



2023 REPORT

# ARIZONA

## 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

### ARIZONA

2019	SCORE	GRADE	10	21	15	7.5	14.5	15
	83	B	10	25	15	10	27.5	15
2011	SCORE	GRADE	5	19	13.5	7	13.5	12.5
	70.5	C	10	25	15	10	27.5	15

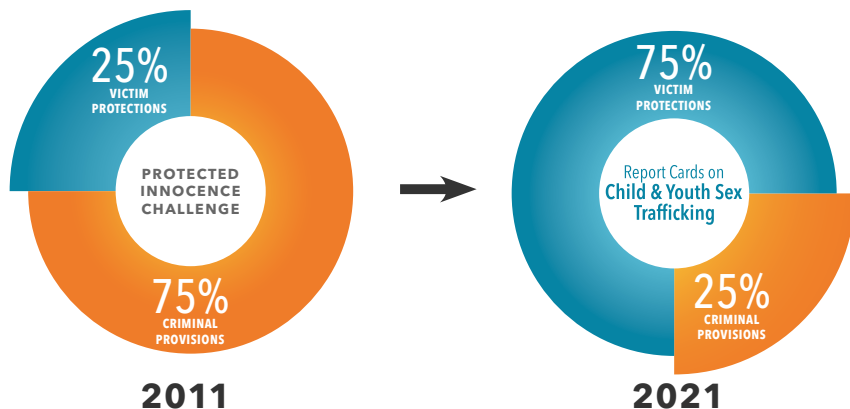
From 2011 to 2019, Arizona raised their grade under the Protected Innocence Challenge from a “C” to a “B,” enacting legislation aimed at holding offenders accountable and protecting survivors.

To view Arizona’s 2019 PIC report, visit [sharedhope.org/PICframe9/reportcards/PIC\\_RC\\_2019\\_AZ.pdf](https://sharedhope.org/PICframe9/reportcards/PIC_RC_2019_AZ.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



# ARIZONA

## 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 17.5 points.
- Fifth most improved in 2023 (raised score by 14.5 points this year alone).
- Enacted House Bill 2651, mandating screening to support identification of sex trafficking victimization.
- Commercially sexually exploited children can be identified as child sex trafficking victims regardless of whether they have or identify a trafficker.
- Requires convicted offenders of child sex or labor trafficking or CSEC offenses to pay restitution to victims.
- Allows child and youth victims of sex or labor trafficking to seek accountability for their offenders through civil processes.

### SAFE HARBOR STATUS:

One of 21 states that fail to prohibit the criminalization of minors for prostitution offenses, thus allowing commercially sexually exploited minors to be held criminally accountable for their own victimization.

Issue		Grade	Score	Summary
	1. Criminal Provisions	B	$\frac{15}{17.5}$	Policy goals accomplished related to buyer accountability under the trafficking law, trafficker accountability under state CSEC laws, mistake of age defenses, decoy defenses, business entity liability under the trafficking law, and financial penalties. Gap remains related to buyer accountability under state CSEC laws.
	2. Identification of and Response to Victims	F	$\frac{8.5}{27.5}$	Policy goals accomplished related to third party control, screening through child welfare, and child abuse definitions. Gaps remain related to foreign national victims, screening through 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	$\frac{2}{15}$	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	C	$\frac{10.5}{15}$	Policy goals accomplished related to civil orders of protection, restitution, and civil remedies. Gaps remain related to crime victims' compensation, vacatur, and statutes of limitation.
	5. Tools for a Victim-Centered Criminal Justice Response	D	$\frac{6.5}{10}$	Policy goal accomplished related to privileged communications. Gaps remain related to hearsay exceptions, alternatives to live, in-court testimony, and victim-witness supports.
	6. Prevention and Training	F	$\frac{2}{15}$	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		1	Protection related to civil remedies is extended to sex trafficked youth.
	Child Labor Trafficking		3	Protections related to financial penalties, restitution, and civil remedies are extended to child labor trafficking victims.

**OVERALL GRADE**  
TIER II

**F 48.5**

## 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
 Fully met	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).
 Fully met	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).
 Not met	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).
 Not met	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).
 Not met	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).
 Not met	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).
 Not met	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).
 Not met	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).
 Not met	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:

Arizona law does not prohibit the criminalization of minors for prostitution offenses, nor does it facilitate access to, or provide funding for, community-based services, leaving survivors vulnerable to re-traumatization caused by punitive responses and potentially underserved or disconnected from resources that are necessary to 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 Arizona’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**

Ariz. Rev. Stat. Ann. § 13-3212 (Child sex trafficking; classification; increased punishment; definition) expressly applies to buyers of commercial sex with minors. Specifically, Ariz. Rev. Stat. Ann. § 13-3212(B) states,

A person who is at least eighteen years of age commits child sex trafficking by knowingly:

- (1) Engaging in prostitution with a minor who is under fifteen years of age.
- (2) Engaging in prostitution with a minor who the person knows or should have known is fifteen, sixteen or seventeen years of age.
- (3) Engaging in prostitution with a minor who is fifteen, sixteen or seventeen years of age.

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

## INSIGHTS FROM THE FIELD

“ARS 13-3201-13-3214; 13-3554-13-3562, 13-705; all support prosecutions of buyers under trafficking laws

The Arizona Attorney General’s (AGO) criminal division (CRM) has a standard approach regarding the type of plea agreements extended to sex offenders based on the type of offense and the age of the victim. In addition, all plea agreements to the above crimes must include sex offender probation terms and sex offender registration. ARS 13-705 requires mandatory incarceration in the department of corrections for child sex trafficking.

From July 2022- July 2023, the AGO’s Financial Remedies Section (FRS) had approximately 126 sex crimes related cases:

- CSEM\*: 24 charged defendants; 11 pending review
- Luring/Aggravated Luring: 21 charged defendants; 18 pending review
- Child Sex Trafficking: 26 charged defendants; 6 pending review
- Illicit Massage Business: 12 charged defendants; 8 pending review

Since January of 2023, 37 defendants have pled guilty on sex related cases.

Please note: With the sex trafficking and luring cases, a large majority are undercover operations and a real child victim was not involved. The AGO/FRS had approx. 11 real victim sex trafficking cases based on tracking since July 2022 and the 11 is a mixture of adults and children.

\*CSEM can be manufactured in a way that involves trafficking, but most cases involve it being traded/sold.

From July 2022-July 2023, the AGO Southern Arizona White Collar & Criminal Enterprise Section (SAWCCE) reviewed approximately 24 sex crimes related cases:

CSEM: 13 reviewed cases, 9 charged, 3 ongoing investigations

Luring/Agg Luring: 11 reviewed cases, 10 charges, 1 ongoing investigation

Since July 2022, in SAWCCE 11 defendants have pled guilty on sex related cases, and one was dismissed as deceased.

<https://www.azleg.gov/arstitle/>”

*-Arizona Attorney General’s Office and Arizona Department of Child Services*

**Policy Goal 1.2** Commercial sexual exploitation of children (CSEC) laws<sup>2</sup> specifically criminalize purchasing or soliciting commercial sex with any minor under 18.

○ NOT MET

Arizona's CSEC laws do not criminalize purchasing or soliciting commercial sex with a minor.

- 1.2.1 Recommendation: Enact a CSEC law that specifically criminalizes purchasing or soliciting sex with any minor under 18. (See [Issue Brief 1.2.](#))

**Policy Goal 1.3** Commercial sexual exploitation of children (CSEC) laws<sup>3</sup> apply to traffickers and protect all minors under 18.

● FULLY MET

Ariz. Rev. Stat. Ann. § 13-3206 (Taking child for purpose of prostitution) applies to traffickers but is limited in application to traffickers who take a child from a legal guardian; it states,

A person who takes away any minor from the minor's father, mother, guardian or other person having the legal custody of the minor, for the purpose of prostitution, is guilty of a class 4 felony. If the minor is under fifteen years of age, taking a child for the purpose of prostitution is a class 2 felony and is punishable pursuant to section 13-705 [Dangerous crimes against children; sentences; definitions].

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

● FULLY MET

Mistake of age is not a bar to criminal liability. Under Ariz. Rev. Stat. Ann. § 13-3212(B)(1) (Child sex trafficking; classification; increased punishment; definition), buyers are held strictly liable for "[e]ngaging in prostitution with a minor who is under fifteen years of age." Although subsections (B)(2) and (B)(3) differentiate between offenses committed against minors who are 15–17 years of age based on whether the offender knew or should have known the victim was a minor, failure to prove that the offender knew or should have known the minor's age results only in a lower penalty, not acquittal. For more information on the applicable penalty structure, see the penalty chart located in the appendix to this report.

**Policy Goal 1.5** Use of a law enforcement decoy is not an available defense in child sex trafficking cases.

● FULLY MET

Arizona's child sex trafficking law expressly prohibits a defense to prosecution based on the use of a law enforcement decoy posing as a minor. Ariz. Rev. Stat. Ann. § 13-3212(C) (Child sex trafficking; classification;

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<sup>2</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 Arizona's CSEC laws, see the appendix located at the end of this report.

<sup>3</sup> See *supra* note 2 for a full discussion on the purpose of analyzing trafficking laws separately from CSEC laws throughout this report.



increased punishment; definition) states, “It is not a defense to a prosecution under subsection A and subsection B, paragraphs 1 and 2 of this section that the other person is a peace officer posing as a minor or a person assisting a peace officer posing as a minor.”

Further, Ariz. Rev. Stat. Ann. § 13-705(R) (Dangerous crimes against children; sentences; definitions) prohibits the defense in other cases involving a dangerous crime against children<sup>4</sup> when the decoy was said to be under 15 years of age, stating, “It is not a defense to a dangerous crime against children that the minor is a person posing as a minor or is otherwise fictitious if the defendant knew or had reason to know that the purported minor was under fifteen years of age.”

**Policy Goal 1.6**      Business entities can be held liable for conduct that violates the trafficking law.



Arizona law allows business entities to be held criminally liable for conduct that violates the trafficking law. Pursuant to Ariz. Rev. Stat. Ann. § 13-305(A) (Criminal liability of enterprises; definitions),

Notwithstanding any other provisions of law, an enterprise commits an offense if:

1. The conduct constituting the offense consists of a failure to discharge a specific duty imposed by law; or

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<sup>4</sup> Ariz. Rev. Stat. Ann. § 13-705(S)(1) defines “dangerous crime against children” as follows:

[A]ny of the following that is committed against a minor who is under fifteen years of age:

- (a) Second degree murder.
- (b) Aggravated assault resulting in serious physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument.
- (c) Sexual assault.
- (d) Molestation of a child.
- (e) Sexual conduct with a minor.
- (f) Commercial sexual exploitation of a minor.
- (g) Sexual exploitation of a minor.
- (h) Child abuse as prescribed in section 13-3623, subsection A, paragraph 1.
- (i) Kidnapping.
- (j) Sexual abuse.
- (k) Taking a child for the purpose of prostitution as prescribed in section 13-3206.
- (l) Child sex trafficking as prescribed in section 13-3212.
- (m) Involving or using minors in drug offenses.
- (n) Continuous sexual abuse of a child.
- (o) Attempted first degree murder.
- (p) Sex trafficking.
- (q) Manufacturing methamphetamine under circumstances that cause physical injury to a minor.
- (r) Bestiality as prescribed in section 13-1411, subsection A, paragraph 2.
- (s) Luring a minor for sexual exploitation.
- (t) Aggravated luring a minor for sexual exploitation.
- (u) Unlawful age misrepresentation.
- (v) Unlawful mutilation.
- (w) Sexual extortion as prescribed in section 13-1428.

2. The conduct undertaken in behalf of the enterprise and constituting the offense is engaged in, authorized, solicited, commanded or recklessly tolerated by the directors of the enterprise in any manner or by a high managerial agent<sup>5</sup> acting within the scope of employment; or
3. The conduct constituting the offense is engaged in by an agent<sup>6</sup> of the enterprise while acting within the scope of employment and in behalf of the enterprise; and
  - (a) The offense is a misdemeanor or petty offense; or
  - (b) The offense is defined by a statute which imposes criminal liability on an enterprise.

Further, Ariz. Rev. Stat. Ann. § 13-3212 (Child sex trafficking; classification; increased punishment; definition), Arizona's child sex trafficking offense, criminalizes specified conduct engaged in by "a person."<sup>7</sup> Ariz. Rev. Stat. Ann. § 13-105(30) (Definitions) clarifies that the term "person" includes "an enterprise, a public or private corporation, an unincorporated association, a partnership, a firm, a society, a government, a governmental authority or an individual or entity capable of holding a legal or beneficial interest in property." Accordingly, business entities can be held liable for a trafficking violation.

**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**

Arizona law levies financial penalties on sex trafficking and CSEC offenders and directs those financial penalties into a victim services fund. Specifically, under Ariz. Rev. Stat. Ann. § 12-116.08 (Penalty assessment; victims' rights; fund deposits),

A. In addition to any other penalty assessment provided by law, a penalty assessment shall be levied in an amount of nine dollars on every fine, penalty and forfeiture imposed and collected by the courts for criminal offenses . . . .

. . . .

C. . . . The state treasurer shall deposit 62.4 percent of the assessments in the victims' rights fund established by section 41-191.08<sup>8</sup> and the remaining 37.6 percent of the assessments in the victim compensation and assistance fund established by section 41-2407.<sup>9</sup>

Further, Ariz. Rev. Stat. Ann. § 116.09 (Assessment; victims' rights enforcement) imposes an assessment used to fund victims' rights attorneys; it states,

A. In addition to any other penalty assessment provided by law, a penalty assessment shall be levied in an amount of two dollars on every fine, penalty and forfeiture imposed and collected by the courts for criminal offenses . . . .

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<sup>5</sup> Ariz. Rev. Stat. Ann. § 13-305(B)(2) defines "high managerial agent" as "an officer of an enterprise or any other agent in a position of comparable authority with respect to the formulation of enterprise policy."

<sup>6</sup> Ariz. Rev. Stat. Ann. § 13-305(B)(1) defines "agent" as "any officer, director, employee of an enterprise or any other person who is authorized to act in behalf of the enterprise."

<sup>7</sup> The substantive provisions of Ariz. Rev. Stat. Ann. § 13-3212 can be found under the "State Laws Addressing Child Sex Trafficking" section of the appendix located at the end of this report.

<sup>8</sup> Under Ariz. Rev. Stat. Ann. § 41-191.08(E) (Victims' rights fund; use; reporting requirements; exemption from lapsing), "Monies in the victims' rights fund shall be used to supplement, not supplant, monies that would otherwise be made available to state and local entities for funding victims' rights services and assistance."

<sup>9</sup> Under Ariz. Rev. Stat. Ann. § 41-2407(B) (Victim compensation and assistance fund; subrogation; prohibited debt collection activity; definition), "the Arizona criminal justice commission shall allocate monies in the victim compensation and assistance fund to public and private agencies for the purpose of establishing, maintaining and supporting programs that compensate and assist victims of crime."

....

C. . . . The state treasurer shall deposit the assessments in the victims' rights enforcement fund established by section 41-1727.<sup>10</sup>

Notably, Arizona law does not mandate other forms of financial penalties, including assessment forfeiture, on trafficking and CSEC offenders. Under Ariz. Rev. Stat. Ann. § 13-4304(A) (Property subject to forfeiture; exemptions), "All property, including all interests in such property, described in a statute providing for its forfeiture is subject to forfeiture . . . ." Although state law authorizes forfeiture under numerous chapters of its code, forfeiture is not provided for under Chapter 32 (Prostitution), which houses Arizona's child sex trafficking and CSEC offenses.

#### EXTRA CREDIT



Arizona law levies financial penalties on child labor trafficking offenders and directs at least a percentage of those financial penalties into a victim services fund. Ariz. Rev. Stat. Ann. §§ 12-116.08, 12-116.09.

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<sup>10</sup> Under Ariz. Rev. Stat. Ann. § 41-1727(B) (Victims' rights enforcement fund; use; reporting),

On application, the department shall annually distribute monies from the fund to nonprofit organizations and entities that can demonstrate a five-year history of providing, without cost to the crime victim, each of the following services to crime victims:

1. Legal representation to enforce the rights of crime victims as counsel of record in criminal cases.
2. Social services to assist the crime victim during the course of the legal representation.



## ISSUE 2: Identification & 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. Under Ariz. Rev. Stat. Ann. § 13-3212(B) (Child sex trafficking; classification; increased punishment; definition),

A person who is at least eighteen years of age commits child sex trafficking by knowingly:

- (1) Engaging in prostitution with a minor who is under fifteen years of age.
- (2) Engaging in prostitution with a minor who the person knows or should have known is fifteen, sixteen or seventeen years of age.
- (3) Engaging in prostitution with a minor who is fifteen, sixteen or seventeen years of age.

Accordingly, Arizona's child sex trafficking law expressly applies to buyers of sex with minors, meaning a buyer can be charged regardless of whether a trafficker is involved or identified. As such, third party control is not required to establish the crime of child sex trafficking or, consequently, to identify a commercially sexually exploited child as a trafficking victim.

### INSIGHTS FROM THE FIELD

"It is common practice in Arizona for law enforcement to share CSEM with the National Center for Missing and Exploited Children (NCMEC) to assist with identification of the minors and to make contact with victim representatives for known minors in previously identified series."

*-Arizona Attorney General's Office and Arizona Department of Child Services*

### Policy Goal 2.2

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

○ NOT MET

Arizona 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

“We are not aware of any cases with foreign national children – we believe these would be prosecuted at the federal level.

In the Department of Child Safety’s policy under Investigations Regarding Immigrant Children: The Department shall communicate with the applicable Consulate to obtain information to assist in “identifying and assessing placement options for the child (if applicable)” and “identifying resources for the child and the family that would assist in safely maintaining the child in the home”. There is nothing that specifically identify sex-trafficking victims but this policy includes sex trafficked foreign national victims.”

*-Arizona Attorney General’s Office and Arizona Department of Child Services*

### Policy Goal 2.3

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

● FULLY MET

Arizona law does not require child welfare to screen all referred or system-involved children at risk of sex trafficking victimization; however, Ariz. Rev. Stat. Ann. § 8-810<sup>11</sup> (Missing; abducted; runaway children; notification; training; report; entry into databases; audit) requires the Department of Child Safety to screen all children who were previously missing from care for experiences of sex trafficking victimization. Ariz. Rev. Stat. Ann. § 8-810(G)(4) states,

The department shall do all of the following when a child is located:

....

(4) assess the child’s experiences while absent from care, including screening to determine if the child is a sex trafficking victim.

### INSIGHTS FROM THE FIELD

“Arizona Department of Child Services (DCS) screens children coming into their system for sex trafficking indicators using “STRENGTH Court”. In the Child Safety Risk Assessment utilized by the Department of Child Safety, under Document the following additional information obtained from the child interview, it asks whether the child is a victim of sexual abuse, commercial sexual exploitation or sex trafficking and the services to which the child has been referred. The practice of the Department of Child Safety is to identify all commercially sexually exploited children as victims without requiring third party control.”

*-Arizona Attorney General’s Office and Arizona Department of Child Services*

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<sup>11</sup> The text of Ariz. Rev. Stat. Ann. § 8-810 cited here and elsewhere in this report includes amendments made by the enactment of House Bill 2651 during the 2023 Regular Session of the Arizona state legislature (effective October 30, 2023).



#### 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

Arizona law does not require juvenile justice agencies to conduct trauma-informed CSEC screening of children and youth who are at risk of sex trafficking.

- 2.4.1 Recommendation: Statutorily require juvenile justice agencies to screen children and youth who are at risk of sex trafficking for experiences of commercial sexual exploitation. (See [Issue Brief 2.4](#).)

#### INSIGHTS FROM THE FIELD

“DCS and Juvenile probation screen children coming into their system for sex trafficking indicators using “STRENGTH Court”.

*-Arizona Attorney General's Office and Arizona Department of Child Services*

#### 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

Arizona law does not prohibit the criminalization of minors for prostitution offenses. Pursuant to Ariz. Rev. Stat. Ann. § 13-3214(D) (Prostitution; clarified),<sup>12</sup> child sex trafficking victims may be able to assert an affirmative defense in a prosecution for prostitution based on their trafficking victimization; however, the prostitution law fails to provide comprehensive protections for all minors. As such, minors alleged to have violated the prostitution law may be subject to arrest, detention, prosecution, and adjudication for conduct constituting their sex trafficking victimization.

- 2.5.1 Recommendation: Amend state law to prohibit the criminalization of all minors for prostitution offenses and establish a services-referral protocol in response to minors engaged in commercial sex. (See [Issue Brief 2.5](#).)

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<sup>12</sup> Ariz. Rev. Stat. Ann. § 13-3214(D) (Prostitution; classification) states, “It is an affirmative defense to a prosecution under this section that the defendant committed the acts constituting prostitution as a direct result of being a victim of sex trafficking.”

### INSIGHTS FROM THE FIELD

“STRENGTH Court does not prosecute minors for trafficking related offenses. In 2017, a Sex-Trafficking Collaborative was established for Maricopa County where law enforcement can transport minors with sex-trafficking concerns including recovered during a sting operation to a mental health observation clinic/crisis response (previously St. Luke’s OSCA and currently Mind 24-7) for immediate mental health assessment instead of arresting them for prostitution. Not all law enforcement follows the process but the information has been shared with them. The Collaborative was expanded to Pima County and Pinal County in 2021 but the process looks differently due to resources. Discussion was held with the County Attorney Office prior to the inception of STRENGTH Court in 2018 regarding avoiding charging minors with prostitution and they were in support of this.”

*-Arizona Attorney General’s Office and Arizona Department of Child Services*

#### 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**

Arizona 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.](#))

### INSIGHTS FROM THE FIELD

“STRENGTH Court does not prosecute minors for trafficking related offenses. In 2017, a Sex-Trafficking Collaborative was established for Maricopa County where law enforcement can transport minors with sex-trafficking concerns including recovered during a sting operation to a mental health observation clinic/crisis response (previously St. Luke’s OSCA and currently Mind 24-7) for immediate mental health assessment instead of arresting them for prostitution. Not all law enforcement follows the process but the information has been shared with them. The Collaborative was expanded to Pima County and Pinal County in 2021 but the process looks differently due to resources. Discussion was held with the County Attorney Office prior to the inception of STRENGTH Court in 2018 regarding avoiding charging minors with prostitution and they were in support of this.”

*-Arizona Attorney General’s Office and Arizona Department of Child Services*

## 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**

Arizona 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](#).)

### INSIGHTS FROM THE FIELD

“STRENGTH Court does not prosecute minors for trafficking related offenses. In 2017, a Sex-Trafficking Collaborative was established for Maricopa County where law enforcement can transport minors with sex-trafficking concerns including recovered during a sting operation to a mental health observation clinic/crisis response (previously St. Luke’s OSCA and currently Mind 24-7) for immediate mental health assessment instead of arresting them for prostitution. Not all law enforcement follows the process but the information has been shared with them. The Collaborative was expanded to Pima County and Pinal County in 2021 but the process looks differently due to resources. Discussion was held with the County Attorney Office prior to the inception of STRENGTH Court in 2018 regarding avoiding charging minors with prostitution and they were in support of this.”

*-Arizona Attorney General’s Office and Arizona Department of Child Services*

## 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**

Arizona 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](#).)

### INSIGHTS FROM THE FIELD

“ARS 13-3214D is the only statute related to this and it doesn’t cover violent felonies. However, a prosecutor can and should weigh all the evidence based on the totality of the circumstances, nature of the crime, and reasonable likelihood of conviction.”

*-Arizona Attorney General’s Office and Arizona Department of Child Services*

**Policy Goal 2.9**

Juvenile court jurisdiction provides for a developmentally appropriate response.

 **PARTIALLY MET**

Arizona 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, Arizona law fails to establish a minimum age for juvenile court jurisdiction and permits direct file and transfers to adult criminal court for minors accused of certain offenses or those previously adjudicated or convicted in the adult criminal justice system.

	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. “Juvenile” is defined as “an individual who is under eighteen years of age.”	17.	Yes. Minors 14+ charged with certain felony offenses, minors deemed “chronic felony offender[s],” and minors previously convicted of a felony offense.	Yes. Minors charged with a felony may be transferred to criminal court following a transfer hearing.	No; however, the court is required to consider the child’s emotional condition.
<b>Relevant Statute(s)</b>	Ariz. Rev. Stat. Ann. § 8-201(6), (12) (Definitions)	Ariz. Rev. Stat. Ann. § 8-201(12) (Definitions)	Ariz. Rev. Stat. Ann. § 13-501 (Persons under eighteen years of age; felony charging; definitions)	Ariz. Rev. Stat. Ann. § 8-327 (Transfer hearing)	Ariz. Rev. Stat. Ann. § 8-327(D) (Transfer hearing)

Consequently, some minors may still be subjected to age-inappropriate juvenile court responses due to state laws that: (1) do not establish a minimum age for juvenile court jurisdiction that aligns with domestic standards; (2) allow some juvenile cases to be automatically transferred to criminal court; and (3) do not require the juvenile court to consider past trafficking victimization or trauma when making a transfer determination.

- 2.9.1 Recommendation: Statutorily 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**

Arizona law expressly includes child sex trafficking and commercial sexual exploitation of children (CSEC) within the definition of child abuse. Pursuant to Ariz. Rev. Stat. Ann. § 8-201(2)(a) (Definitions),

“Abuse” means the infliction or allowing of physical injury, impairment of bodily function or disfigurement or the infliction of or allowing another person to cause serious emotional damage as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior and which emotional damage is diagnosed

by a medical doctor or psychologist and is caused by the acts or omissions of an individual who has the care, custody and control of a child. Abuse includes:

(a) Inflicting or allowing sexual abuse pursuant to section 13-1404, sexual conduct with a minor pursuant to section 13-1405, sexual assault pursuant to section 13-1406, molestation of a child pursuant to section 13-1410, commercial sexual exploitation of a minor pursuant to section 13-3552, sexual exploitation of a minor pursuant to section 13-3553, incest pursuant to section 13-3608 or child sex trafficking pursuant to section 13-3212.

**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

Arizona's child welfare code does not allow for a child welfare response in non-caregiver child sex trafficking cases. Pursuant to Ariz. Rev. Stat. Ann. § 8-201(2) (Definitions), the definition of "abuse" is limited to "acts or omissions of an individual who has the care, custody and control of a child." Further, a specialized response is not statutorily required for children reported to child welfare due to trafficking victimization perpetrated by a non-caregiver trafficker.

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.\*](#))





## 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

Arizona 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 AGO will refer victims to various community-based agencies for services. Primarily referrals are made to: Dream Center, Starfish Place, Streetlight USA, Bikers Against Child Abuse (BACA) and Court Appointed Special Advocate (CASA), Phoenix Dream Center – Dream City Church

<https://www.phoenix.gov/housing/findingaffordablerental/starfish-place>

<https://www.streetlightusa.org/>

<https://arizona.bacaworld.org/>

<https://casaconnect.voicesforacasachildren.org/>

Additionally, local law enforcement uses many resources and agencies to provide assistance to victims of child sex trafficking including but not limited to:

<https://goyff.az.gov/humantrafficking/resources>

<https://www.phoenix.gov/district2/human-trafficking>

<https://www.sextraffickinghelp.com/services>”

*-Arizona Attorney General's Office and Arizona Department of Child Services*

### Policy Goal 3.2

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

 NOT MET

Arizona 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

“When victims in sex trafficking cases are minors, there is a high frequency of DCS involvement. In those cases, the AGO’s victim advocates communicate with the victim through the DCS victim liaison who is the minor victims’ lawful representative. The AGO advocates communicate all victims’ rights and case progress through the assigned liaison who ensures the victim receives victims’ rights (court notifications, conferring with the prosecutor, provide impact statement, etc.). The liaison also provides coordinated services (housing, counseling services, living expenses, safety) to the victim and communicates that to the AGO advocate. Local law enforcement utilizes advocates on scene to assist with victim of sex trafficking and provide resources to the victims.”

*-Arizona Attorney General’s Office and Arizona Department of Child Services*

#### Policy Goal 3.3

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

 NOT MET

Arizona law does not require child welfare to provide access to services that are specialized to the unique needs of child sex trafficking victims.

- 3.3.1 Recommendation: Statutorily require child welfare to provide access to specialized services for child sex trafficking victims. (See [Issue Brief 3.3](#).)

### INSIGHTS FROM THE FIELD

“When the Department of Child Safety takes custody of a child, a Rapid Response Assessment referral is submitted within 24 hours. The assessment is completed within 72 hours. Upon completion, the child will be referred to a community-based Behavioral Health Provider which will set up Child and Family Team Meeting and Individualized Service Plan and submit referral for community-based services to address behavioral health and mental health needs identified in the Individualized Service Plan. Some of the specialized services include High Needs Case Management, trauma therapy, Survivor Advocate, sex-trafficking recovery group, psychiatric evaluation and medication management. In the Department of Child Safety’s policy, Chapter 3 under Planning for Services and Supports to Achieve Permanency – Services for Children and Youth: Elicit the comments and recommendations of the service team members and seek to reach consensus on: for children who have been identified as victims of sex trafficking or commercial sexual exploitation, the specific services that have been implemented to address this issue.

STRENGTH Court is utilized for this purpose as well.”

*-Arizona Attorney General’s Office and Arizona Department of Child Services*

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

○ NOT MET

Arizona law does not provide access to specialized services for identified sex trafficked children and youth in 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

“STRENGTH Court is utilized for this purpose.”

*-Arizona Attorney General's Office and Arizona Department of Child Services*

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

● PARTIALLY MET

Arizona law extends foster care services to youth under 21 years of age through a voluntary extended foster care agreement. However, these services are not extended to youth under 23 years of age as permitted under federal law.<sup>13</sup> Ariz. Rev. Stat. § 8-521.02 (Extended foster care program; requirements) provides,

- A. The department may establish an extended foster care program for qualified young adults. To participate in the program, a qualified young adult must meet all of the following requirements:
1. Have been in the custody of the department as a dependent child when the young adult became eighteen years of age.
  2. Be eighteen, nineteen or twenty years of age and be one or more of the following:
    - (a) Completing secondary education or an educational program leading to an equivalent credential or be enrolled in an institution that provides postsecondary or vocational education.
    - (b) Employed at least eighty hours a month.
    - (c) Participating in a program or activity that promotes employment or removes barriers to employment.
    - (d) Unable to be a full-time student or to be employed because of a documented medical condition.
  3. Sign a voluntary extended foster care agreement with the department on or after the qualified young adult's eighteenth birthday and before the young adult's twenty-first birthday.
- B. The department shall provide a progress report every six months to the young adult administrative review panel for each qualified young adult who participates in the extended foster care program.
- C. The young adult administrative review panel shall review, at least once every six months, the qualified young adult's voluntary extended foster care case plan, including the services and supports provided and needed to assist the young adult in the young adult's successful transition to adulthood.

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<sup>13</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).

D. The department shall develop and coordinate educational case management plans for a qualified young adult participating in the extended foster care program to assist the qualified young adult to accomplish the following:

1. Graduate from high school.
2. Pass the statewide assessment to measure pupil achievement adopted pursuant to section 15-741.
3. Apply for postsecondary education financial assistance.
4. Apply for postsecondary education.
5. Complete postsecondary education classes.

- 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](#).)

#### INSIGHTS FROM THE FIELD

“Young Adult Program (YAP) through DCS. This is a voluntary program through DCS for kids ages 16-21. <https://dcs.az.gov/yap>

In the Department of Child Safety’s policy Chapter 5 under Extended Foster Care – The Department may provide out-of-home care services and supervision to an eligible qualified young adult who reached the age of 18 years while in the custody of the Department as a dependent child, when the young adult is 18, 19, or 20 years of age, is a resident of Arizona, has signed a Voluntary Extended Foster Care Agreement, resides in a supervised living arrangement approved by the Department, has an individual case plan, and is either in an educational program, and/or employed, and/or in a program that promotes employment, or have a documented medical condition if unable to be a full-time student or be employed.”

*-Arizona Attorney General’s Office and Arizona Department of Child Services*

**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 Arizona state legislature did not appropriate funds to support the development and provision of specialized, community-based services and care to child and youth survivors.<sup>14</sup>

- 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>14</sup> However, money appropriated to the anti-human trafficking grant fund under Enacted Senate Bills 1376 and 1720 (2023) for FY 2023-2024 could potentially be used for that purpose.

### INSIGHTS FROM THE FIELD

“While not specific to sex trafficked children, these fund sources would pay for agencies who would provide specialized services to that population:

1. Federal Victims of Crime Act (VOCA) – In AZ, administered through the AZ Department of Public Safety

<https://www.azdps.gov/services/enforcement/crime-victims>

2. Arizona Criminal Justice Commission (ACJC) – Victim Assistance Grant

<https://www.azcjc.gov/Programs/Victim-Services/Assistance-Program>

3. Arizona State University has scholarships for sex trafficked children

<https://casaconnect.voicesforcasachildren.org/resource/asu-scholarships-for-sex-trafficking-survivors/>

In Chapter 3 of the Department of Child Safety’s Policy – The Department shall utilize the Arizona Health Care Cost Containment System (AHCCCS), health plan or Tribal Regional Health Authority systems to obtain Title XIX covered services to address behavioral health and substance abuse service needs for eligible children and young adults. It is also included in policy – The Department may fund behavioral health services for eligible children and young adults in extended foster care who are not Title XIX eligible.”

*-Arizona Attorney General’s Office and Arizona Department of Child Services*





## ISSUE 4: Access to Justice for Trafficking Survivors

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

● FULLY MET

Arizona law allows trafficking victims to seek ex parte civil orders of protection against their exploiters. Pursuant to Ariz. Rev. Stat. Ann. § 12-1809(A), (I)(1)(b) (Injunction against harassment; petition; venue; fees; notices; enforcement; definition),

A. A person may file a verified petition with a magistrate, justice of the peace or superior court judge for an injunction prohibiting harassment.<sup>15</sup> If the person is a minor, the parent, legal guardian or person who has legal custody of the minor shall file the petition unless the court determines otherwise . . . .

....  
T. For the purposes of this section, “harassment”:

1. Means either of the following:

....  
(b) One or more acts of sexual violence as defined in section 23-371 [Definitions].

Ariz. Rev. Stat. Ann. § 23-371(J)(b) (Definitions) defines “sexual violence” as “an offense prescribed in . . . sections . . . 13-1307 [Sex trafficking], . . . 13-3206 [Taking child for purpose of prostitution], 13-3212 [Child sex trafficking; classification; increased punishment; definition] . . . .” Accordingly, civil orders of protection are available to victims of child sex trafficking.

Further, Ariz. Rev. Stat. Ann. § 12-1809(E) allows those orders to be granted on an ex parte basis, stating,

The court shall review the petition, any other pleadings on file and any evidence offered by the plaintiff, including any evidence of harassment by electronic contact or communication, to determine whether the injunction requested should issue without a further hearing. Rules 65(a)(1) and 65(e) of the Arizona rules of civil procedure do not apply to injunctions that are requested pursuant to this section. If the court finds reasonable evidence of harassment of the plaintiff by the defendant during the year preceding the filing of the petition or that good cause exists to believe that great or irreparable harm would result to the plaintiff if the injunction is not granted before the defendant or the defendant’s attorney can be heard in opposition and the court finds specific facts attesting to the plaintiff’s efforts to give notice to the defendant or reasons supporting the plaintiff’s claim that notice should not be given, the court shall issue an injunction as provided in subsection F of this section. If the court denies the requested relief, it may schedule a further hearing within ten days with reasonable notice to the defendant . . . .

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<sup>15</sup> Pursuant to Ariz. Rev. Stat. Ann. § 12-1809(F),

If the court issues an injunction, the court may do any of the following:

1. Enjoin the defendant from committing a violation of one or more acts of harassment.
2. Restrain the defendant from contacting the plaintiff or other specifically designated persons and from coming near the residence, place of employment or school of the plaintiff or other specifically designated locations or persons.
3. Grant relief necessary for the protection of the alleged victim and other specifically designated persons proper under the circumstances.

## INSIGHTS FROM THE FIELD

“These victims are eligible for orders of protection, however in AGO cases, no contact orders are included in terms and conditions of release. <https://azpoint.azcourts.gov/>. In addition to orders of protection available to anyone including victims of crime, under ARS 13-3602, victims of chapter 14 (Sexual Offense) or chapter 35.1 (Sexual Exploitation of Children) crimes are eligible to see a lifetime injunction that prohibits the defendant from contacting the victim under ARS 13-719 at the time of sentencing, or after a defendant has been convicted. <https://azcourthelp.org/forms/protective-orders-form/lifetime-injunctions>”

*-Arizona Attorney General's Office and Arizona Department of Child Services*

### 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 Arizona's crime victims' compensation laws define “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.<sup>16</sup>

For purposes of accessing crime victims' compensation, Ariz. Admin. Code § R10-4-101(32)(a) (Definitions) defines “victim” as “a natural person who suffers a physical injury or medical condition, mental distress, or death as a direct result of . . . [c]riminally injurious conduct,” which is defined under Ariz. Admin. Code § R10-4-101(9) (Definitions) as follows:

[C]onduct that:

- a. Constitutes a crime as defined by state or federal law regardless of whether the perpetrator of the conduct is apprehended, charged, or convicted;
- b. Poses a substantial threat of physical injury, mental distress, or death; and
- c. Is punishable by fine, imprisonment, or death, or would be punishable but the perpetrator of the conduct lacked the capacity to commit the crime under applicable laws.

However, several ineligibility factors may prevent victims of child sex trafficking and CSEC offenses from obtaining an award. Under in Ariz. Admin. Code § R10-4-106(3)(a) (Prerequisites for a Compensation Award),

The Board shall make a compensation award only if it determines that,

....

3. The victim of the criminally injurious conduct or act of international terrorism or a person who submits a claim regarding criminally injurious conduct or an act of international terrorism was not:
  - a. The perpetrator, an accomplice of the perpetrator, or a person who encouraged or in any way participated in or facilitated the criminally injurious conduct or act of international terrorism that directly resulted in the victim's physical injury, mental distress, medical condition, or death.

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<sup>16</sup> Ariz. Admin. Code § R10-4-108 (Compensation award criteria) outlines the expenses for which a claim may be made, including medical expenses, mental health counseling and care, work loss expenses, funeral expenses, and crime scene cleanup expenses.

Further, under Ariz. Admin. Code § R10-4-106(A)(3)(e), the Board must also determine that the victim was not “[c]onvicted of a state crime and delinquent in paying a fine, monetary penalty, or restitution imposed for the crime if the delinquency is identified by the Arizona Administrative Office of the Courts or the Clerk of the Superior Court.”

Additionally, under Ariz. Admin. Code § R10-4-106(A)(4)–(5), (7), among other things, the board must determine that the crime was “reported to an appropriate law enforcement authority within 72 hours after its discovery,” that the victim “cooperated with law enforcement agencies,” and that the claim “was submitted to the operational unit within two years after discovery of the criminally injurious conduct . . . .” However, under Ariz. Admin. Code § R10-4-106(B), “The Board shall extend the time limits under subsections (A)(4) [regarding reporting requirements] and (A)(7) [regarding filing deadlines] if the Board determines there is good cause for a delay.”

Ariz. Admin. Code § R10-4-108(F)(3), (G) (Compensation Award Criteria) requires the board to “deny or reduce” the award if, among other things,

F. The Board shall deny or reduce a compensation award to a claimant if:

1. The victim or claimant has recouped or is eligible to recoup the economic loss from a collateral source except if the Board determines that use of a collateral source, excluding benefits from a federal or federally financed program, to pay for mental health counseling and care expenses is not in the best interest of the victim or derivative victim, the Board shall not deny or reduce a compensation award for the mental health counseling and care expenses;

....

3. The Board determines that the victim’s physical injury, medical condition, mental distress, or death was due in substantial part to the victim’s:

- a. Negligence,
- b. Intentional unlawful conduct that was the proximate cause of the incident of criminally injurious conduct or act of international terrorism, or
- c. Conduct intended to provoke or aggravate that was the proximate cause of the incident of criminally injurious conduct or act of international terrorism.

G. The Board shall deny or reduce a compensation award under subsection (F)(3) in proportion to the degree to which the Board determines the victim is responsible for the victim’s physical injury, medical condition, mental distress, or death.

Further, under Ariz. Admin. Code § R10-4-108(H)(1), the Board may also deny a compensation award if:

The Board determines that the victim or claimant did not cooperate fully with the appropriate law enforcement agency and the failure to cooperate fully was not due to a substantial health or safety risk. The Board shall use the following criteria to determine whether failure to cooperate fully with law enforcement warrants that a claim be denied:

- a. The victim or claimant failed to assist in the prosecution of a person who engaged in the criminally injurious conduct or act of international terrorism or failed to appear as a witness for the prosecution;
- b. The victim or claimant delayed assisting in the prosecution of a suspect and as a result, the suspect of the criminally injurious conduct or act of international terrorism escaped prosecution or the prosecution of the suspect was negatively affected; or
- c. A law enforcement authority indicates to the Board that the victim or claimant delayed giving information pertaining to the criminally injurious conduct or act of international terrorism, failed to appear when requested without good cause, gave false or misleading information, or attempted to avoid law enforcement authorities . . . .

As noted above, Arizona law does not exempt victims of child sex trafficking and CSEC from these ineligibility factors, which may leave some commercially sexually exploited children without 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.](#))

#### INSIGHTS FROM THE FIELD

"These victims are eligible for victims' compensation and AGO victim advocates would make this referral through the DCS liaison who makes the application as the lawful representative. Applications are reviewed by county-specific boards depending on the county in which the crimes took place. <https://www.azcjc.gov/Programs/Victim-Services/Compensation-Program>"

*-Arizona Attorney General's Office and Arizona Department of Child Services*

#### **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**

Although Arizona has a trafficking-specific vacatur law, it only applies to convictions that occurred before July 24, 2014, leaving many survivors without access to this critical remedy. Ariz. Rev. Stat. Ann. § 13-909(A) (Vacating the conviction of a sex trafficking victim; requirements) states,

A person who was convicted of a violation of section 13-3214 [Prostitution; classification] or a city or town ordinance that has the same or substantially similar elements as section 13-3214 committed before July 24, 2014 may apply to the court that pronounced sentence to vacate the person's conviction. The court shall grant the application and vacate the conviction if the court finds by clear and convincing evidence that the person's participation in the offense was a direct result of being a victim of sex trafficking pursuant to section 13-1307 [Sex trafficking; classification; definitions].

Even if the remedy were available to survivors convicted on or after July 24, 2014, Ariz. Rev. Stat. Ann. § 13-909 applies only to "convictions," and Ariz. Rev. Stat. Ann. § 8-207(A) (Order of adjudication; noncriminal; use as evidence) states, "an order of the juvenile court in proceedings under this chapter [Juvenile court] shall not be deemed a conviction of a crime . . . ." Accordingly, a child sex trafficking victim would be unable to vacate a delinquency adjudication under this law. Further, Ariz. Rev. Stat. Ann. § 13-909(A) applies only to violations of Arizona's prostitution offense, which fails to recognize the array of crimes trafficking victims are charged with and leaves many survivors without any avenue for relief.

- 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

“ARS 13-909 allows sex trafficking victims to vacate their conviction for prostitution. There is a significant road block in this statute as it only covers convictions before July 24, 2014. The AGO is working with the legislature to remedy the language of this statute.”

*-Arizona Attorney General's Office and Arizona Department of Child Services*

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

● **FULLY MET**

Restitution is mandatory in cases involving child sex trafficking and CSEC. Under Ariz. Rev. Stat. Ann. § 13-1309 (Restitution),

The court shall order restitution for any violation of section 13-1306 [Unlawfully obtaining labor services], 13-1307 [Sex trafficking] or 13-1308 [Trafficking of persons for forced labor or services] or section 13-3212 [Child sex trafficking; classification; increased punishment; definition], subsection A, paragraph 9 or 10, including the greater of either the gross income or value to the defendant of the victim's labor or services or the value of the victim's labor as guaranteed under the minimum wage and overtime provisions of the fair labor standards act of 1938 (52 Stat. 1060; 29 United States Code sections 201 through 219).

Restitution is available more generally to victims of other crimes under Ariz. Rev. Stat. Ann. § 13-603 (Authorized disposition of offenders); however, restitution under Ariz. Rev. Stat. Ann. § 13-603 is limited to offenses causing economic loss. Ariz. Rev. Stat. Ann. § 13-603(C) states,

If a person is convicted of an offense, the court shall require the convicted person to make restitution to the person who is the victim of the crime or to the immediate family of the victim if the victim has died, in the full amount of the economic loss as determined by the court and in the manner as determined by the court or the court's designee pursuant to chapter 8 of this title [Restitution and Fines] . . .

Relatedly, Ariz. Rev. Stat. Ann. § 13-804(A), (B) (Restitution for offense causing economic loss; fine for reimbursement of public monies) provides,

- A. On a defendant's conviction for an offense causing economic loss to any person, the court, in its sole discretion, may order that all or any portion of the fine imposed be allocated as restitution to be paid by the defendant to any person who suffered an economic loss caused by the defendant's conduct.
- B. In ordering restitution for economic loss pursuant to section 13-603, subsection C or subsection A of this section, the court shall consider all losses caused by the criminal offense or offenses for which the defendant has been convicted.

## EXTRA CREDIT



Arizona law expressly mandates restitution for victims of child labor trafficking under Ariz. Rev. Stat. Ann. § 13-1309.

### INSIGHTS FROM THE FIELD

“In our experience restitution has been ordered in AGO cases to pay for counseling costs to include future counseling. Caps on restitution are not allowed in AZ. Unlike Federal law, in Arizona that is no minimum restitution amount that must be ordered for identified victims of CSEC, however, victims are entitled to restitution for economic loss that they suffered as a result of the defendant’s criminal conduct allowing CSEC victims to request restitution for any losses they have suffered including, but not limited to, counseling, additional security measures, travel expenses, and lost wages. See ARS 13-804. These restitution amounts can be stipulated to in plea agreements or can be litigated in front of a judge at a restitution hearing.”

*-Arizona Attorney General’s Office and Arizona Department of Child Services*

#### Policy Goal 4.5 State law provides child sex trafficking victims with a trafficking-specific civil remedy.

● FULLY MET

Arizona law allows victims of child sex trafficking to pursue civil remedies against their exploiters. Pursuant to Ariz. Rev. Stat. Ann. § 12-722(A)–(G) (Trafficking of persons civil liability; applicability; remedies’ joint and several liability; definitions),

- A. A person who engages in the trafficking of a person<sup>17</sup> or who intentionally or knowingly benefits from participating in a venture that traffics another person is liable to the person trafficked for damages that arise from the trafficking of that person by the person or venture.
- B. It is not a defense to liability under this section that the person was acquitted or has not been prosecuted for or convicted of an offense included in title 13 [Criminal Code] or has been convicted of a different offense, or of a different type or class of offense, for the conduct that is alleged to give rise to liability under this section.
- C. This section applies to any legal entity that is governed by title 10 [Corporations and Associations] or 29 [Partnership].

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<sup>17</sup> Ariz. Rev. Stat. Ann. § 12-722(H)(2) defines “trafficking of a person” as “conduct that constitutes an offense under section 13-1306 [Unlawfully obtaining labor services], 13-1307 [Sex trafficking], 13-1308 [Trafficking of persons for forced labor or services; classification; definitions], 13-3206 [Taking child for purpose of prostitution] or 13-3212 [Child sex trafficking; classification; increased punishment; definition].”



D. Notwithstanding titles 10 and 29, if a legal entity is found responsible pursuant to this section, a shareholder, member or partner of that entity is jointly and severally liable with the entity to the person trafficked for damages that arise from the trafficking of that person if the person demonstrates that the shareholder, member or partner caused the entity to be used to traffic that person for the direct personal benefit of the shareholder, member or partner.

E. A claimant who prevails under this section:

1. Shall be awarded actual damages, including damages for mental anguish even if an injury other than mental anguish is not shown, court costs and reasonable attorney fees.

2. In addition to an award under paragraph 1 of this Subsection, may recover exemplary damages.

F. The rights and remedies provided in this section supplement any other rights and remedies provided by law, including common law rights.

G. A person who engages in the trafficking of a person or who intentionally or knowingly benefits from participating in a venture that traffics another person and is found responsible under this section or other law for any amount of damages arising from the trafficking is jointly liable with any other person found to be liable for the entire amount of damages arising from the trafficking.

### EXTRA CREDIT



Arizona law provides sex trafficked youth with a trafficking-specific civil remedy under Ariz. Rev. Stat. Ann. § 12-722 based on the definition of “trafficking of a person” under subsection (H)(2), which includes sex trafficking of a person who is 18 years of age or older in violation of Ariz. Rev. Stat. Ann. § 13-1307.



Arizona law provides child labor trafficking victims with a trafficking-specific civil remedy under Ariz. Rev. Stat. Ann. § 12-722 based on the definition of “trafficking of a person” under subsection (H)(2), which includes labor trafficking in violation of Ariz. Rev. Stat. Ann. § 13-1306 and Ariz. Rev. Stat. Ann. § 13-1308.

#### 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.



Prosecutions for child sex trafficking may commence at any time; however, the statute of limitation for filing trafficking-specific civil actions is not eliminated or lengthened. Pursuant to Ariz. Rev. Stat. Ann. § 13-107(A) (Time limitations), “A prosecution for . . . any violation of section . . . 13-3212 [Child sex trafficking; classification; increased punishment; definition] . . . or any attempt to commit an offense listed in this subsection may be commenced at any time.” Otherwise, Ariz. Rev. Stat. Ann. § 13-107(B), (F) provides,

B. . . . [P]rosecutions for other offenses must be commenced within the following periods after actual discovery by the state or the political subdivision having jurisdiction of the offense or discovery by the state or the political subdivision that should have occurred with the exercise of reasonable diligence, whichever first occurs:

1. For a class 2 through a class 6 felony, seven years.

2. For a misdemeanor, one year.
3. For a petty offense, six months.

....

F. The time limitation within which a prosecution of a class 6 felony shall commence shall be determined pursuant to subsection B, paragraph 1 of this section, irrespective of whether a court enters a judgment of conviction for or a prosecuting attorney designates the offense as a misdemeanor.

Regarding civil actions, Ariz. Rev. Stat. Ann. § 12-722 (Trafficking of persons civil liability; applicability; remedies' joint and several liability; definitions) does not prescribe a statute of limitation for claims filed under that section. Notably, Ariz. Rev. Stat. Ann. § 12-542(1), (2) (Injury to person; injury when death ensues; injury to property; conversion of property; forcible entry and forcible detainer; two year limitation) establishes a 2-year statute of limitation for "injuries done to the person of another."

- 4.6.1 Recommendation: Strengthen existing law to allow prosecutions for CSEC offenses to commence at any time 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.

○ NOT MET

Arizona law does not allow non-testimonial, out-of-court statements made by a commercially sexually exploited child to be admitted into evidence in lieu of, or for the purpose of corroborating, the child's testimony.

- 5.1.1 Recommendation: Amend state law to provide a hearsay exception that applies to non-testimonial evidence in cases involving 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.

● PARTIALLY MET

Arizona law allows child sex trafficking victims who are under 15 years of age to testify by an alternative method regardless of the prosecuted offense. Specifically, Ariz. Rev. Stat. Ann. § 13-4253 (Out of court testimony; televised; recorded) states,

A. The court, on motion of the prosecution, may order that the testimony of the minor<sup>18</sup> be taken in a room other than the courtroom and be televised by closed circuit equipment in the courtroom to be viewed by the court and the finder of fact in the proceeding<sup>19</sup> . . . .

B. The court, on motion of the prosecution, may order that the testimony of the minor be taken outside the courtroom and be recorded for showing in the courtroom before the court and the finder of fact in the proceeding . . . . The court shall also ensure that:

1. The recording is both visual and aural and is recorded on film or videotape or by other electronic means.
2. The recording equipment was capable of making an accurate recording, the operator was competent and the recording is accurate and is not altered.
3. Each voice on the recording is identified.
4. Each party is afforded an opportunity to view the recording before it is shown in the courtroom.

C. If the court orders the testimony of a minor to be taken pursuant to this section, the minor shall not be required to testify in court at the proceeding for which the testimony was taken.

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<sup>18</sup> Ariz. Rev. Stat. Ann. § 13-4251(B) (Applicability; definition) defines "minor" to include "a person under fifteen years of age."

<sup>19</sup> Pursuant to Ariz. Rev. Stat. Ann. § 13-4251(A),

This article applies to the testimony or statements of a minor in criminal proceedings involving acts committed against the minor or involving acts witnessed by the minor whether or not those acts are charged and in civil proceedings including proceedings involving a dependency or a termination of parental rights.

Notably, child victims who are 15 years of age or older are not permitted to testify by an alternative method, thereby increasing their risk of re-traumatization from testifying.

- 5.2.1 Recommendation: Strengthen existing statutory protections to allow all commercially sexually exploited children to testify by an alternative method regardless of the child’s age and the offense charged. (*See Issue Brief 5.2.*)

#### INSIGHTS FROM THE FIELD

“Currently there are no agency regulation or policy or case law that supports the use of alternative to live, in-court testimony in Arizona for minor victims of sex trafficking or any other type of criminal victimization. The Department has requested alternative to live in-court testimony in cases for the safety and protection of minor victim health/wellbeing. The matter has either been mitigated through plea negotiation or utilization of other forms of evidence for trial.”

*-Arizona Attorney General’s Office and Arizona Department of Child Services*

**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.	Pending jurisdictional availability, a court must allow victims under 18 to have a facility dog while testifying in court (victims 18 and older may have a facility dog at the court’s discretion).	A minor victim’s identifying information may be redacted from public records, and victims’ identifying and locating information must be redacted from law enforcement and prosecution records.
<b>Relevant Statute(s)</b>	None.	Ariz. Rev. Stat. Ann. § 13-4442(A), (B) (Use of facility dog in court room proceedings; definitions)	Ariz. Rev. Stat. Ann. § 13-4434(B), (C)(1), (E) (Victim’s right to privacy; exception; definitions)

- 5.3.1 Recommendation: Amend state law to ensure that child sex trafficking victims have the right to a victim advocate. (*See Issue Brief 5.3.*)

## INSIGHTS FROM THE FIELD

[https://www.azag.gov/sites/default/files/publications/2022-09/2022-Arizona Crime Victims Rights LAW BOOK.pdf](https://www.azag.gov/sites/default/files/publications/2022-09/2022-Arizona%20Crime%20Victims%20Rights%20LAW%20BOOK.pdf)

The AGO employs highly trained victim advocates who work with all crime victims in cases investigated, prosecuted and argued on appeal by the AGO. Trauma-informed advocacy services include provision of mandated victims' rights (rights included in above link) and non-mandated services such as court escorts, emotional support, crisis intervention, help in creating victim impact statement and trial prep.

Arizona Constitution, statutes, and rules of criminal procedure protect victim rights. Arizona Constitution, Article II, is the Victim's bill of rights. [https://www.azleg.gov/const/2/2\\_1.htm](https://www.azleg.gov/const/2/2_1.htm)

ARS 13-4401-4443 is the statutory crime victim's rights <https://www.azleg.gov/arstitle/>

Arizona Rules of Criminal Procedure 39

[https://govt.westlaw.com/azrules/Document/NDCF2CD10915911EDA838ED51C65CFCF6?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/azrules/Document/NDCF2CD10915911EDA838ED51C65CFCF6?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

AGO has victim advocates that can accompany minors to court and provide support.

Arizona statutory allows emotional support dogs to accompany minors to court.

ARS §13-4442

<https://www.azleg.gov/ars/13/04442.htm>

Pursuant to Arizona Rules of Criminal Procedure 2.3(c), when a defendant is charged with a sex offense and the victim is a juvenile, the minors are initials are utilized in the charging document for confidentiality purposes.

[https://govt.westlaw.com/azrules/Document/NF4FA3A70AA0D11DEB3CFD0C1C16186A7?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/azrules/Document/NF4FA3A70AA0D11DEB3CFD0C1C16186A7?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

In Maricopa County, victims have private bathrooms so they don't have to share the public restrooms with defendants and/or their family.

DCS has a Victim Services Unit to assist with the coordination of activities regarding the protection and exercising of child victims' rights. The Victim Services Liaisons are responsible for the preservation of victim's rights for children in DCS custody throughout the criminal justice process. They ensure that victims are afforded the constitutionally protected rights to which they are entitled. Their work include communicating with criminal justice agencies, serving as a liaison between the DCS Specialist, victim, attorneys and consults with prosecutors' offices regarding trial preparation and victim input across many jurisdictions, assisting the assigned DCS specialist to prepare victims to participate in the criminal justice system, educating victims and staff about options regarding participating in the criminal justice process, participating and/or accompanying victim to court hearing to provide support and information if needed, ensuring that a Victim Impact Statement is provided at the time of sentencing when appropriate, and documenting case progress and issues.

*-Arizona Attorney General's Office and Arizona Department of Child Services*

**Policy Goal 5.4**

State law provides for privileged communications between caseworkers and child sex trafficking victims.

● FULLY MET

Although Arizona law does not provide for privileged communications between caseworkers and child sex trafficking victims, specifically, state law privileges communications between crime victim advocates and victims generally, including survivors of child sex trafficking. Additionally, state law protects communications made between certain mental and behavioral health professionals and patients, broadly, allowing child sex trafficking victims who receive services from such professionals to benefit from the privilege.

Statute	Professional	Relevant Limitations
Ariz. Rev. Stat. Ann. § 13-4430(A), (B) (Consultation between crime victim advocate and victim; privileged information; exception)	Crime victim advocate <sup>20</sup>	None.
Ariz. Rev. Stat. Ann. § 32-3283(A) (Confidential relationship; privileged communications; treatment decisions)	Social workers and professional counselors	None.
Ariz. Rev. Stat. Ann. § 32-2085 (Confidential communications)	Psychologist	None.

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<sup>20</sup> For purposes of Crime Victims' Rights contained in Ariz. Rev. Stat. §§ 13-4401 through 13-4444 (Crime Victims' Rights), "crime victim advocate" is defined under Ariz. Rev. Stat. § 13-4401(5) (Definitions) as, "a person who is employed or authorized by a public or private entity to provide counseling, treatment or other supportive assistance to crime victims."





## 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

Arizona 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 Arizona Attorney General’s Office provides Human Trafficking 101 training to various advocacy agencies around the State. The AGO is also currently in the process of organizing Human Trafficking 101 trainings for staff at the Department of Child Services. This training will help child services staff to identify potential sex trafficking situations, as well as recognizing those that may be most vulnerable, and how to properly respond to suspected trafficking situations.

The Department of Child Safety has a mandatory computer-based Sex Trafficking 101 training for all specialists and supervisors on definition, recognizing vulnerabilities, risk factors, warning signs, unique challenges and treatments needs and how to respond. The curriculum was created by Dr. Dominique Roe-Sepowitz from ASU STIR. DCS periodically hosts training on topics related to sex trafficking by material experts for DCS staff.”

*-Arizona Attorney General’s Office and Arizona Department of Child Services*

### Policy Goal 6.2

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

○ NOT MET

Arizona 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 Arizona Attorney General’s Office is currently working to schedule Human Trafficking 101 trainings for all juvenile probation departments in the State of Arizona. This training is being offered to staff and probationers. The AGO is also working to provide training to STRENGTH court staff.”

*-Arizona Attorney General’s Office and Arizona Department of Child Services*

### Policy Goal 6.3

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

 **PARTIALLY MET**

Arizona law authorizes trafficking-specific training for law enforcement.<sup>21</sup> Pursuant to Ariz. Rev. Stat. Ann. § 26-106 (Anti-human trafficking grant fund),

The anti-human trafficking grant fund is established consisting of monies appropriated by the legislature. Monies in the fund are continuously appropriated. The department of emergency and military affairs shall administer the fund and distribute monies from the fund to programs to reduce human trafficking in this state. To be eligible for grant monies, an anti-human trafficking program shall do either of the following:

1. Work to reduce human trafficking by providing assistance and analytical services to law enforcement agencies.
2. Provide services to victims and training to law enforcement agencies, prosecutorial agencies and the public on preventing and identifying human trafficking.

Resultingly, resources and training regarding child sex trafficking may be, or become, available for use by law enforcement. However, law enforcement officers are not statutorily mandated to receive such training nor is the training 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](#).)

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<sup>21</sup> Further, the State of Arizona Peace Officer Standard Training Board’s basic training curriculum includes identifying examples of various crimes against children as one of its stated performance objectives. Applicable crimes against children include, but are not limited to, commercial sexual exploitation of a minor, sexual exploitation of a minor, dangerous crimes against children, child abuse, child neglect, and sexual conduct with a minor. See ARIZONA PEACE OFFICER STANDARDS & TRAINING BOARD, BASIC TRAINING CURRICULUM 22, available at <https://postacademy.az.gov/sites/default/files/documents/files/585%20Basic%20Training%20Curriculum%20January%202011.pdf>

### INSIGHTS FROM THE FIELD

“The Arizona Attorney General’s Office is currently in the process of developing an Advanced Human Trafficking Training Program for Law Enforcement. This training is recommended for investigators working human trafficking cases. The training will include specific training on best practices for best practices for conducting investigations as well as gathering testimonial evidence, including victim-centered and trauma-informed techniques.”

*-Arizona Attorney General’s Office and Arizona Department of Child Services*

#### Policy Goal 6.4

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

 **PARTIALLY MET**

Arizona law authorizes trafficking-specific training for prosecutors. Pursuant to Ariz. Rev. Stat. Ann. § 26-106 (Anti-human trafficking grant fund),

The anti-human trafficking grant fund is established consisting of monies appropriated by the legislature. Monies in the fund are continuously appropriated. The department of emergency and military affairs shall administer the fund and distribute monies from the fund to programs to reduce human trafficking in this state. To be eligible for grant monies, an anti-human trafficking program shall do either of the following:

1. Work to reduce human trafficking by providing assistance and analytical services to law enforcement agencies.
2. Provide services to victims and training to law enforcement agencies, prosecutorial agencies and the public on preventing and identifying human trafficking.

Resultingly, resources and training regarding child sex trafficking may be, or become, available for use by prosecutors. However, prosecutors are not statutorily mandated to receive such training.

- 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 AGO provides Human Trafficking 101 training, which is appropriate for prosecutors. The Advanced Law Enforcement Training, which is currently in development, will be a useful resource for Prosecutors as well as law enforcement.

The Arizona Prosecuting Attorney’s Advisory Council provides state-wide trainings including trauma-informed approaches to prosecution and special concerns in working with child victims.”

*-Arizona Attorney General’s Office and Arizona Department of Child Services*

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

 **NOT MET**

Arizona 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 Arizona Attorney General’s Office currently provides free Human Trafficking 101 training to school faculty and staff statewide.”

*-Arizona Attorney General’s Office and Arizona Department of Child Services*

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

 **NOT MET**

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

**INSIGHTS FROM THE FIELD**

“The Arizona Attorney General’s Office currently provides training to middle school, high school and college students all over the state of Arizona on Human Trafficking 101 awareness.”

*-Arizona Attorney General’s Office and Arizona Department of Child Services*

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

### ADDITIONAL INFORMATION FROM STATE PARTNERS

“In addition to the specific trainings mentioned above, the AGO is developing, in partnership with the Inter-Tribal Council of Arizona, a Train the Trainer program for Human Trafficking in Tribal Communities. This first of its kind training program will train Tribal Members to become subject matter experts on Human Trafficking 101 and to then provide that training in their own communities.

The AGO also currently provides training across the state to healthcare facilities, businesses and at many statewide conferences.

Additionally, the AGO, in partnership with SAFE Action Project, developed a specialized curriculum to train hotel and lodging industry staff. Between January-August, 2023 over 4000 employees in the State of Arizona lodging and tourism industry have received Human Trafficking training.”

*-Arizona Attorney General's Office and Arizona Department of Child Services*

# KEYSTONE STATUTES

## State Laws Addressing Child Sex Trafficking

1. Ariz. Rev. Stat. Ann. § 13-3212(A)–(B) (Child sex trafficking; classification; increased punishment; definition) states,
  - (A) A person commits child sex trafficking by knowingly:
    - (1) Causing any minor to engage in prostitution.
    - (2) Using any minor for the purposes of prostitution.
    - (3) Permitting a minor who is under the person’s custody or control to engage in prostitution.
    - (4) Receiving any benefit for or on account of procuring or placing a minor in any place or in the charge or custody of any person for the purpose of prostitution.
    - (5) Receiving any benefit pursuant to an agreement to participate in the proceeds of prostitution of a minor.
    - (6) Financing, managing, supervising, controlling or owning, either alone or in association with others, prostitution activity involving a minor.
    - (7) Transporting or financing the transportation of any minor with the intent that the minor engage in prostitution.
    - (8) Providing a means by which a minor engages in prostitution.
    - (9) Enticing, recruiting, harboring, providing, transporting, making available to another or otherwise obtaining a minor with the intent to cause the minor to engage in prostitution or any sexually explicit performance.
    - (10) Enticing, recruiting, harboring, providing, transporting, making available to another or otherwise obtaining a minor with the knowledge that the minor will engage in prostitution or any sexually explicit performance.
  - (B) A person who is at least eighteen years of age commits child sex trafficking by knowingly:
    - (1) Engaging in prostitution with a minor who is under fifteen years of age.
    - (2) Engaging in prostitution with a minor who the person knows or should have known is fifteen, sixteen or seventeen years of age.
    - (3) Engaging in prostitution with a minor who is fifteen, sixteen or seventeen years of age.
2. Ariz. Rev. Stat. Ann. § 13-1308(A), (B) (Trafficking of persons for forced labor or services; classification; definitions) states,
  - (A) It is unlawful for a person to either:
    - . . . .
    - (2) Knowingly benefit, financially or by receiving anything of value, from participation in a venture that has engaged in an act in violation of . . . section 13-3212, subsection A, paragraph 9 or 10 [Child sex trafficking; classification; increased punishment; definition].
  - (B) A violation of this section is a class 2 felony . . . .



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

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1. Ariz. Rev. Stat. Ann. § 13-3206 (Taking child for purpose of prostitution) states,

A person who takes away any minor from the minor's father, mother, guardian or other person having the legal custody of the minor, for the purpose of prostitution, is guilty of a class 4 felony. If the minor is under fifteen years of age, taking a child for the purpose of prostitution is a class 2 felony and is punishable pursuant to section 13-705 [Dangerous crimes against children; sentences; definitions].

## Penalties

Offense	Crime classification <sup>22</sup>	Sentence (first felony offense) pursuant to Ariz. Rev. Stat. Ann. § 13-702 (First time felony offenders; sentencing; definition) <sup>23</sup>	Ariz. Rev. Stat. Ann. § 13-705 (Dangerous crimes against children; sentences; definitions) (first felony offense) – applies when victim is under 15 years of age
Ariz. Rev. Stat. Ann. § 13-3212 (Child sex trafficking; classification; increased punishment; definition)	<p>1) § 13-3212(A): class 2 felony if involves a minor under 15 years of age (Ariz. Rev. Stat. Ann. § 13-3212(E))</p> <p>2) § 13-3212(A): class 2 felony if involves a minor 15–17 years of age (Ariz. Rev. Stat. Ann. § 13-212(G))</p> <p>3) § 13-3212(B)(1): class 2 felony if involves a minor under 15 years of age (Ariz. Rev. Stat. Ann. § 13-3212(F))</p> <p>4) § 13-3212(B)(2): class 2 felony if involves a minor 15–17 years of age and the offender knew or should have known the minor's age (Ariz. Rev. Stat. Ann. § 13-3212(I))</p> <p>5) § 13-3212(B)(3): class 5 felony if involves a minor under 15 years of age (Ariz. Rev. Stat. Ann. § 13-3212(J))</p>	<p>1) N/A</p> <p>2) 13–27 years Presumptive 20 years</p> <p>3) N/A</p> <p>4) 7–21 years Presumptive 10.5 years</p> <p>5) “If the court sentences the person to a term of probation, the court shall order that as an initial term of probation the person be imprisoned in the county jail for not less than one hundred eighty</p>	<p>1) 13–27 years Presumptive 20 years (Ariz. Rev. Stat. Ann. § 13-705(E))</p> <p>2) N/A</p> <p>3) 13–27 years Presumptive 20 years</p> <p>4) N/A</p> <p>5) N/A</p>

<sup>22</sup> Unless otherwise indicated, penalties discussed throughout this report are for first convictions. Enhanced penalties and penalties for subsequent convictions have not been included.

<sup>23</sup> These penalties include those of aggravating or mitigating factors, which increase or reduce the penalties, respectively, in accordance to the guidelines given in Ariz. Rev. Stat. Ann. § 13-702.

		consecutive days. This jail term shall commence on the date of sentencing. The court may suspend ninety days of the jail sentence if the person has not previously been convicted of a violation of this section, a violation of section 13-3214 [Prostitution; classification] or a violation of any city or town ordinance that prohibits prostitution and that has the same or substantially similar elements as section 13-3214 and the person successfully completes an appropriate court ordered education or treatment program.”	
Ariz. Rev. Stat. Ann. § 13-1308 (Trafficking of persons for forced labor or services; classification; definitions)	1) Class 2 felony (Ariz. Rev. Stat. Ann. § 13-1308(B))	1) 4–10 years Presumptive 5 years (Ariz. Rev. Stat. Ann. § 13-702(D))	1) N/A
Ariz. Rev. Stat. Ann. § 13-3206 (Taking child for purpose of prostitution)	1) Class 2 felony if involves a minor under 15 years of age (Ariz. Rev. Stat. Ann. § 13-3206)  2) § 13-3206: class 4 felony if involves a minor 15–17 years of age	1) N/A  2) 1.5–3years Presumptive 2.5 years (Ariz. Rev. Stat. Ann. § 13-702(D))	1) 13–27 years Presumptive 20 years (Ariz. Rev. Stat. Ann. § 13-705(E))  2) N/A

## 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



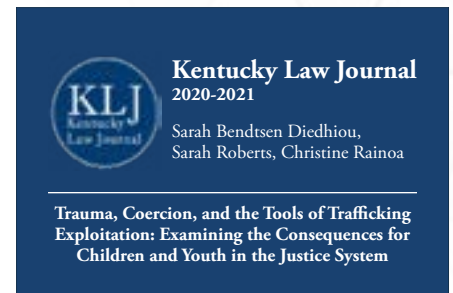
This white paper discusses the importance of providing comprehensive, trauma-informed services to all child sex trafficking victims, regardless of system involvement, and provides examples of state statutory responses.

### 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.