](#)*)



## ISSUE 5: Tools for a Victim-Centered Criminal Justice Response

### Policy Goal 5.1

Non-testimonial evidence may be admitted through a child sex trafficking-specific hearsay exception to reduce reliance of victim testimony.

#### ① PARTIALLY MET

Alabama law allows out-of-court statements made by a commercially sexually exploited child under 12 years of age to be admitted into evidence in lieu of the child's testimony. Specifically, Ala. Code § 15-25-31 (Out-of-court statements; admissibility) states,

An out-of-court statement made by a child under 12 years of age at the time the statement is made . . . concerning an act that is a material element of any crime involving a physical offense, a sexual offense, or a violent offense, as defined in Section 15-25-39 [Definition], which statement is not otherwise admissible in evidence, is admissible in evidence in criminal proceedings, if the requirements of Section 15-25-32 [Out-of-court statements; requirements for admissibility]<sup>24</sup> are met.

Ala. Code § 15-25-39<sup>25</sup> (Definition) defines “a physical offense, sexual offense, or violent offense” as follows:

For purposes of this article [The Child and Protected Person Physical and Sexual Abuse, and Violent Offense Victim Protection Act], “a physical offense, sexual offense, or violent offense” is defined to include the following crimes, when one or more of the victims or witnesses is a child under 12 years of age . . . :

- (1) A sex offense pursuant to Section 15-20A-5.
- (2) A violent offense pursuant to Section 12-25-32.
- ....
- (6) Any attempt to commit any of the offenses listed in subdivisions (1) to (5), inclusive.

Importantly, Ala. Code § 13A-6-152 (Human trafficking in the first degree), Ala. Code § 13A-6-153 (Human trafficking in the second degree), and Ala. Code § 13A-12-111 (Promoting prostitution; first degree) are included as “violent offenses” under Ala. Code § 12-25-32(15)(a)(39), (48)–(49) (Definitions). These offenses are also included as “sex offenses” under Ala. Code § 15-20A-5 (Offenses) as is Ala. Code § 13A-12-112 (Promoting prostitution;

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<sup>24</sup> Pursuant to Ala. Code § 15-25-32,

An out-of-court statement may be admitted as provided in Section 15-25-31 [Out-of-court statements; admissibility], if either of the following occur:

- (1) The witness testifies at the proceeding, testifies by means of video deposition as provided by Section 15-25-2 [Videotaped deposition], or testifies by means of closed circuit television as is provided in Section 15-25-3 [Closed circuit examination of victim], and at the time of the testimony is subject to cross-examination about the out-of-court statements.
- (2) The court finds that the witness's out-of-court statement is shown to the reasonable satisfaction of the court to possess particularized guarantees of trustworthiness [as set forth under Ala. Code § 15-25-37 (Determination of particularized guarantees of trustworthiness)] and there are reasonable grounds to believe that the defendant or someone acting on behalf of the defendant has intentionally removed the witness from the jurisdiction of the court or that the defendant engaged in wrongdoing that was intended to, and did, procure the unavailability of the witness.

<sup>25</sup> The text of Ala. Code § 15-25-39 cited here and elsewhere in this report includes amendments made by the enactment of Senate Bill 223 during the 2023 Regular Session of the Alabama state legislature (effective September 1, 2023).

second degree). Ala. Code § 15-20A-5(12)–(13), (28)–(29). However, child victims who are 12 years of age or older are not protected by this hearsay exception, thereby increasing their risk of re-traumatization from testifying.

- 5.1.1 Recommendation: Strengthen existing law to extend the hearsay exception to any case involving the commercial sexual exploitation of children under 18 years of age. (*See Issue Brief 5.1.*)

**Policy Goal 5.2** State law provides child sex trafficking victims with alternatives to live, in-court testimony regardless of the prosecuted offense.

● FULLY MET

Alabama law provides victims of child sex trafficking and CSEC with alternatives to live, in-court testimony. Specifically, Ala. Code § 15-26A-2(a), (b) (Closed circuit testimony by victims and witnesses of human trafficking under certain conditions) allows a trafficking victim to testify by closed circuit equipment during the prosecution of their offender; it states,

- (a) In any criminal prosecution under Article 8 of Chapter 6 of Title 13A [Human Trafficking], Code of Alabama 1975, the court, on motion of the state or the defendant prior to the trial of the case, may order that the testimony of any victim of the crime or witness to the crime shall be viewed and heard at trial by the court and the finder of fact by closed circuit equipment. In ruling on the motion, the court shall take into consideration the nature of the offense, the nature of testimony that may be expected, and the possible effect that the testimony in person at trial may have on the victim or witness, along with any other relevant matters that may be required by Supreme Court rule.
- (b) If the court orders that the victim's or witness's testimony in court shall be by closed circuit equipment, the testimony shall be taken outside the courtroom in the judge's chambers or in another suitable location designated by the judge.

Further, Ala. Code § 15-26A-1(a)–(d) (Video depositions by victims and witnesses of human trafficking under certain conditions) provides for the taking of video depositions in a trafficking prosecution, stating,

- (a) In any criminal prosecution under Article 8 of Chapter 6 of Title 13A [Human Trafficking], Code of Alabama 1975, the court, upon motion of the district attorney or Attorney General, for good cause shown after notice to the defendant, may order the taking of a video deposition<sup>26</sup> of a victim of or witness to a crime without regard to the age of the victim or witness.
- (b) On any motion for a video deposition of the victim or witness, the court shall consider the nature of the offense, the nature of testimony that may be expected, and the possible effect that the testimony in person at trial may have on the victim or witness, along with any other relevant matters that may be required by rule of the Supreme Court.
- ....
- (d) Examination and cross-examination of the victim or witness shall proceed at the taking of the video deposition as though the victim or witness were testifying personally in the trial of the case. The state shall provide the attorney for the defendant with a copy of the video deposition at a suitable and reasonable time prior to the trial of the case. The court shall enter a protective order prohibiting the attorney for the defendant from copying, reproducing, or distributing the video deposition. Objections to the introduction into the record of the deposition shall be heard by the judge in whose presence the deposition was taken, and unless the court determines that its introduction in lieu of the victim's or witness's actual appearance as a witness at the trial will unfairly prejudice the defendant, the video deposition shall be entered into the

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<sup>26</sup> Ala. Code § 15-26A-1(e) defines "video deposition" as "the recording of video, with sound, of witness testimony made under oath to be entered in the record in a judicial proceeding."

record by the state in lieu of the direct testimony of the victim or witness and shall be viewed and heard at the trial of the case.

In addition to the trafficking-specific protections outlined above, Ala. Code § 15-25-3(a), (b) (Closed circuit examination of victim) permits the court to order the testimony of a child under 16 years of age be taken by closed-circuit equipment during the prosecution of a “physical offense, a sexual offense, or a violent offense,” which is defined to include both child sex trafficking and certain CSEC offenses; it states,

(a) In those criminal prosecutions set out in Section 15-25-1 [Leading questions],<sup>27</sup> the court, on motion of the state or the defendant prior to the trial of the case, may order that the testimony of any alleged victim of the crime or a witness to the crime who is a child<sup>28</sup> . . . at the time of the order shall be viewed and heard at trial by the court and the finder of fact by closed circuit equipment. In ruling on the motion the court shall take into consideration the nature of the offense, the nature of the testimony that may be expected, and the possible effect that the testimony in person at trial may have on the victim or witness, along with any other relevant matters that may be required by Supreme Court rule.

(b) If the court orders that the victim’s or witness’s testimony in court shall be by closed circuit equipment, the testimony shall be taken outside the courtroom in the judge’s chambers or in another suitable location designated by the judge.

Lastly, Ala. Code § 15-25-2 (Videotaped deposition) provides for the taking of video depositions of a child under 16 years of age who is the victim of a “physical offense, a sexual offense, or a violent offense.” Under Ala. Code § 15-25-2(a)–(b), (d),

(a) In any criminal prosecution referred to in Section 15-25-1,<sup>29</sup> the court, upon motion of the district attorney or Attorney General, for good cause shown and after notice to the defendant, may order the taking of a video deposition of an alleged victim of or witness to the crime who is a child<sup>30</sup> . . . at the time of the order.

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<sup>27</sup> Pursuant to Ala. Code § 15-25-1(a), (b),

(a) This article [General Provisions] shall apply to any criminal prosecution for a physical offense or a sexual offense, or a violent offense where the alleged victim or witness is a child . . . .

(b) For the purposes of this article, a “physical offense, a sexual offense, or a violent offense,” is defined to include all of the following crimes:

(1) A sex offense as provided in Section 15-20A-5.

(2) A violent offense as provided in Section 12-25-32.

. . . .

(6) Any attempt to commit any of the offenses listed in subdivisions (1) to (5), inclusive.

Importantly, Ala. Code § 13A-6-152 (Human trafficking in the first degree), Ala. Code § 13A-6-153 (Human trafficking in the second degree), and Ala. Code § 13A-12-111 (Promoting prostitution; first degree) are included as “violent offenses” under Ala. Code § 12-25-32(15)(a)(39), (48)–(49) (Definitions). These offenses are also included as “sex offenses” under Ala. Code § 15-20A-5 (Offenses) as is Ala. Code § 13A-12-112 (Promoting prostitution; second degree). Ala. Code § 15-20A-5(12)–(13), (28)–(29).

Notably, the definition of a “physical offense, a sexual offense, or a violent offense” under Ala. Code § 15-25-1(b) differs from the definition of “a physical offense, sexual offense, or violent offense” under Ala. Code § 15-25-39 (Definition), which limits protection to children under 12 years of age. *See supra* Policy Goal 5.1 for the definition of “a physical offense, sexual offense, or violent offense” under Ala. Code § 15-25-39 as it applies to the hearsay exception.

<sup>28</sup> Ala. Code § 15-25-1 defines “child” as “a person who is under the age of 16 years at the time of trial.”

<sup>29</sup> *See supra* note 27 for the substantive provisions of Ala. Code § 15-25-1(a), (b).

<sup>30</sup> Ala. Code § 15-25-1 defines “child” as “a person who is under the age of 16 years at the time of trial.”



(b) On any motion for a video deposition of the victim or a witness, the court shall consider the nature of the offense, the nature of testimony that may be expected, and the possible effect that the testimony in person at trial may have on the victim or witness, along with any other relevant matters that may be required by Supreme Court rule.

....

(d) Examination and cross-examination of the alleged victim or witness shall proceed at the taking of the video deposition as though the alleged victim or witness were testifying personally in the trial of the case. The state shall provide the attorney for the defendant with a copy of the video deposition at a suitable and reasonable time prior to the trial of the case. The court shall enter a protective order prohibiting the attorney for the defendant from copying, reproducing, or distributing the video deposition. Objections to the introduction into the record of the deposition shall be heard by the judge in whose presence the deposition was taken, and unless the court determines that its introduction in lieu of the victim's or witness's actual appearance as a witness at the trial will unfairly prejudice the defendant, the video deposition shall be entered into the record by the state in lieu of the direct testimony of the alleged victim or witness and shall be viewed and heard at the trial of the case.

### EXTRA CREDIT



Ala. Code § 15-26A-2 and Ala. Code § 15-26A-1 provide sex trafficked youth with alternatives to live, in-court testimony as both apply broadly in any criminal prosecution under the Human Trafficking article.



Ala. Code § 15-26A-2 and Ala. Code § 15-26A-1 provide child sex trafficking victims with alternatives to live, in-court testimony as both apply broadly in any criminal prosecution under the Human Trafficking article.

**Policy Goal 5.3** Child sex trafficking victims have access to victim protections in the criminal justice system.

① **PARTIALLY MET**

	Child sex trafficking victims have the right to a victim advocate	Child sex trafficking victims testifying against their exploiter are provided supports in the courtroom	Child sex trafficking victims' identifying information is protected from disclosure in court records
<b>Summary</b>	Not statutorily required.	A person whose presence contributes to the well-being of the child and who has dealt with the child in a therapeutic setting regarding their exploitation may be present during the child's testimony even if the child testifies by CCTV.	Identifying information of child victims of sexual abuse and exploitation is protected from disclosure in criminal court records.



<b>Relevant Statute(s)</b>	None.	Ala. Code § 15-26A-2(c)(3) (Closed circuit testimony by victims and witnesses of human trafficking under certain conditions)	Ala. Code § 15-1-2(b) (Child sexual abuse victims; protection from repeated interrogation; sealed court records)
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- 5.3.1 Recommendation: Statutorily ensure that child sex trafficking victims have the right to a victim advocate. (See [Issue Brief 5.3.](#))

#### INSIGHTS FROM THE FIELD

“Generally, the prosecuting entity ([District Attorney’s Office or Attorney General’s Office]) have victim service officers who assist the victim throughout the case process.”<sup>†</sup>

*†This information was gathered through our Insights from the Field process and was anonymized at the contributor’s request.*

#### Policy Goal 5.4 State law provides for privileged communications between caseworkers and child sex trafficking victims.

##### ❶ PARTIALLY MET

Alabama law does not provide for privileged communications between caseworkers and child sex trafficking victims, specifically. Additionally, although Ala. R. Evid. Rule 503A (Counselor-client privilege) protects communications made between victims of sexual assault and victim counselors, the definition of sexual assault<sup>31</sup> is not defined to include child sex trafficking or CSEC offenses.

However, state law does provide for privileged communications between licensed professional counselors and psychologists and clients generally, allowing survivors of child sex trafficking who receive services from such professionals to benefit from the privilege.

Statute	Professional	Relevant Limitations
Ala. Code Ann. § 34-8A-21 (Privileged communications)	Licensed professional counselor	None.
Ala. Code Ann. § 34-26-2 (Privileged relations and communications)	Psychological professional	None.

- 5.4.1 Recommendation: Enact a child sex trafficking-specific caseworker privilege law that protects a child sex trafficking victim’s communications with a caseworker from being disclosed. (See [Issue Brief 5.4.](#))

<sup>31</sup> Ala. R. Evid. Rule 503A(8) defines “sexual assault” as, “any sexual offense set out in Ala. Code 1975, §§ 13A-6-60 through 13A-6-70.”

### INSIGHTS FROM THE FIELD

“The Alliance has created a protocol for confidentiality. But it should be remembered that some statements, with few recognized exceptions, are constitutionally discoverable in criminal proceedings (such as a victim telling an advocate that the person arrested did not do it).”<sup>†</sup>

*†This information was gathered through our Insights from the Field process and was anonymized at the contributor's request.*



## ISSUE 6: Prevention & Training

### Policy Goal 6.1

State law mandates statewide training for child welfare agencies on identification and response to child sex trafficking.

○ NOT MET

Alabama law does not mandate statewide training for child welfare agencies on identification and response to child sex trafficking.

- 6.1.1 Recommendation: Statutorily mandate statewide training for child welfare agencies on identification and response to child sex trafficking. (See [Issue Brief 6.1](#).)

#### INSIGHTS FROM THE FIELD

“The Alliance works with partners throughout the state to provide training to stakeholders involved in [human trafficking] cases.”<sup>†</sup>

<sup>†</sup>This information was gathered through our Insights from the Field process and was anonymized at the contributor's request.

### Policy Goal 6.2

State law mandates statewide training for juvenile justice agencies on identification and response to child sex trafficking.

○ NOT MET

Alabama law does not mandate statewide training for juvenile justice agencies on identification and response to child sex trafficking.

- 6.2.1 Recommendation: Statutorily mandate statewide training for juvenile justice agencies on identification and response to child sex trafficking. (See [Issue Brief 6.2](#).)

#### INSIGHTS FROM THE FIELD

“The Alliance works with partners throughout the state to provide training to stakeholders involved in [human trafficking] cases.”<sup>†</sup>

<sup>†</sup>This information was gathered through our Insights from the Field process and was anonymized at the contributor's request.

### Policy Goal 6.3

State law mandates ongoing, trafficking-specific training on victim-centered investigations for law enforcement.

① **PARTIALLY MET**

Alabama law authorizes training for law enforcement on issues related to exploited children. Pursuant to Ala. Code § 26-19-4(3) (Alabama center for missing and exploited children; functions),

ACMEC shall be responsible for the following specific functions:

.....

(3) To provide training to law enforcement officers, other professionals, and medical examiners, when available, on issues relating to missing persons, exploited children, and unidentified bodies.

Resultingly, resources and training regarding exploited children, presumably including sexually exploited children, should be available for use by law enforcement. However, law enforcement officers are not statutorily mandated to receive such training, the training is not trafficking-specific, and the training is not required to be ongoing.

6.3.1 Recommendation: Statutorily mandate ongoing, trafficking-specific training on victim-centered investigations for law enforcement. (See [Issue Brief 6.3](#).)

#### INSIGHTS FROM THE FIELD

“The Alliance works with prosecutors and law enforcement throughout the state to provide victim-centered, trauma-informed [human trafficking] training.”<sup>†</sup>

<sup>†</sup>This information was gathered through our Insights from the Field process and was anonymized at the contributor's request.

### Policy Goal 6.4

State law mandates trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.

○ **NOT MET**

Alabama law does not mandate trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.

6.4.1 Recommendation: Statutorily mandate trafficking-specific training on victim-centered investigations and prosecutions for prosecutors. (See [Issue Brief 6.4](#).)

#### INSIGHTS FROM THE FIELD

“The Alliance works with prosecutors and law enforcement throughout the state to provide victim-centered, trauma-informed [human trafficking] training.”<sup>†</sup>

<sup>†</sup>This information was gathered through our Insights from the Field process and was anonymized at the contributor's request.

**Policy Goal 6.5** State law mandates child sex trafficking training for school personnel.

○ NOT MET

Alabama law does not mandate training on child sex trafficking for school personnel.

- 6.5.1 Recommendation: Statutorily mandate trafficking-specific prevention education training for school personnel. (See [Issue Brief 6.5](#).)

**INSIGHTS FROM THE FIELD**

“The Department of Education implemented training on [human trafficking] in Alabama schools. Separate trainings have been created for students, teachers, and administrators. Also, the State ensures that bus drivers receive [human trafficking] training.”<sup>†</sup>

<sup>†</sup>This information was gathered through our Insights from the Field process and was anonymized at the contributor’s request.

**Policy Goal 6.6** State law mandates child sex trafficking prevention education in schools.

○ NOT MET

Alabama law does not mandate child sex trafficking prevention education in schools.

- 6.6.1 Recommendation: Statutorily mandate developmentally and age-appropriate child sex trafficking prevention education in schools. (See [Issue Brief 6.6](#).)

**INSIGHTS FROM THE FIELD**

“The Department of Education implemented training on [human trafficking] in Alabama schools.”<sup>†</sup>

<sup>†</sup>This information was gathered through our Insights from the Field process and was anonymized at the contributor’s request.

## ADDITIONAL INFORMATION FROM STATE PARTNERS

“Alabama is constantly reviewing policy and procedures for combatting human trafficking within our state. This is done through collaborative efforts, including passing effective legislation, coordinating the creation and implementation of policies and procedures (whether formal or informal) to ensure that our state is addressing this issue on ALL fronts with a trauma informed, victim centered approach. Given this approach, success can be difficult to measure.

Further, determining ‘successful prosecutions’ for cases involving sexual offenses against children would be difficult to access given the protections in place for minors. Alabama has 67 counties, as well as the [Attorney General’s Office], that prosecute offenses. You would need to contact the Administrative Office of Courts to obtain information on charges/convictions (and would need to know specific statutes that may be charged).”<sup>†</sup>

*<sup>†</sup>This information was gathered through our Insights from the Field process and was anonymized at the contributor’s request.*



# KEYSTONE STATUTES

## State Laws Addressing Child Sex Trafficking

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1. Ala. Code § 13A-6-152 (Human trafficking in the first degree) states,

(a) A person commits the crime of human trafficking in the first degree if:

....

(2) He or she knowingly obtains, recruits, entices, solicits, induces, threatens, isolates, harbors, holds, restrains, transports, provides, or maintains any minor<sup>32</sup> for the purpose of causing a minor to engage in sexual servitude.<sup>33</sup>

(3) He or she knowingly gives monetary consideration or any other thing of value to engage in any sexual conduct with a minor or an individual he or she believes to be a minor.

....

(e) Human trafficking in the first degree is a Class A felony.

A Class A felony is punishable by imprisonment for life or 10–99 years, “which imprisonment includes hard labor,” and a possible fine up to \$60,000. Ala. Code §§ 13A-5-2(a), (b), 13A-5-6(a)(1), 13A-5-11(a)(1). If the victim is under 12 years of age, the mandatory minimum sentence is 20 years. Ala. Code §§ 13A-5-6(a)(5), 15-20A-5(28), 15-20A-48(a).

2. Ala. Code § 13A-6-153 (Human trafficking in the second degree) states,

(a) A person commits the crime of human trafficking in the second degree if:

(1) A person knowingly benefits, financially or by receiving anything of value, from participation in a venture or engagement for the purpose of sexual servitude or labor servitude.

(2) A person knowingly recruits, entices, solicits, induces, harbors, transports, holds, restrains, provides, maintains, subjects, or obtains by any means another person for the purpose of labor servitude or sexual servitude.

....

(b) Human trafficking in the second degree is a Class B felony.

A Class B felony is punishable by imprisonment for 2–20 years, “which imprisonment includes hard labor,” and a possible fine up to \$30,000. Ala. Code §§ 13A-5-2(a), (b), 13A-5-6(a)(2), 13A-5-11(a)(2). If the victim is under 12 years of age, the mandatory minimum sentence is 10 years. Ala. Code §§ 13A-5-6(a)(6), 15-20A-5(29), 15-20A-48(a).

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<sup>32</sup> Ala. Code § 13A-6-151(5) (Definitions) defines “minor” as “A person under the age of 19.”

<sup>33</sup> Ala. Code § 13A-6-151(8) defines “sexual servitude” as follows:

a. Except as provided in paragraph b., any sexual conduct for which anything of value is directly or indirectly given, promised to, or received by any person, which conduct is induced or obtained by coercion or deception from a person.

b. If the sexual conduct is with a minor . . . , no coercion or deception is required.

## State Laws Addressing Commercial Sexual Exploitation of Children (CSEC)

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1. Ala. Code § 13A-12-111 (Promoting prostitution; first degree) states,

- (a) A person commits the crime of promoting prostitution in the first degree if he knowingly:
  - (1) Advances prostitution by compelling a person by force or intimidation to engage in prostitution, or profits from such coercive conduct by another; or
  - (2) Advances<sup>34</sup> or profits<sup>35</sup> from prostitution of a person less than 16 years of age.
- (b) Promoting prostitution in the first degree is a Class B felony.

A Class B felony is punishable by imprisonment for 2–20 years, “which imprisonment includes hard labor,” and a possible fine up to \$30,000. Ala. Code §§ 13A-5-2(a), (b), 13A-5-6(a)(2), 13A-5-11(a)(2). If the victim is under 12 years of age, the mandatory minimum sentence is 10 years. Ala. Code §§ 13A-5-6(a)(6), 15-20A-5(12), 15-20A-48(a).

2. Ala. Code § 13A-12-112 (Promoting prostitution; second degree) states,

- (a) A person commits the crime of promoting prostitution in the second degree if he knowingly:
  - (1) Advances or profits from prostitution by managing, supervising, controlling or owning, either alone or in association with others, a house of prostitution or a prostitution business or enterprise involving prostitution activity by two or more prostitutes other than the defendant; or
  - (2) Advances or profits from prostitution of a person less than 18 years of age.
- (b) Promoting prostitution in the second degree is a Class C felony.

A Class C felony is punishable by imprisonment for 1 year and 1 day to 10 years, “which imprisonment includes hard labor,” and a possible fine up to \$15,000. Ala. Code §§ 13A-5-2(a), (b), 13A-5-6(a)(3), 13A-5-11(a)(3).

3. Ala. Code § 13A-12-121.1 (Engaging in an act of prostitution with a minor) states,

- (a) No person shall commit an act of prostitution, as defined in Section 13A-12-120 [Prostitution defined],<sup>36</sup> with a minor.
- (b) No person shall solicit, compel, or coerce any minor to have sexual intercourse or participate in any natural or unnatural sexual act, deviate sexual intercourse, or sexual contact for monetary consideration or other thing of marketable value.

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<sup>34</sup> Ala. Code § 13A-12-110 (Definitions) defines “advance prostitution” as follows:

[A]cting other than as a prostitute or a patron of a prostitute, he knowingly causes or aids a person to commit or engage in prostitution, procures or solicits patrons for prostitution, provides persons or premises for prostitution purposes, operates or assists in the operation of a house of prostitution or a prostitution enterprise.

<sup>35</sup> Ala. Code § 13A-12-110 defines “profit from prostitution” as follows:

[A]cting other than as a prostitute receiving compensation for personally-rendered prostitution services, he accepts or receives money or other property pursuant to a prior agreement with any person whereby he participates or is to participate in the proceeds of prostitution activity.

<sup>36</sup> Ala. Code § 13A-12-120 defines “prostitution” as “[T]he commission by a person of any natural or unnatural sexual act, sodomy, or sexual contact for monetary consideration or other thing of value.”

(c) No person shall agree to engage in sexual intercourse, deviate sexual intercourse, or sexual contact with a minor or participate in the act for monetary consideration or other thing of marketable value and give or accept monetary consideration or other thing of value in furtherance of the agreement.

(d) No person shall knowingly do any of the following:

- (1) Cause or aid a minor to commit or engage in prostitution.
- (2) Procure or solicit a minor for prostitution.
- (3) Provide premises for the prostitution of a minor.
- (4) Receive or accept money or other thing of value pursuant to a prior agreement with a minor where the minor participates or is to participate in the proceeds of any prostitution activity.
- (5) Operate or assist in the operation of a house of prostitution or a prostitution enterprise where minors participate in prostitution.
- (6) Sell or offer to sell travel services that include or facilitate travel for the purpose of engaging in sexual intercourse, sexual acts, deviate sexual intercourse, or any other sexual contact with a minor.

A violation of this section is punishable as a Class B felony by imprisonment for 2–20 years, “which imprisonment includes hard labor,” and a possible fine up to \$30,000. Ala. Code §§ 13A-12-122, 13A-5-2(a), (b), 13A-5-6(a)(2), 13A-5-11(a)(2).

## RESOURCES

**REPORT CARDS PROJECT:** For more information on the Report Cards Project, visit [reportcards.sharedhope.org](https://reportcards.sharedhope.org).

**TOOLKIT:** To see how your state compares, visit [reportcards.sharedhope.org/toolkit](https://reportcards.sharedhope.org/toolkit).

**ISSUE BRIEFS:** To better understand a policy goal, visit [reportcards.sharedhope.org/issue-briefs](https://reportcards.sharedhope.org/issue-briefs).

**SURVEY CHARTS:** To see where the nation stands as a whole on a particular issue, visit [reportcards.sharedhope.org/state-survey-charts](https://reportcards.sharedhope.org/state-survey-charts).

## HIGHLIGHTED RESOURCES

### Community-Based Services White Paper



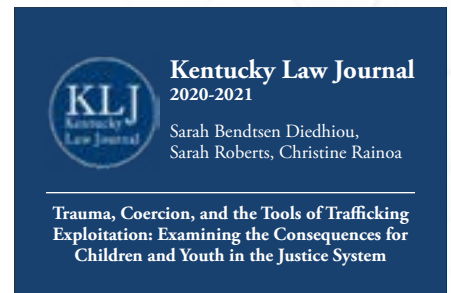
This white paper discusses the importance of providing comprehensive, trauma-informed services to all child sex trafficking victims, regardless of system involvement, and provides examples of state statutory responses.

### Victim-Offender Intersectionality Report



This report examines the phenomenon of sex trafficking survivors entering the criminal justice system for allegedly engaging in sex trafficking conduct and provides tools for criminal justice stakeholders to assist in identifying and responding to these cases in a trauma-informed manner.

### Trauma, Coercion, and the Tools of Trafficking Exploitation



This law journal article examines the harms of relying on a juvenile justice-based response for serving child sex trafficking victims, the importance of enacting strong non-criminalization laws, the intertwined nature of sex trafficking victimization and criminalized conduct, and the importance of using a trauma-informed lens in response.

## TECHNICAL ASSISTANCE

For legislators and policy advocates assisting elected officials in creating legislation, request a consultation with our Policy Team online at [sharedhope.org/legislative-technical-assistance](https://sharedhope.org/legislative-technical-assistance). We will set up a meeting to discuss your legislative goals and create a customized plan for ongoing technical assistance, bill drafting services, and legislative support.

## ADVOCACY ACTION CENTER

The Advocacy Action Center is an online resource that allows individuals to join the fight against child sex trafficking either through legislator engagement or by signing a petition. For more information, visit [act.sharedhope.org/actioncenter](https://act.sharedhope.org/actioncenter).



Contact your legislators, letting them know you want greater protections for child sex trafficking victims and increased accountability for their exploiters.



Sign a petition to show your support for issues that advance justice for child sex trafficking survivors.



Help end the criminalization of child sex trafficking survivors! Several states can still criminalize child sex trafficking victims for prostitution. Sign the petition to show your support for changing these laws.