



2023 REPORT

NORTH CAROLINA

Report Cards on Child & Youth Sex Trafficking

State Action. National Change.

CONTENTS

HISTORICAL BACKGROUND
LEGISLATIVE FRAMEWORK
REPORT CARD
SAFE HARBOR SCORECARD
ANALYSIS REPORT
RESOURCES

HISTORICAL BACKGROUND NORTH CAROLINA

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

NORTH CAROLINA

2019	SCORE	GRADE	10	23	14.5	7	25	14.5
	94	A	10	25	15	10	27.5	15
2011	SCORE	GRADE	5	20.5	10	3	15	7.5
	61	D	10	25	15	10	27.5	15

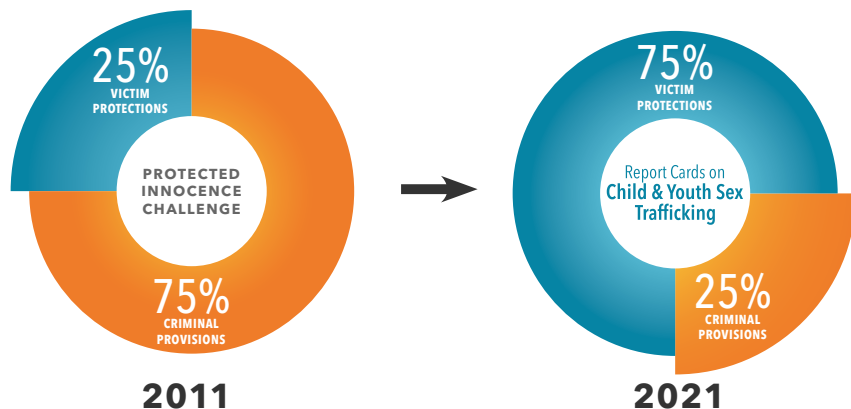
From 2011 to 2019, North Carolina raised their grade under the Protected Innocence Challenge from a “D” to an “A,” enacting legislation aimed at holding offenders accountable and protecting survivors.

To view North Carolina’s 2019 PIC report, visit sharedhope.org/PICframe9/reportcards/PIC_RC_2019_NC.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**

D

NORTH CAROLINA

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 11.5 points.
- Currently ranked 16th in the nation (tie).
- One of 10 states to raise their letter grade this year.
- Enacted Senate Bill 626, amending the child sex trafficking law to make it expressly applicable to buyers of sex with children and creating human trafficking-specific exceptions to eligibility factors for crime victim

compensation, which makes this compensation more accessible to trafficking survivors.

- Enacted House Bill 2, extending deadlines for distributing and spending previously appropriated funds to support the coordination and provision of specialized, community-based services for child and youth survivors of sex trafficking.

SAFE HARBOR STATUS:

One of 30 states that statutorily prohibit the criminalization of minors for prostitution; however, minors may still be subject to punitive custody.

Issue		Grade	Score	Summary
	1. Criminal Provisions	B	$\frac{15}{17.5}$	Policy goals accomplished related to buyer accountability under the trafficking law, buyer and trafficker accountability under state CSEC laws, mistake of age defenses, decoy defenses, and business entity liability under the trafficking law. Gap remains related to financial penalties.
	2. Identification of and Response to Victims	F	$\frac{13.5}{27.5}$	Policy goals accomplished related to third party control, foreign national victims, and child abuse definitions. Gaps remain related to screening through child welfare and 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	$\frac{4.5}{15}$	Policy goal accomplished related to appropriations. Gaps remain related to community-based services, MDT responses, services through child welfare and the juvenile justice system, and extended foster care services.
	4. Access to Justice for Trafficking Survivors	D	$\frac{10}{15}$	Policy goals accomplished related to restitution and civil remedies. Gaps remain related to civil orders of protection, crime victims' compensation, vacatur, and statutes of limitation.
	5. Tools for a Victim-Centered Criminal Justice Response	D	$\frac{6}{10}$	Gaps remain in all areas, including hearsay exceptions, alternatives to live, in-court testimony, victim-witness supports, and privileged communications.
	6. Prevention and Training	F	$\frac{8}{15}$	Policy goals accomplished related to training for school personnel and prevention education in schools. Gaps remain related to training for child welfare, juvenile justice agencies, law enforcement, and prosecutors.
EXTRA CREDIT	 Youth		2	Protections related to appropriations and civil remedies are extended to sex trafficked youth.
	 Child Labor Trafficking		4	Protections related to child abuse definitions, appropriations, restitution, and civil remedies are extended to child labor trafficking victims.

OVERALL GRADE
TIER II

D

63

SAFE HARBOR SCORECARD NORTH CAROLINA

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 Issue Brief 2.1 for background).
 Not 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 Issue Brief 2.3 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 Issue Brief 2.4 for background).
 Partially 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 Issue Brief 2.5 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 Issue Brief 2.6 for background).
 Partially 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 Issue Brief 2.7 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 Issue Brief 2.8 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 Issue Brief 3.1 for background).
 Fully 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 Issue Brief 3.6 for background).

STATE SUMMARY:

North Carolina law prohibits the prosecution of minors for prostitution offenses; however, commercially sexually exploited children may still be subject to punitive processes, including secure custody, as a result of their victimization. Further, while the legislature made funding available to support the development and provision of specialized, community-based services, it has not mandated a process for coordinating access to such services, potentially leaving some survivors underserved or disconnected from resources that are necessary to address trauma and promote healing.

SAFE HARBOR RESOURCES: For additional information, visit reportcards.sharedhope.org/safeharbor/.

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

This report provides a thorough analysis of North Carolina’s statutes related to offender accountability and victim protections while providing recommendations for addressing gaps in those statutes.¹ 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**

North Carolina’s sexual servitude law expressly applies to buyers of commercial sex with minors based on the terms “patronizes” and “solicits.” N.C. Gen. Stat. § 14-43.13(a)² (Sexual servitude) states, “A person commits the offense of sexual servitude when that person knowingly or in reckless disregard of the consequences of the action subjects, maintains, patronizes, solicits, or obtains another for the purposes of sexual servitude.” N.C. Gen. Stat. § 14-43.10(a)(5) (Definitions) defines “sexual servitude” as follows:

- a. Any sexual activity as defined in G.S. 14-190.13 [Definitions for certain offenses concerning minors] for which anything of value is directly or indirectly given, promised to, or received by any person, which conduct is induced or obtained by coercion or deception or which conduct is induced or obtained from a person under the age of 18 years; or
- b. Any sexual activity as defined in G.S. 14-190.13 that is performed or provided by any person, which conduct is induced or obtained by coercion or deception or which conduct is induced or obtained from a person under the age of 18 years.

Notably, North Carolina’s human trafficking law, N.C. Gen. Stat. § 14-43.11³ (Human trafficking), also includes buyer-applicable language. However, that offense requires victims to be patronized or solicited with the intent that

¹ Evaluations of state laws are based on legislation enacted as of July 1, 2023.

² The text of N.C. Gen. Stat. § 14-43.13 cited here and elsewhere in this report includes amendments made by the enactment of Senate Bill 626 during the 2023-2024 Regular Session of the North Carolina state legislature (effective December 1, 2023).

³ The text of N.C. Gen. Stat. § 14-43.11 cited here and elsewhere in this report includes amendments made by the enactment of Senate Bill 626 during the 2023-2024 Regular Session of the North Carolina state legislature (effective December 1, 2023).

they be “held in” sexual servitude, rather than to “engage in” sexual servitude, thereby excluding conduct most applicable to buyers. N.C. Gen. Stat. § 14-43.11(a) provides,

A person commits the offense of human trafficking when that person (i) knowingly or in reckless disregard of the consequences of the action recruits, entices, harbors, transports, provides, patronizes, solicits, or obtains by any means another person with the intent that the other person be held in . . . sexual servitude⁴ or (ii) willfully or in reckless disregard of the consequences of the action causes a minor to be held in . . . sexual servitude.

Policy Goal 1.2 Commercial sexual exploitation of children (CSEC) laws⁵ specifically criminalize purchasing or soliciting commercial sex with any minor under 18.

● **FULLY MET**

North Carolina law criminalizes both purchasing and soliciting commercial sex with a minor. Under N.C. Gen. Stat. § 14-205.2(a) (Patronizing a prostitute),

(a) Any person who willfully performs any of the following acts with a person not his or her spouse commits the offense of patronizing a prostitute:

(1) Engages in vaginal intercourse, any sexual act as defined in G.S. 14-27.20 [Definitions], or any sexual contact as defined in G.S. 14-27.20, for the purpose of sexual arousal or gratification with a prostitute.

(2) Enters or remains in a place of prostitution with intent to engage in vaginal intercourse, any sexual act as defined in G.S. 14-27.20, or any sexual contact as defined in G.S. 14-27.20, for the purpose of sexual arousal or gratification.

....

(c) A violation of this section is a Class F felony if the defendant is 18 years of age or older and the prostitute is a minor.

Further, N.C. Gen. Stat. § 14-205.1(a) (Solicitation of prostitution) states, in part, “Any person 18 years of age or older who willfully solicits a minor for the purpose of prostitution is guilty of a Class G felony.”

⁴ N.C. Gen. Stat. § 14-43.10(a)(5) (Definitions) defines “sexual servitude” as follows:

a. Any sexual activity as defined in G.S. 14-190.13 [Definitions for certain offenses concerning minors] for which anything of value is directly or indirectly given, promised to, or received by any person, which conduct is induced or obtained by coercion or deception or which conduct is induced or obtained from a person under the age of 18 years; or

b. Any sexual activity as defined in G.S. 14-190.13 that is performed or provided by any person, which conduct is induced or obtained by coercion or deception or which conduct is induced or obtained from a person under the age of 18 years.

⁵ 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 North Carolina’s CSEC laws, *see* the appendix located at the end of this report.

Policy Goal 1.3

Commercial sexual exploitation of children (CSEC) laws⁶ apply to traffickers and protect all minors under 18.

● FULLY MET

N.C. Gen. Stat. § 14-205.3(b) (Promoting prostitution) addresses an array of trafficker conduct, stating,

Any person who willfully performs any of the following acts commits the offense of promoting prostitution of a minor . . . :

- (1) Advances prostitution⁷ as defined in G.S. 14-203 [Definition of terms], where a minor . . . engaged in prostitution, or any person engaged in prostitution in the place of prostitution is a minor . . . at the time of the offense.
- (2) Profits from prostitution⁸ by any means where the prostitute is a minor . . . at the time of the offense.
- (3) Confines a minor . . . against the person's will by the infliction or threat of imminent infliction of great bodily harm, permanent disability, or disfigurement or by administering to the minor . . . , without the person's consent or by threat or deception and for other than medical purposes, any alcoholic intoxicant or a drug as defined in Article 5 of Chapter 90 of the General Statutes (North Carolina Controlled Substances Act) and does any of the following:

- a. Compels the minor . . . to engage in prostitution.
- b. Arranges a situation in which the minor . . . may practice prostitution.
- c. Profits from prostitution by the minor

For purposes of this subsection, administering drugs or an alcoholic intoxicant to a minor . . . , as described in subdivision (3) of this subsection, shall be deemed to be without consent if the administering is done without the consent of the parents or legal guardian or if the administering is performed or permitted by the parents or legal guardian for other than medical purposes

⁶ See *supra* note 5 for a full discussion on the purpose of analyzing trafficking laws separately from CSEC laws throughout this report.

⁷ N.C. Gen. Stat. § 14-203(1) defines “advance prostitution” as follows:

- a. Soliciting for a prostitute by performing any of the following acts when acting as other than a prostitute or a patron of a prostitute:
 1. Soliciting another for the purpose of prostitution.
 2. Arranging or offering to arrange a meeting of persons for the purpose of prostitution.
 3. Directing another to a place knowing the direction is for the purpose of prostitution.
 4. Using the Internet, including any social media Web site, to solicit another for the purpose of prostitution.
- b. Keeping a place of prostitution by controlling or exercising control over the use of any place that could offer seclusion or shelter for the practice of prostitution and performing any of the following acts when acting as other than a prostitute or a patron of a prostitute:
 1. Knowingly granting or permitting the use of the place for the purpose of prostitution.
 2. Granting or permitting the use of the place under circumstances from which the person should reasonably know that the place is used or is to be used for purposes of prostitution.
 3. Permitting the continued use of the place after becoming aware of facts or circumstances from which the person should know that the place is being used for the purpose of prostitution.

⁸ N.C. Gen. Stat. § 14-203(3) defines “profit from prostitution” as “[w]hen acting as other than a prostitute, to receive anything of value for personally rendered prostitution services or to receive anything of value from a prostitute, if the thing received is not for lawful consideration and the person knows it was earned in whole or in part from the practice of prostitution.”

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

● FULLY MET

North Carolina law prohibits a mistake of age defense in prosecutions for child sex trafficking.⁹ Pursuant to both N.C. Gen. Stat. § 14-43.13(b1) (Sexual servitude) and N.C. Gen. Stat. § 14-43.11(c1) (Human trafficking), “Mistake of age is not a defense to prosecution under this section.”

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

● FULLY MET

Although the trafficking law does not expressly prohibit an offender from raising a defense based on the use of a law enforcement decoy posing as a minor, North Carolina’s criminal attempt statute, N.C. Gen. Stat. § 14-2.5 (Punishment for attempt to commit a felony or misdemeanor), could provide prosecutors with an alternative avenue to prosecute those cases by holding an offender accountable for attempting to commit a child sex trafficking offense even if the offender was prevented from completing the offense since the intended victim was a law enforcement decoy rather than an actual minor.¹⁰ Pursuant to N.C. Gen. Stat. § 14-2.5,

Unless a different classification is expressly stated, an attempt to commit a misdemeanor or a felony is punishable under the next lower classification as the offense which the offender attempted to commit. An attempt to commit a Class A or Class B1 felony is a Class B2 felony, an attempt to commit a Class B2 felony is a Class C felony, an attempt to commit a Class I felony is a Class 1 misdemeanor, and an attempt to commit a Class 3 misdemeanor is a Class 3 misdemeanor.

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

● FULLY MET

North Carolina law allows business entities to be held criminally liable for conduct that violates the trafficking law. Specifically, North Carolina’s trafficking offenses—N.C. Gen. Stat. § 14-43.11 (Human trafficking), N.C. Gen. Stat. § 14-43.13 (Sexual servitude), and N.C. Gen. Stat. § 14-43.14 (Unlawful sale, surrender, or purchase of a minor)—all criminalize specified conduct committed by “any person.”¹¹ N.C. Gen. Stat. § 12-3(6) (Rules for construction of statutes) defines “person” to “extend and be applied to bodies politic and corporate, as well as to individuals, unless the context clearly shows to the contrary.” Accordingly, business entities can be held liable for a trafficking violation.

⁹ Similarly, N.C. Gen. Stat. § 14-205.3(b) (Promoting prostitution) prohibits the defense in cases involving promoting prostitution of a minor, stating, “Mistake of age is not a defense to prosecution under this subsection.”

¹⁰ Further, N.C. Gen. Stat. § 15-170 (Conviction for a less degree or an attempt) states, “Upon the trial of any indictment the prisoner may be convicted of the crime charged therein or of a less degree of the same crime, or of an attempt to commit the crime so charged, or of an attempt to commit a less degree of the same crime.”

¹¹ The substantive provisions for each of these offenses can be found under the “State Laws Addressing Child Sex Trafficking” section of the appendix located at the end of this report.

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.

○ NOT MET

Financial penalties, including criminal fines, fees, and asset forfeiture, paid by convicted trafficking and CSEC offenders are not required to be directed into a victim services fund.¹²

- 1.7.1 Recommendation: Statutorily direct a percentage of financial penalties levied on trafficking and CSEC offenders into a victim services fund. (See [Issue Brief 1.7.](#))

¹² Regarding asset forfeiture, N.C. Gen. Stat. § 14-43.20(e) (Mandatory restitution; victim services; forfeiture) states, “A person who commits a violation of G.S. 14-43.11 [Human trafficking], . . . or 14-43.13 [Sexual servitude] is subject to the property forfeiture provisions set forth in G.S. 14-2.3.” Pursuant to N.C. Gen. Stat. § 14-2.3(a) (Forfeiture of gain acquired through criminal activity),

Except as is otherwise provided in Article 3 of Chapter 31A [Willful and unlawful killing of decedent], in the case of any violation of Article 13A [North Carolina street gang suppression act] of Chapter 14, or a general statute constituting a felony other than a nonwillful homicide, any money or other property or interest in property acquired thereby shall be forfeited to the State of North Carolina, including any profits, gain, remuneration, or compensation directly or indirectly collected by or accruing to any offender.

However, state asset forfeiture laws do not direct a percentage of a sex trafficking offender’s forfeited assets into a victim services fund nor do those laws apply to CSEC offenders.



ISSUE 2: Identification of & Response to Victims

Policy Goal 2.1

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

- **FULLY MET**

The definition of child sex trafficking victim includes all commercially sexually exploited children without requiring third party control. N.C. Gen. Stat. § 14-43.10(a)(6) (Definitions) defines “victim” as “a person subjected to the practices set forth in G.S. . . . 14-43.13 [Sexual servitude].” N.C. Gen. Stat. § 14-43.13¹³ does not require third party control because it expressly applies to buyers of commercial sex with minors.¹⁴ Accordingly, third party control is not required to establish the crime of sexual servitude or, consequently, to identify a commercially sexually exploited child as a trafficking victim.

Policy Goal 2.2

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

- **FULLY MET**

North Carolina law provides policy guidance that facilitates access to services and benefits for trafficked foreign national children. Specifically, N.C. Gen. Stat. § 14-43.11(d) (Human trafficking) affords child sex trafficking victims access to state-provided services and benefits regardless of immigration status, stating,

A person who is not a legal resident of North Carolina, and would consequently be ineligible for State public benefits or services, shall be eligible for the public benefits and services of any State agency if the person is otherwise eligible for the public benefit and is a victim of an offense charged under this section. Eligibility for public benefits and services shall terminate at such time as the victim's eligibility to remain in the United States is terminated under federal law.

Further, N.C. Gen. Stat. § 14-43.20(d) (Mandatory restitution; victim services; forfeiture) provides,

Certification. – The Attorney General, a district attorney, or any law enforcement official shall certify in writing to the United States Department of Justice or other federal agency, such as the United States Department of Homeland Security, that an investigation or prosecution under this Article for a violation of G.S. 14-43.11 [Human trafficking], 14-43.12 [Involuntary servitude], or 14-43.13 [Sexual servitude] has begun and the individual who is a likely victim of one of those crimes is willing to cooperate or is cooperating with the investigation to enable the individual, if eligible under federal law, to qualify for an appropriate special immigrant visa and to access available federal benefits. Cooperation with law enforcement shall not be required of victims who are under 18 years of age. This certification shall be made available to the victim and the victim's designated legal representative.

¹³ See *supra* note 2.

¹⁴ See *supra* Policy Goal 1.1 for a full discussion of buyer-applicability under N.C. Gen. Stat. § 14-43.13.

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

○ NOT MET

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

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

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

North Carolina 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: Enact a state law requiring 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.](#))

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.

❶ PARTIALLY MET

North Carolina law prohibits the prosecution of minors for prostitution and prostitution-related offenses and establishes a protocol requiring law enforcement to refer impacted children to a child-serving agency; however, minors may still be subject to punitive custody.

Pursuant to N.C Gen. Stat. § 14-204 (Prostitution),

(a) Offense. – Any person who willfully engages in prostitution is guilty of a Class 1 misdemeanor.

....

(c) Immunity from Prosecution for Minors. – Notwithstanding any other provision of this section, if it is determined, after a reasonable detention for investigative purposes, that a person suspected of or charged with a violation of this section is a minor, that person shall be immune from prosecution under this section and instead shall be taken into temporary protective custody as an undisciplined juvenile pursuant to Article 19 of Chapter 7B of the General Statutes [Temporary Custody; Secure and Nonsecure Custody; Custody hearings]. Pursuant to the provisions of G.S. 7B-301 [Duty to report abuse, neglect, dependency, or death due to maltreatment] a law enforcement officer who takes a minor into custody under this section shall immediately report an allegation of a violation of G.S. 14-43.11 [Human trafficking; Definitions] and G.S. 14-43.13 [Sexual servitude] to the director of the department of social services in the county where the minor resides or is found, as appropriate, which shall commence an initial investigation into child abuse or child neglect within 24 hours pursuant to G.S. 7B-301 and G.S. 7B-302 [Assessment by director; military affiliation; access to confidential information; notification of persons making the report].

Similarly, N.C. Gen. Stat. § 14-205.1 (Solicitation of prostitution) provides immunity protections for minors engaged in the solicitation of prostitution, stating,

(a) Except as otherwise provided in this section, any person who solicits another for the purpose of prostitution is guilty of a Class 1 misdemeanor

(b) Immunity From Prosecution for Minors.—Notwithstanding any other provision of this section, if it is determined, after a reasonable detention for investigative purposes, that a person suspected of or charged with a violation of this section is a minor is soliciting as a prostitute, that person shall be immune from prosecution under this section and instead be taken into temporary protective custody as an undisciplined juvenile pursuant to Article 19 of Chapter 7B of the General Statutes. Pursuant to G.S. 7B-301, a law enforcement officer who takes a minor into custody under this section shall immediately report an allegation of a violation of G.S. 14-43.11 and G.S. 14-43.13 to the director of the department of social services in the county where the minor resides or is found, as appropriate, which shall commence an initial investigation into child abuse or child neglect within 24 hours pursuant to G.S. 7B-301 and G.S. 7B-302.

Under N.C. Gen. Stat. § 14-204(c), law enforcement officers are permitted to take a minor into “temporary protective custody as an undisciplined juvenile” as provided for under N.C. Gen. Stat. § 7B-1900(2) [Taking a juvenile into temporary custody], which provides,

Temporary custody means the taking of physical custody and providing personal care and supervision until a court order for secure or nonsecure custody can be obtained. A juvenile may be taken into temporary protective custody without a court under the following circumstances;

....

(2) By a law enforcement officer or a juvenile court counselor if there are reasonable grounds to believe that the juvenile is an undisciplined juvenile.¹⁵

Problematically, the process for taking a child sex trafficking victim into temporary custody tracks more closely with temporary custody measures for minors accused of committing status offenses rather than more protective measures provided for in cases of abuse or neglect.

Consequently, while commercially sexually exploited children may be subject to punitive processes, including secure custody, North Carolina law prohibits the prosecution of minors for prostitution offenses.

2.5.1 Recommendation: Strengthen existing law to clearly prohibit the use of punitive custody in response to minors engaged in commercial sex. (See [Issue Brief 2.5](#).)

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

North Carolina 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.

¹⁵ N.C. Gen. Stat. § 7B-1501(27) (Definitions) defines “undisciplined juvenile” as follows:

(a) A juvenile who, while less than 16 years of age but at least 6 years of age, is unlawfully absent from school; or is regularly disobedient and beyond the disciplinary control of the juvenile’s parent, guardian, or custodian; or is regularly found in places where it is unlawful for a juvenile to be; or has run away from home for a period of more than 24 hours; or

(b) A juvenile who is 16 or 17 years of age and who is regularly disobedient to and beyond the disciplinary control of the juvenile’s parent, guardian, or custodian; or is regularly found in places where it is unlawful for a juvenile to be; or has run away from home for a period of more than 24 hours.

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

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

🕒 **PARTIALLY MET**

Although North Carolina 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, an affirmative defense may be available to trafficking charges. Specifically, N.C. Gen. Stat. § 14-43.16(a) (Affirmative defenses) provides,

Affirmative Defense. – It is an affirmative defense to a prosecution under this Article [Human trafficking] that the person charged with the offense was a victim at the time of the offense and was coerced or deceived into committing the offense as a direct result of the person's status as a victim.

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

Policy Goal 2.8 State law provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.

🕒 **NOT MET**

North Carolina 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: Enact a law that provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization. (See [Issue Brief 2.8.](#))

Policy Goal 2.9 Juvenile court jurisdiction provides for a developmentally appropriate response.

🕒 **PARTIALLY MET**

North Carolina law does not provide age-appropriate juvenile court responses for all minors accused of engaging in juvenile or criminal conduct. While North Carolina law extends juvenile court original jurisdiction to all minors under 18 years of age, governing state statute establishes a minimum age of eight years for juvenile court jurisdiction, permits automatic transfers for minors charged with certain offenses or previously convicted in criminal court, and fails to require courts to consider the impact of trauma or past victimization in make discretionary transfer determinations.

	Minimum Age of Juvenile Court Jurisdiction	Maximum Age for Charging Youth in Juvenile Court	Automatic Transfers or Permits Direct File	Discretionary Transfers	Requirement for Court to Consider Trauma or Past Victimization
Summary	8.	17.	Yes. Minors: (1) 16+ years of age charged with a Class A, B1, B2, or C felony offense; (2) 13–15 years of age charged with a Class A felony offense; (3) previously transferred or convicted in criminal court; and (4) who have been emancipated.	Yes. Minors: (1) 13–15 years of age who commit a felony offense, except a Class A felony; and (2) 16+ years of age charged with a Class D, E, F, G, H, or I felony offense.	No.
Relevant Statute(s)	N.C. Gen. Stat. § 7B-1501(7) (Definitions)	N.C. Gen. Stat. § 7B-1501(7)(a)–(b) (Definitions)	N.C. Gen. Stat. § 7B-2200.5 (Transfer of jurisdiction of a juvenile at least 16 years of age to superior court); N.C. Gen. Stat. § 7B-1604(b) (Limitations on juvenile court jurisdiction); N.C. Gen. Stat. § 7B-2200 (Transfer of jurisdiction of a juvenile under the age of 16 to superior court)	N.C. Gen. Stat. § 7B-2200 (Transfer of jurisdiction of a juvenile under the age of 16 to superior court); N.C. Gen. Stat. § 7B-2200.5 (Transfer of jurisdiction of a juvenile at least 16 years of age to superior court)	N.C. Gen. Stat. § 7B-2204(b) (Right to pretrial release; detention)

Consequently, some minors may still be subject to age-inappropriate juvenile court responses due to state laws that: (1) fail to establish a minimum age for juvenile court jurisdiction that aligns with domestic standards; (2) allow some juvenile cases to be subject to direct file or 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: Enact comprehensive state laws requiring 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

North Carolina law clearly defines “abused juvenile” to include child sex trafficking. Pursuant to N.C. Gen. Stat. § 7B-101(1) (Definitions),

Abused juveniles. – Any juvenile less than 18 years of age (i) who is found to be a minor victim of human trafficking under G.S. 14-43.15 or (ii) whose parent, guardian, custodian, or caretaker:

....

d. Commits, permits, or encourages the commission of a violation of the following laws by, with, or upon the juvenile: . . . unlawful sale, surrender, or purchase of a minor, as provided in G.S. 14-43.14 . . . promoting the prostitution of the juvenile as provided in G.S. 14-205.3(b) . . .

....

g. Commits or allows to be committed an offense under G.S. 14-43.11 (human trafficking), G.S. 14-43.12 (involuntary servitude), or G.S. 14-43.13 (sexual servitude) against the child.

EXTRA CREDIT



Child labor trafficking is included in the definition of “abused juveniles” under N.C. Gen. Stat. § 7B-101(1)(g).

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.

● PARTIALLY MET

Although child sex trafficking victims may access child welfare services regardless of caregiver fault, North Carolina law does not provide for a specialized response in those cases. Specifically, N.C. Gen. Stat. § 7B-101(1)(g) (Definitions) defines “abused juveniles” as “[a]ny juvenile less than 18 years of age (i) who is found to be a minor victim of human trafficking under G.S. 14-43.15 or (ii) whose parent, guardian, custodian, or caretaker . . . [c]ommits or allows to be committed an offense under G.S. 14-43.11 (human trafficking), G.S. 14-43.12 (involuntary servitude), or G.S. 14-43.13 (sexual servitude) against the child,” allowing for a child welfare response regardless of whether the child was trafficked by a caregiver or a non-caregiver trafficker. As noted above, however, a specialized response is not statutorily required for children reported to child welfare due to trafficking victimization perpetrated by a non-caregiver trafficker.¹⁶

¹⁶ North Carolina law does, however, create a specialized process for post-investigation notification to a non-caregiver trafficker that they were the subject in an abuse petition. N.C. Gen. Stat. § 7B-320 (Notification to individual determined to be a responsible individual) states,

2.11.1 Recommendation: Statutorily provide for a specialized response in non-caregiver child sex trafficking cases. (See [*Issue Brief 2.11.*](#))

(a) After the completion of an investigative assessment response that results in a determination of abuse or serious neglect and the identification of a responsible individual, the director shall personally deliver written notice of the determination to the identified individual in an expeditious manner.

(a1) If the director [of the department of social services in the county in which the juvenile resides or is found] determines that the juvenile is the victim of human trafficking by an individual other than the juvenile's parent, guardian, custodian, or caretaker, the director shall cooperate with the local law enforcement agency and district attorney to determine the safest way, if possible, to provide notification to the identified responsible individual. If the director does not provide notification in accordance with this subsection, the director shall document the reason and basis for not providing the notification.

The director shall not provide notification to the responsible individual or proceed further under this Article if notification is likely to cause any of the following to occur:

- (1) Cause mental or physical harm or danger to the juvenile.
- (2) Undermine an ongoing or future criminal investigation.
- (3) Jeopardize the State's ability to prosecute the identified responsible individual.



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

North Carolina 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.](#))

Policy Goal 3.2 State law provides for a survivor-centered multi-disciplinary team response to child sex trafficking cases.

○ NOT MET

North Carolina 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.](#))

Policy Goal 3.3 State law requires child welfare to provide access to specialized services for identified sex trafficked children and youth.

○ NOT MET

North Carolina 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.](#))

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

North Carolina 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.](#))

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

● PARTIALLY MET

North Carolina 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.¹⁷ Specifically, N.C. Gen. Stat. § 108A-48(c) (State Foster Care Benefits Program) provides,

The Department may continue to provide benefits pursuant to this section to an individual who has attained the age of 18 years and chosen to continue receiving foster care services until reaching 21 years of age if the individual is (i) completing secondary education or a program leading to an equivalent credential, (ii) enrolled in an institution that provides postsecondary or vocational education, (iii) participating in a program or activity designed to promote, or remove barriers to, employment, (iv) employed for at least 80 hours per month, or (v) incapable of completing the educational or employment requirements of this subsection due to a medical condition or disability.

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

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

● FULLY MET

Although the North Carolina state legislature did not appropriate new funding during the 2023-2024 session to support the coordination and provision of specialized, community-based services for child and youth survivors of sex trafficking, Enacted House Bill 2, § 5.2 (2023)¹⁸ extended deadlines for distributing and spending previously appropriated funds.

2021-2022 Appropriations				
Bill	Recipient	Amount	Intended Purpose	Term
SB 105	Administrative Office of the Courts, Human Trafficking Commission	\$3,260,000	To award and administer grants to organizations that provide direct services to victims of human trafficking.	2021-2023 fiscal biennium (non-recurring)
2021-2022 Legislative Session				July 1 st - June 30 th
SB 105	Administrative Office of the Courts, Human Trafficking Commission	\$1,140,000	To develop, strengthen, or expand the human trafficking service programs of Compassion to Act Incorporated, a non-profit corporation, and the North Carolina Institute Against Human Trafficking.	2021-2023 fiscal biennium (non-recurring)
2021-2022 Legislative Session				July 1 st -June 30 th

¹⁷ 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).

¹⁸ House Bill 2, § 5.2 cited here and elsewhere in this report was enacted during the 2023-2024 Regular Session of the North Carolina state legislature.

SB 105	Administrative Office of the Courts, Human Trafficking Commission	\$4,400,000	To develop and implement a grant program to provide funds to eligible organizations for economic assistance and to enhance services to victims of human trafficking.	2021-2023 fiscal biennium (non-recurring)
2021-2022 Legislative Session				July 1 st -June 30 th

EXTRA CREDIT



The North Carolina Legislature made funding available to support the coordination and provision of specialized, community-based services for child and youth survivors of sex trafficking.



The North Carolina Legislature made funding available to support the coordination and provision of specialized, community-based services for trafficking survivors, including survivors of child labor trafficking.



ISSUE 4: Access to Justice for Trafficking Survivors

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

○ NOT MET

North Carolina law does not expressly allow trafficking victims to seek emergency civil orders of protection against their exploiters. However, survivors may seek permanent no-contact orders.¹⁹ Unlike emergency orders, permanent no-contact orders are only issued after the respondent is convicted, and the respondent must be notified of the related petition and be granted an opportunity to appear at the hearing. Pursuant to N.C. Gen. Stat. § 50D-2(a)²⁰ (Commencement of action; filing fees not permitted; assistance),

An action is commenced under this Chapter [Permanent Civil No-Contact Order Against Sex Offender on Behalf of Crime Victim] by filing a verified complaint for a permanent civil no-contact order in district court or by filing a motion in any existing civil action, by any of the following:

- (1) A person who is the victim of a human trafficking offense or sex offense that occurs in this State.
- (2) A competent adult who resides in this State on behalf of a minor child who is the victim of a human trafficking offense or sex offense that occurs in this State.
- (3) A competent adult who resides in this State on behalf of an incompetent adult who is the victim of a human trafficking offense or sex offense that occurs in this State.

Further, N.C. Gen. Stat. § 50D-5 (Remedy) provides,

- (a) If the court finds all of the following, the court may issue a permanent civil no-contact order:
 - (1) The respondent was convicted of committing a human trafficking offense or sex offense against the victim.
 - (2) The victim did not seek a permanent no-contact order under G.S. 15A-1340.50 [Permanent no contact order prohibiting future contact by convicted sex offender with crime victim].
 - (3) Reasonable grounds exist for the victim to fear future contact with the respondent.
 - (4) Process was properly served on the respondent.
 - (5) The respondent answered the complaint and notice of hearing was given or the respondent failed to answer the complaint and is in default.
- (b) The court may grant one or more of the following forms of relief in a permanent civil no-contact order under this Chapter:
 - (1) Order the respondent not to threaten, visit, assault, molest, or otherwise interfere with the victim.
 - (2) Order the respondent not to follow the victim, including at the victim's workplace.
 - (3) Order the respondent not to harass the victim.
 - (4) Order the respondent not to abuse or injure the victim.
 - (5) Order the respondent not to contact the victim by telephone, written communication, or electronic means.

¹⁹ N.C. Gen. Stat. § 50D-1(1a) (Definitions) defines “permanent civil no-contact order” as “a permanent injunction that prohibits any contact by a respondent with the victim of a human trafficking offense or sex offense for which the respondent is convicted.” The text of N.C. Gen. Stat. § 50D-1 cited here and elsewhere in this report includes amendments made by the enactment of Senate Bill 626 during the 2023-2024 Regular Session of the North Carolina state legislature (effective August 1, 2023).

²⁰ The text of N.C. Gen. Stat. § 50D-2 cited here and elsewhere in this report includes amendments made by the enactment of Senate Bill 626 during the 2023-2024 Regular Session of the North Carolina state legislature (effective August 1, 2023).

- (6) Order the respondent to refrain from entering or remaining present at the victim's residence, school, place of employment, or other specified places at times when the victim is present.
- (7) Order other relief deemed necessary and appropriate by the court.
- (c) No permanent civil no-contact order shall be issued under this Chapter without notice to the respondent.

Consequently, relief may be available to trafficking victims later in the criminal justice process, but such delay fails to account for the degree of intimidation and harassment crime victims often experience while the defendant is being investigated and/or prosecuted.

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

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.

① PARTIALLY MET

Although some protections are in place, North Carolina's crime victims' compensation laws do not holistically exempt victims of child sex trafficking and CSEC from all ineligibility factors, leaving some commercially sexually exploited children without access to an award.

For purposes of accessing crime victims' compensation, N.C. Gen. Stat. § 15B-2(2) (Definitions) defines "claimant" to include the following:

- a. A victim;
-
- e. A person who was convicted of a first offense under G.S. 14-204 [Prostitution] and whose participation in the offense was a result of having been a trafficking victim under G.S. 14-43.11 [Human trafficking] or G.S. 14-43.13 [Sexual servitude] or a victim of a severe form of trafficking under the federal Trafficking Victims Protection Act (22 U.S.C. § 7102(13)).

"Victim" is further defined under N.C. Gen. Stat. § 15B-2(13) as "[a] person who suffers personal injury or death proximately caused by criminally injurious conduct." In turn, N.C. Gen. Stat. § 15B-2(5) defines "criminally injurious conduct" to include the following:

Conduct that by its nature poses a substantial threat of personal injury or death, and is punishable by fine or imprisonment or death, or would be so punishable but for the fact that the person engaging in the conduct lacked the capacity to commit the crime under the laws of this State

Despite this broad definition, certain ineligibility factors may still limit a commercially sexually exploited child's ability to seek crime victims' compensation. Pursuant to N.C. Gen. Stat. § 15B-11(a)–(c)²¹ (Grounds for denial of claim or reduction of award),

- (a) An award of compensation shall be denied if:
 - (1) The claimant fails to file an application for an award within two years after the date of the criminally injurious conduct that caused the injury or death for which the claimant seeks the award;

²¹ The text of N.C. Gen. Stat. § 15B-11 cited here and elsewhere in this report includes amendments made by the enactment of Senate Bill 626 during the 2023-2024 Regular Session of the North Carolina state legislature (effective June 30, 2023).

(2) The economic loss²² is incurred after one year from the date of the criminally injurious conduct that caused the injury or death for which the victim seeks the award, except in the case where the victim for whom compensation is sought was 10 years old or younger at the time the injury occurred. In that case an award of compensation will be denied if the economic loss is incurred after two years from the date of the criminally injurious conduct that caused the injury or death for which the victim seeks the award;

(3) The criminally injurious conduct was not reported to a law enforcement officer or agency within 72 hours of its occurrence, and there was no good cause²³ for the delay;

....

(6) The victim was participating in a felony at or about the time that the victim's injury occurred.

....

(b1) The Commission or Director, whichever has the authority to decide a claim under G.S. 15B-10, shall exercise discretion in determining whether to deny a claim under subsection (b) of this section. In exercising discretion, the Commission or Director shall consider whether any proximate cause exists between the injury and the misdemeanor or contributory misconduct, when applicable. The Director or Commission shall deny claims upon a finding that there was contributory misconduct that is a proximate cause of becoming a victim. However, contributory misconduct that is not a proximate cause of becoming a victim shall not lead to an automatic denial of a claim.

....

(c1) A claim may be denied upon a finding that the claimant has been convicted of any felony classified as a Class A, B1, B2, C, D, or E felony under the laws of the State of North Carolina and that such felony was committed within 3 years of the time the victim's injury occurred.

Notably, North Carolina law carves out exceptions to other ineligibility factors. Because those exceptions are offense-specific, however, only victims of trafficking, not CSEC, will be protected. Under N.C. Gen. Stat. § 15B-11(b),

A claim may be denied or an award of compensation may be reduced if either of the following applies:

- (1) The victim was participating in a nontraffic misdemeanor at or about the time that the victim's injury occurred, unless the victim is a victim as defined by G.S. 14-43.10(a)²⁴ and was coerced or deceived into participating in the nontraffic misdemeanor as a direct result of the person's status as a victim.
- (2) The claimant or a victim through whom the claimant claims engaged in contributory misconduct, unless the claimant or victim through whom the claimant claims is a victim as defined by G.S. 14-43.10(a) and was coerced or deceived into participating in the contributory misconduct as a direct result of the person's status as a victim.

Because child sex trafficking and CSEC victims are not expressly exempt from all the ineligibility factors noted above, however, some commercially sexually exploited children may not have access to an award.

²² N.C. Gen. Stat. § 15B-4 (Award of compensation) states that “[c]ompensation shall only be paid for economic loss and not for noneconomic detriment.” N.C. Gen. Stat. § 15B-2(10) defines “economic loss” as follows:

Economic detriment consisting only of allowable expense, work loss, replacement services loss, and household support loss. If criminally injurious conduct causes death, economic loss includes a dependent's economic loss and a dependent's replacement service loss. Noneconomic detriment is not economic loss, but economic loss may be caused by pain and suffering or physical impairment.

²³ N.C. Gen. Stat. § 15B-11 does not explain what constitutes “good cause” for purposes of this section.

²⁴ N.C. Gen. Stat. § 14-43.10(a)(6) (Definitions) defines “victim” as “a person subjected to the practices set forth in G.S. 14-43.11 [Human trafficking], 14-43.12 [Involuntary servitude], or 14-43.13 [Sexual servitude].”

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

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

● **PARTIALLY MET**

Although North Carolina law allows trafficking victims to vacate criminal convictions, vacatur is unavailable for delinquency adjudications arising from trafficking victimization. Pursuant to N.C. Gen. Stat. § 15A-1415(b)(10) (Grounds for appropriate relief which may be asserted by defendant after verdict; limitation as to time), a victim of human trafficking may seek to have a conviction vacated if:

The defendant was convicted of a nonviolent offense as defined in G.S. 15A-145.9 [Expunctions of certain offenses committed by human trafficking victims]; the defendant's participation in the offense was a result of having been a victim of human trafficking under G.S. 14-43.11, sexual servitude under G.S. 14-43.13, or the federal Trafficking Victims Protection Act (22 U.S.C. § 7102(13)); and the defendant seeks to have the conviction vacated.

The petition must be made in accordance with N.C. Gen. Stat. § 15A-1416.1 (Motion by the defendant to vacate a nonviolent offense conviction for human trafficking victim), which states,

- (a) A motion for appropriate relief seeking to vacate a conviction for a nonviolent offense based on the grounds set out in G.S. 15A-1415(b)(10) shall be filed in the court where the conviction occurred. The motion may be filed at any time following the entry of a verdict or finding of guilty
- (b) The court may grant the motion if, in the discretion of the court, the defendant has demonstrated, by the preponderance of the evidence, that the violation was a direct result of the defendant having been a victim of human trafficking or sexual servitude and that the offense would not have been committed but for the defendant having been a victim of human trafficking or sexual servitude
- (c) If the court grants a motion under this section, the court must vacate the conviction and may take such additional action as is appropriate in the circumstances.
- (d) A previous or subsequent conviction shall not affect a person's eligibility for relief under this section.

However, N.C. Gen. Stat. § 15A-1415 and N.C. Gen. Stat. § 15A-1416.1 apply specifically to "convictions," and N.C. Gen. Stat. § 7B-2412 (Legal effect of adjudication of delinquency) states, "An adjudication that a juvenile is delinquent . . . shall neither be considered conviction of any criminal offense nor cause the juvenile to forfeit any citizenship right." Accordingly, delinquency adjudications are ineligible for vacatur under these laws. Further, vacatur is limited to nonviolent offenses, which fails to recognize the array of crimes trafficking victims may be induced to commit and leaves many survivors without any avenue for relief.

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

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

● **FULLY MET**

North Carolina law requires an offender convicted of a child sex trafficking or CSEC offense to pay restitution. Pursuant to N.C. Gen. Stat. § 14-43.20(b) (Mandatory restitution; victim services; forfeiture),

Restitution for a victim is mandatory under this Article [Human trafficking]. At a minimum, the court shall order restitution in an amount equal to the value of the victim's labor as guaranteed under the Minimum Wage Law and overtime provisions of the Fair Labor Standards Act (FLSA). In addition, the judge may order any other amount of loss identified, including the gross income or value to the defendant of the victim's labor or services and any costs reasonably certain to be incurred by or on behalf of the victim for medical care, psychological treatment, temporary housing, transportation, funeral services, and any other services designed to assist a victim recover from any injuries or loss resulting from an offense committed under G.S. 14-43.11 [Human trafficking], 14-43.12 [Involuntary servitude], or 14-43.13 [Sexual servitude].

Restitution is available more generally to victims of other crimes under N.C. Gen. Stat. § 15A-1340.34(b) (Restitution generally), which states,

If the defendant is being sentenced for an offense for which the victim is entitled to restitution under Article 46 of this Chapter [Crime Victims' Rights Act], the court shall, in addition to any penalty authorized by law, require that the defendant make restitution to the victim or the victim's estate for any injuries or damages arising directly and proximately out of the offense committed by the defendant. If the defendant is placed on probation or post-release supervision, any restitution ordered under this subsection shall be a condition of probation as provided in G.S. 15A-1343(d) [Conditions of probation] or a condition of post-release supervision as provided in G.S. 148-57.1 [Restitution as a condition of parole or post-release supervision].

Pursuant to N.C. Gen. Stat. § 15A-834 (Restitution), codified under the Crime Victims' Rights Act, "A victim has the right to receive restitution as ordered by the court" N.C. Gen. Stat. § 15A-830(7) (Definitions) defines "victim" as "A person against whom there is probable cause to believe an offense against the person . . . has been committed." "Offense against the person" is defined under N.C. Gen. Stat. § 15A-830(6a)(a)–(c) (Definitions) to include the following:

An offense against or involving the person of the victim which constitutes a violation of one of the following:

- a. Subchapter III of Chapter 14 of the General Statutes [(Offenses against the person), including violations of the Human Trafficking Article].
- b. Subchapter VII of Chapter 14 of the General Statutes [(Offenses against public morality and decency), including violations of the Prostitution Article, which houses North Carolina's CSEC offenses].
- c. Article 39 of Chapter 14 of the General Statutes [Protection of minors].

Accordingly, victims of North Carolina's CSEC offenses are entitled to restitution under N.C. Gen. Stat. § 15A-1340.34(b).

To determine the amount of restitution, N.C. Gen. Stat. § 15A-1340.35(a)(1) (Basis for restitution) provides,

[T]he court shall consider the following:

- (1) In the case of an offense resulting in bodily injury to a victim:
 - a. The cost of necessary medical and related professional services and devices or equipment relating to physical, psychiatric, and psychological care required by the victim;
 - b. The cost of necessary physical and occupational therapy and rehabilitation required by the victim; and
 - c. Income lost by the victim as a result of the offense.

EXTRA CREDIT



North Carolina law mandates restitution for victims of child labor trafficking under N.C. Gen. Stat. § 14-43.20(b), which requires offenders convicted of any violation of the Human Trafficking Article, including human trafficking and involuntary servitude, to pay victim restitution.

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

● **FULLY MET**

North Carolina law allows victims of child sex trafficking to pursue civil remedies against their exploiters. N.C. Gen. Stat. § 14-43.18(a)–(c) (Civil cause of action; damages and attorneys' fees; limitation) states,

- (a) Cause of Action. – An individual who is a victim may bring a civil action against a person who violates this Article [Human trafficking] or a person who knowingly benefits financially or by receiving anything of value from participation in a venture which that person knew or should have known violates this Article.
- (b) Relief and Damages. – The victim may seek and the court may award any or all of the following types of relief:
 - (1) An injunction to enjoin continued violation of this Article.
 - (2) Compensatory damages, which includes the following:
 - a. The greater of (i) the gross income or value to the defendant of the victim's labor; or (ii) value of the victim's labor as guaranteed under the Minimum Wage Law and overtime provisions of the Fair Labor Standards Act (FLSA).
 - b. Any costs reasonably incurred by the victim for medical care, psychological treatment, temporary housing, transportation, and any other services designed to assist a victim in recovering from any injuries or loss resulting from a violation of this Article.
 - (3) General damages for noneconomic losses.
- (c) Attorneys' Fees. – The court may award to the plaintiff and assess against the defendant the reasonable costs and expenses, including attorneys' fees, of the plaintiff in bringing an action pursuant to this section. If the court determines that the plaintiff's action is frivolous, it may award to the defendant and assess against the plaintiff the reasonable costs and expenses, including attorneys' fees, of the defendant in defending the action brought pursuant to this section.

EXTRA CREDIT



North Carolina law provides sex trafficked youth with a trafficking-specific civil remedy under N.C. Gen. Stat. § 14-43.18, which applies broadly to any violation of the Human Trafficking Article, including sex trafficking of both minor and adult victims.



North Carolina law provides child labor trafficking victims with a trafficking-specific civil remedy under N.C. Gen. Stat. § 14-43.18, which applies broadly to any violation of the Human Trafficking Article, including labor trafficking.

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.

❶ PARTIALLY MET

Prosecutions for child sex trafficking and CSEC offenses may commence at any time; however, the statute of limitation for filing trafficking-specific civil actions is not lengthened or eliminated.

North Carolina does not have statutes of limitation for felony prosecutions.²⁵ Regarding civil actions, N.C. Gen. Stat. § 14-43.18(d), (e) (Civil cause of action; damages and attorneys' fees; limitation) provides,

(d) Stay Pending Criminal Action. – Any civil action filed under this section shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the plaintiff is the victim. The term “criminal action” includes investigation and prosecution and is pending until final adjudication in the trial court.

(e) Statute of Limitations. – No action may be maintained under subsection (a)²⁶ of this section unless it is commenced no later than either of the following:

- (1) Ten years after the cause of action arose.
- (2) Ten years after the victim reaches 18 years of age if the victim was a minor at the time of the alleged offense.

Notably, the general civil statute of limitation for personal injury actions is also 10 years. N.C. Gen. Stat. § 1-52(5), (16) (Three years) states,

²⁵ State v. Hardin, 75 N.C. Ct. App. 1973 (“In North Carolina, there is no statute of limitations barring the prosecution of a felony.”)

²⁶ N.C. Gen. Stat. § 14-43.18(a) (Civil cause of action; damages and attorneys' fees; limitation) states, “An individual who is a victim may bring a civil action against a person who violates this Article [Human trafficking] or a person who knowingly benefits financially or by receiving anything of value from participation in a venture which that person knew or should have known violates this Article.”

Within three years an action. –

....

(5) For . . . any other injury to the person or rights of another, not arising on contract and not hereafter enumerated, except as provided by G.S. 1-17(d) and (e) [Disabilities].

....

(16) Unless otherwise provided by law, for personal injury . . . , the cause of action . . . shall not accrue until bodily harm to the claimant . . . becomes apparent or ought reasonably to have become apparent to the claimant, whichever event first occurs. Except as provided in . . . G.S. 1-17(d) and (e), no cause of action shall accrue more than 10 years from the last act or omission of the defendant giving rise to the cause of action.

Accordingly, North Carolina law does not lengthen or eliminate the civil statute of limitation for trafficking-related actions under N.C. Gen. Stat. § 14-43.18 as both it and the general statute of limitation under N.C. Gen. Stat. § 1-52(16) are 10 years.

- 4.6.1 Recommendation: 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

North Carolina 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: Enact 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

North Carolina law allows child sex trafficking victims who are under 16 years of age to testify by an alternative method regardless of the prosecuted offense. Specifically, N.C. Gen. Stat. § 15A-1225.1(b), (e) (Child witnesses; remote testimony) states,

(b) Remote Testimony Authorized. – In a criminal proceeding, a child²⁷ witness who has been found competent to testify may testify, under oath or affirmation, other than in an open forum when the court determines:

- (1) That the child witness would suffer serious emotional distress, not by the open forum in general, but by testifying in the defendant's presence, and
- (2) That the child's ability to communicate with the trier of fact would be impaired.

....

(e) Testimony. – The method used for remote testimony²⁸ shall allow the judge, jury, and defendant or juvenile respondent to observe the demeanor of the child as the child testifies in a similar manner as if the child were in the open forum. The court shall ensure that the defense counsel, except a pro se defendant, is physically present where the child testifies, has a full and fair opportunity for cross-examination of the child witness, and has the ability to communicate privately with the defendant or juvenile respondent during the remote testimony

Notably, child victims who are 16 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 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](#).)

²⁷ N.C. Gen. Stat. § 15A-1225.1(a)(1) defines "child" as "a minor who is under the age of 16 years old at the time of the testimony."

²⁸ N.C. Gen. Stat. § 15A-1225.1(a)(3) defines "remote testimony" as "[a] method by which a child witness testifies in a criminal proceeding outside the physical presence of the defendant."

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
Summary	Not statutorily required.	When a minor child is called as a witness, the parent or guardian may be present while the child is testifying even if the parent will be called as a witness.	Information that could lead to the identification of a victim is protected from disclosure in public records.
Relevant Statute(s)	None.	N.C. Gen. Stat. § 15A-1225 (Exclusion of witnesses)	N.C. Gen. Stat. § 14-43.17(a)(1) (Victim confidentiality; penalty for unlawful disclosure)

- 5.3.1 Recommendation: Statutorily require that child sex trafficking victims have the right to a victim advocate. (See [Issue Brief 5.3.](#))

Policy Goal 5.4

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

① **PARTIALLY MET**

North Carolina law does not provide for privileged communications between caseworkers and child sex trafficking victims specifically. However, child sex trafficking victims may benefit from privileged communications protections provided to certain behavioral and mental health professionals and clients if the victim received care or services from such professionals.

Statute	Profession	Relevant Limitations
N.C. Gen. Stat. § 8-53.7 (Social worker privilege)	Social workers	None.
N.C. Gen. Stat. § 8-53.3 (Communications between psychologist and client or patient)	Psychologists	None.
N.C. Gen. Stat. § 8-53.8 (Counselor privilege)	Licensed counselors	None.
N.C. Gen. Stat. § 8-53.4 (School counselor privilege)	School counselors	None.

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



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.

● **PARTIALLY MET**

North Carolina law authorizes trafficking-specific training for social service providers. Pursuant to N.C. Gen. Stat. § 7A-354(c) (North Carolina Human Trafficking Commission), the North Carolina Human Trafficking Commission “shall have the following powers: . . . (3) To contribute to efforts to inform and educate law enforcement personnel, social services providers, and the general public about human trafficking so that human traffickers can be prosecuted and victim-survivors can receive appropriate services” Resultingly, resources and training regarding child sex trafficking may be, or become, available for use by child welfare. However, North Carolina law does not statutorily require individuals employed by child welfare to receive such training.

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](#).*)

Policy Goal 6.2 State law mandates statewide training for juvenile justice agencies on identification and response to child sex trafficking.

○ **NOT MET**

North Carolina 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](#).*)

Policy Goal 6.3 State law mandates ongoing, trafficking-specific training on victim-centered investigations for law enforcement.

● **PARTIALLY MET**

North Carolina law mandates training on human trafficking for law enforcement officers as part of their basic training course;²⁹ however, officers are not required to receive ongoing in-service training on human trafficking. Pursuant to 12 N.C. Admin. Code § 9B.0205 (Basic law enforcement training),

²⁹ Further, Law enforcement training on human trafficking is authorized in North Carolina. Under 2007 Sess. Laws 547, sec. 11, North Carolina law directs the North Carolina Justice Academy to:

[E]stablish protocols suitable for the training of State and local law enforcement officers. The protocols shall be made available to all State and local law enforcement agencies so that the agencies may conduct training on:

(1) The phenomenon of human trafficking and State and federal laws on human trafficking.

- (a) The basic training course for law enforcement officers shall consist of instruction designed to provide the trainee with the skills and knowledge to perform those tasks essential to function in law enforcement.
- (b) The course entitled “Basic Law Enforcement Training” shall consist of a minimum of 640 hours of instruction and shall include the following identified topical areas and minimum instructional hours for each:

.....

(4) INVESTIGATION UNIT

- (A) Fingerprinting and Photographing Arrestee 6 Hours
- (B) Field Note-taking and Report Writing 12 Hours
- (C) Criminal Investigation 34 Hours
- (D) Interviews 16 Hours
- (E) Human Trafficking 2 Hours

UNIT TOTAL 70 Hours

.....

In addition, N.C. Gen. Stat. § 7A-354(c) (North Carolina Human Trafficking Commission) states that the North Carolina Human Trafficking Commission “shall have the following powers: . . . (3) To contribute to efforts to inform and educate law enforcement personnel, social services providers, and the general public about human trafficking so that human traffickers can be prosecuted and victim-survivors can receive appropriate services”

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

Policy Goal 6.4

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

○ **NOT MET**

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

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

-
- (2) How to recognize and identify victims of one or more of the practices set forth in G.S. 14-43.11 [Human trafficking], G.S. 14-43.12 [Involuntary servitude], or G.S. 14-43.13 [Sexual servitude].
 - (3) Methods for protecting trafficking victims and possible trafficking victims, and advising them of their rights.
 - (4) Procedures and techniques for handling specialized needs of victims who may face cultural, language, and other barriers that impede ability to request and obtain available services.
- Nothing in this section shall be construed to require the North Carolina Justice Academy to conduct training of State or local law enforcement officers.

This provision is listed in the editor’s notes to N.C. Gen. Stat. § 14-43.11 (Human trafficking) but does not appear to be codified in the North Carolina General Statutes.

Policy Goal 6.5

State law mandates child sex trafficking training for school personnel.

● FULLY MET

North Carolina law mandates trafficking-specific training for school personnel. Pursuant to N.C. Gen. Stat. § 115C-375.20(b) (Child sexual abuse and sex trafficking training program required),

Each employing entity shall adopt and implement a child sexual abuse and sex trafficking training program for school personnel³⁰ who work directly with students in grades kindergarten through 12 that provides education and awareness training related to child sexual abuse and sex trafficking, including, but not limited to, best practices from the field of prevention, the grooming process of sexual predators, the warning signs of sexual abuse and sex trafficking, how to intervene when sexual abuse or sex trafficking is suspected or disclosed, legal responsibilities for reporting sexual abuse or sex trafficking, and available resources for assistance. This training may be provided by local nongovernmental organizations with expertise in these areas, local law enforcement officers, or other officers of the court. All school personnel who work with students in grades kindergarten through 12 shall receive two hours of training consistent with this section in even-numbered years beginning in 2020.

N.C. Gen. Stat. § 115C-238.66 (Board of directors; powers and duties) requires each regional school board of directors to “adopt and implement a child sexual abuse and sex trafficking training program in accordance with G.S. 115C-375.20.” Further, N.C. Gen. Stat. § 115C-47(64) (Powers and duties generally) requires each local board of education to “adopt and implement a child sexual abuse and sex trafficking training program for school personnel who work directly with students in grades kindergarten through 12, as required by G.S. 115C-375.20.” Similarly, N.C. Gen. Stat. § 115C-218.75(g) states, “A charter school shall adopt and implement a child sexual abuse and sex trafficking training program in accordance with G.S. 115C-375.20.”

Lastly, N.C. Gen. Stat. § 115C-376.5(b)(1) (School-based mental health plan required) provides,

The State Board of Education shall adopt a school-based mental health policy that includes (i) minimum requirements for a school-based mental health plan for K-12 school units and (ii) a model mental health training program and model suicide risk referral protocol for K-12 school units. Consistent with this section, the model mental health training program and model suicide risk referral protocol shall meet all of the following requirements:

- (1) The model mental health training program shall be provided to school personnel who work with students in grades kindergarten through 12 and address the following topics:
 - a. Youth mental health.
 - b. Suicide prevention.
 - c. Substance abuse.
 - d. Sexual abuse prevention.
 - e. Sex trafficking prevention.
 - f. Teenage dating violence.

Policy Goal 6.6

State law mandates child sex trafficking prevention education in schools.

● FULLY MET

Child sex trafficking prevention education is mandated to commence in 7th grade. Pursuant to N.C. Gen. Stat. § 115C-81.30(a), (b) (Reproductive health and safety education provided by local school administrative units),

³⁰ N.C. Gen. Stat. § 115C-375.20(a)(1) defines “school personnel” as “[t]eachers, instructional support personnel, principals, and assistant principals. This term may also include, in the discretion of the employing entity, other school employees who work directly with students in grades kindergarten through 12.”

(a) Each local school administrative unit shall provide a reproductive health and safety education program commencing in the seventh grade. Materials used in this instruction shall be age-appropriate for use with students. Law enforcement agencies, criminal justice agencies, and nongovernmental organizations with experience in sex-trafficking prevention and awareness may provide materials and information. Information conveyed during the instruction shall be objective and based upon scientific research that is peer reviewed and accepted by professionals and credentialed experts in any of the following fields: sexual health education, adolescent psychology, behavioral counseling, medicine, human anatomy, biology, ethics, or health education. Reproductive health and safety instruction provided by the local school administrative units shall do the following:

....

(13) Teach about sex trafficking prevention and awareness. Each local school administrative unit shall:

- a. Collaborate with a diverse group of outside consultants where practical, including law enforcement with expertise in sex-trafficking prevention education, to address the threats of sex trafficking.
- b. Collaborate with a diverse group of outside consultants, including law enforcement with expertise in sex trafficking, on a referral protocol for high-risk pupils and minors.

(b) Each local board of education shall adopt a policy and provide a mechanism to allow a parent or a legal guardian to withdraw his or her child from instruction required under subdivisions (10) through (13) of subsection (a) of this section.

State Laws Addressing Child Sex Trafficking

1. N.C. Gen. Stat. § 14-43.11(a), (b)³¹ (Human trafficking) states,

(a) A person commits the offense of human trafficking when that person (i) knowingly or in reckless disregard of the consequences of the action recruits, entices, harbors, transports, provides, patronizes, solicits, or obtains by any means another person with the intent that the other person be held in . . . sexual servitude³² or (ii) willfully or in reckless disregard of the consequences of the action causes a minor to be held in . . . sexual servitude.

(b) . . . A person who violates this section is guilty of a Class B2 felony if the victim of the offense is a minor.

A Class B2 felony is punishable by a presumptive sentence of 125–157 months imprisonment. N.C. Gen. Stat. § 15A-1340.17(c) (Punishment limits for each class of offense and prior record level).

2. N.C. Gen. Stat. § 14-43.13(a), (b)³³ (Sexual servitude) states,

(a) A person commits the offense of sexual servitude when that person knowingly or in reckless disregard of the consequences of the action subjects, maintains, patronizes, solicits, or obtains another for the purposes of sexual servitude.³⁴

(b) . . . A person who violates this section is guilty of a Class C felony if the victim of the offense is a minor.

A Class C felony is punishable by a presumptive sentence of 58–73 months imprisonment. N.C. Gen. Stat. § 15A-1340.17(c) (Punishment limits for each class of offense and prior record level).

3. N.C. Gen. Stat. § 14-43.14(a), (b) (Unlawful sale, surrender, or purchase of a minor)³⁵ states,

(a) A person commits the offense of unlawful sale, surrender, or purchase of a minor when that person, acting with willful or reckless disregard for the life or safety of a minor, participates in any of the following:

³¹ See *supra* note 3.

³² N.C. Gen. Stat. § 14-43.10(a)(5) (Definitions) defines “sexual servitude” as follows:

a. Any sexual activity as defined in G.S. 14-190.13 [Definitions for certain offenses concerning minors] for which anything of value is directly or indirectly given, promised to, or received by any person, which conduct is induced or obtained by coercion or deception or which conduct is induced or obtained from a person under the age of 18 years; or

b. Any sexual activity as defined in G.S. 14-190.13 that is performed or provided by any person, which conduct is induced or obtained by coercion or deception or which conduct is induced or obtained from a person under the age of 18 years.

³³ See *supra* note 2.

³⁴ See *supra* note 32 for the definition of “sexual servitude.”

³⁵ Although N.C. Gen. Stat. § 14-43.14 does not specify the sale, surrender, or purchase of a minor for the purpose of engaging the minor in commercial sexual activity, subsection (d) states, “A violation of this section is a lesser included offense of G.S. 14-43.11 [Human trafficking],” which includes trafficking for sexual servitude, indicating the intent that this offense could apply in cases involving child sex trafficking.

the acceptance, solicitation, offer, payment, or transfer of any compensation, in money, property, or other thing of value, at any time, by any person in connection with the unlawful acquisition or transfer of the physical custody of a minor, except as ordered by the court. This section does not apply to actions that are ordered by a court, authorized by statute, or otherwise lawful.

(b) A person who violates this section is guilty of a Class F felony and shall pay a minimum fine of five thousand dollars (\$ 5,000)

A Class F felony is punishable by a presumptive sentence of 13–16 months imprisonment. N.C. Gen. Stat. § 15A-1340.17(c) (Punishment limits for each class of offense and prior record level).

State Laws Addressing Commercial Sexual Exploitation of Children (CSEC)

1. N.C. Gen. Stat. § 14-205.1(a) (Solicitation of prostitution) states, in part, “Any person 18 years of age or older who willfully solicits a minor for the purpose of prostitution is guilty of a Class G felony.”

A Class G felony is punishable by a presumptive sentence of 10–13 months imprisonment. N.C. Gen. Stat. § 15A-1340.17(c) (Punishment limits for each class of offense and prior record level).

2. N.C. Gen. Stat. § 14-205.2(a), (c) (Patronizing a prostitute) states,

(a) Any person who willfully performs any of the following acts with a person not his or her spouse commits the offense of patronizing a prostitute:

(1) Engages in vaginal intercourse, any sexual act as defined in G.S. 14-27.20 [Definitions], or any sexual contact as defined in G.S. 14-27.20, for the purpose of sexual arousal or gratification with a prostitute.

(2) Enters or remains in a place of prostitution with intent to engage in vaginal intercourse, any sexual act as defined in G.S. 14-27.20, or any sexual contact as defined in G.S. 14-27.20, for the purpose of sexual arousal or gratification.

....

(c) A violation of this section is a Class F felony if the defendant is 18 years of age or older and the prostitute is a minor.

A Class F felony is punishable by a presumptive sentence of 13–16 months imprisonment. N.C. Gen. Stat. § 15A-1340.17(c) (Punishment limits for each class of offense and prior record level).

3. N.C. Gen. Stat. § 14-205.3(b), (d) (Promoting prostitution) states,

(b) Any person who willfully performs any of the following acts commits the offense of promoting prostitution of a minor . . . :

(1) Advances prostitution³⁶ as defined in G.S. 14-203 [Definition of terms], where a minor . . . engaged in prostitution, or any person engaged in prostitution in the place of prostitution is a minor . . . at the time of the offense.

³⁶ N.C. Gen. Stat. § 14-203(1) defines “advance prostitution” as follows:

a. Soliciting for a prostitute by performing any of the following acts when acting as other than a prostitute or a patron of a prostitute:

1. Soliciting another for the purpose of prostitution.

2. Arranging or offering to arrange a meeting of persons for the purpose of prostitution.

3. Directing another to a place knowing the direction is for the purpose of prostitution.

4. Using the Internet, including any social media Web site, to solicit another for the purpose of prostitution.

b. Keeping a place of prostitution by controlling or exercising control over the use of any place that could offer seclusion or shelter for the practice of prostitution and performing any of the following acts when acting as other than a prostitute or a patron of a prostitute:

1. Knowingly granting or permitting the use of the place for the purpose of prostitution.

2. Granting or permitting the use of the place under circumstances from which the person should reasonably know that the place is used or is to be used for purposes of prostitution.

3. Permitting the continued use of the place after becoming aware of facts or circumstances from which the person should know that the place is being used for the purpose of prostitution.

(2) Profits from prostitution³⁷ by any means where the prostitute is a minor . . . at the time of the offense.

(3) Confines a minor . . . against the person's will by the infliction or threat of imminent infliction of great bodily harm, permanent disability, or disfigurement or by administering to the minor . . . , without the person's consent or by threat or deception and for other than medical purposes, any alcoholic intoxicant or a drug as defined in Article 5 of Chapter 90 of the General Statutes (North Carolina Controlled Substances Act) and does any of the following:

- a. Compels the minor . . . to engage in prostitution.
- b. Arranges a situation in which the minor . . . may practice prostitution.
- c. Profits from prostitution by the minor

For purposes of this subsection, administering drugs or an alcoholic intoxicant to a minor . . . , as described in subdivision (3) of this subsection, shall be deemed to be without consent if the administering is done without the consent of the parents or legal guardian or if the administering is performed or permitted by the parents or legal guardian for other than medical purposes

....

(d) Unless a higher penalty applies, a violation of subdivision (1) or (2) of subsection (b) of this section is a Class D felony. A violation of subdivision (3) of subsection (b) of this section is a Class C felony

A Class D felony is punishable by a presumptive sentence of 51–64 months imprisonment. N.C. Gen. Stat. § 15A-1340.17(c) (Punishment limits for each class of offense and prior record level). A Class C felony is punishable by a presumptive sentence of 58–73 months imprisonment. N.C. Gen. Stat. § 15A-1340.17(c).

³⁷ N.C. Gen. Stat. § 14-203(3) defines “profit from prostitution” as “[w]hen acting as other than a prostitute, to receive anything of value for personally rendered prostitution services or to receive anything of value from a prostitute, if the thing received is not for lawful consideration and the person knows it was earned in whole or in part from the practice of prostitution.”

RESOURCES

REPORT CARDS PROJECT: For more information on the Report Cards Project, visit reportcards.sharedhope.org.

TOOLKIT: To see how your state compares, visit reportcards.sharedhope.org/toolkit.

ISSUE BRIEFS: To better understand a policy goal, visit 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.

HIGHLIGHTED RESOURCES

Community-Based Services White Paper



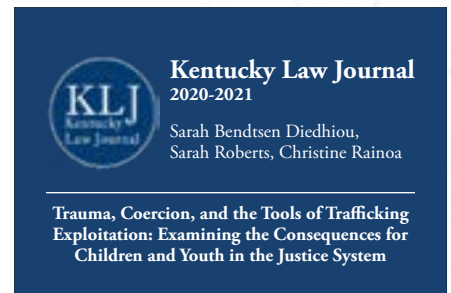
This white paper discusses the importance of providing comprehensive, trauma-informed services to all child sex trafficking victims, regardless of system involvement, and provides examples of state statutory responses.

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. 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.



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.