

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

State ¹	Does state law prohibit the criminalization of minors for prostitution offenses? ²	Does the non-criminalization protection hinge on a finding of victimization?	Does state law require law enforcement to direct all impacted children to services?	Relevant statute(s)
Alabama	No ³	N/A	N/A	Ala. Code § 12-15-701 (Protection of sexually exploited child); Ala. Code § 13A-12-120 (Prostitution defined); Ala. Code § 13A-12-121 (Prohibited activity)
Alaska	No	N/A	N/A	Alaska Stat. § 11.66.100 (Prostitution)
Arizona	No	N/A	N/A	Ariz. Rev. Stat. Ann. § 13-3214(D) (Prostitution; clarified)
Arkansas	Yes*	Yes	No	Ark. Code Ann. § 5-70-102 (Prostitution); Ark. Code Ann. § 5-70-103(a)(2) (Sexual solicitation)
California	Yes	No	No ⁴	Cal. Penal Code § 647(b)(5) (Disorderly conduct; Punishment for violation)
Colorado	Yes	Yes	Yes	Colo. Rev. Stat. Ann. § 18-7-201 (Prostitution prohibited); Colo. Rev. Stat. Ann. § 18-7-209 (Immunity from prostitution related offenses – Victim – Human trafficking of a minor for involuntary servitude – Human trafficking of a minor for sexual servitude); Colo. Rev. Stat. Ann. § 18-7-201.4 (Victim of human trafficking of a minor for sexual servitude – Provision of services – Reporting); Colo. Rev. Stat. Ann. § 19-3-308(4)(c) (Action upon report of intrafamilial, institutional, or third-party abuse – Investigations – Child protection team – Rules – Report)
Connecticut	Yes	No	No	Conn. Gen. Stat. § 53a-82(a) (Prostitution)

¹ Evaluations of state laws are based on legislation enacted as of July 1, 2023. Responses do not include an analysis of case law, agency rules, regulations, or practices/initiatives that exist outside of statutory law. For more information on the importance of this policy goal, please visit <https://reportcards.sharedhope.org/related-resources/#2.5>.

² An asterisk (*) denotes that non-criminalization protections do not extend to all prostitution offenses (e.g., solicitation, loitering).

³ While protections exist, they are limited to minors legally identified as “sexually exploited children” and are undermined by conflicting provisions that allow minors, including sexually exploited children, to be subjected to punitive processes.

⁴ While state mandatory reporter laws require law enforcement to refer commercially sexually exploited children to child welfare, such requirements only apply in cases where a caregiver is at fault either through their action or inaction.

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Delaware	No ⁵	N/A	N/A	Del. Code Ann. tit. 11, § 1342 (Prostitution; class B misdemeanor); Del. Code Ann. tit. 11, § 787(g) (Trafficking an individual, forced labor and sexual servitude)
District of Columbia	Yes	No	Yes	D.C. Code § 22-2701 (Engaging in prostitution or soliciting for prostitution); D.C. Code § 16-2309 (Taking into custody)
Florida	Yes	No	Yes	Fla. Stat. Ann. § 796.07(2)(e) (Prohibited prostitution and related acts); Fla. Stat. Ann. § 39.401(1), (2) (Taking a child alleged to be dependent into custody; law enforcement officers and authorized agents of the department)
Georgia	Yes*	No	Yes	Ga. Code Ann. § 16-6-9 (Prostitution); Ga. Code Ann. § 15-11-130.1 (Referral to victim assistance organizations of child suspected of being a victim of sexual exploitation or trafficking); Ga. Code Ann. § 16-6-16(a) (Masturbation for hire)
Hawaii	No	N/A	N/A	Haw. Rev. Stat. Ann. § 712-1200 (Prostitution); Haw. Rev. Stat. Ann. § 712-1206 (Loitering for the purpose of engaging in or advancing prostitution)
Idaho	No ⁶	N/A	N/A	Idaho Code Ann. § 18-5613(1) (Prostitution); Idaho Code Ann. § 18-8606 (Safe harbor provisions)
Illinois	Yes	No	Yes	720 Ill. Comp. Stat. Ann. 5/11-14 (Prostitution); 720 Ill. Comp. Stat. Ann. 5/11-14.1 (Solicitation of a sexual act)
Indiana	Yes	No	Yes	Ind. Code Ann. § 35-45-4-2(a) (Prostitution); Ind. Code Ann. § 35-45-4-7 (Detention of minor – Notice); Ind. Code Ann. § 35-42-3.5-4(c) (Additional rights of victim)
Iowa	No ⁷	N/A	N/A	Iowa Code § 725.1(1) (Prostitution)
Kansas	No	N/A	N/A	Kan. Stat. Ann. § 21-6419 (Selling sexual relations); Kan. Stat. Ann. § 38-2231(b)(3) (Child under 18, when law enforcement officers or court services officers may take into custody; sheltering a runaway)
Kentucky	Yes	No	Yes	Ky. Rev. Stat. Ann. § 529.120 (Treatment of minor suspected of prostitution offense)

⁵ While minors are afforded immunity protections under the core prostitution law, contradictory state law permits the criminalization of minors for prostitution and prostitution loitering offenses.

⁶ Idaho Code Ann. § 18-5613(1) (Prostitution) applies to minors under 18; however, Idaho Code Ann. § 18-8606 (Safe harbor provisions) provides some limited diversion and affirmative defense protections to commercial sexually exploited minors.

⁷ Iowa Code § 725.1 (Prostitution) applies to minors under 18 but authorizes prosecutors to refer a minor to child welfare in lieu of filing a delinquency petition.

State ¹	Does state law prohibit the criminalization of minors for prostitution offenses? ²	Does the non-criminalization protection hinge on a finding of victimization?	Does state law require law enforcement to direct all impacted children to services?	Relevant statute(s)
Louisiana	No ⁸	N/A	N/A	La. Rev. Stat. Ann. § 14:46.3(E) (Trafficking of children for sexual purposes); La. Child. Code Ann. art. 804(3), (5) (Definitions); La. Rev. Stat. Ann. § 46:2162(A)(2)(a)–(b) (Assistance to victims of human trafficking); La. Child. Code Ann. art. 725.4 (Duties of law enforcement); La. Child. Code Ann. art. 839(A), (D) (Availability of an informal adjustment agreement); La. Rev. Stat. Ann. § 14:82 (A), (G)(1) (Prostitution; definition; penalties); La. Rev. Stat. Ann. § 14:83.3 (Prostitution by massage); La. Rev. Stat. § 14:83.4 (Massage; sexual conduct prohibited); La. Rev. Stat. Ann. § 14:46.2(F)(1), (2) (Human trafficking)
Maine	Yes	No	No	Me. Rev. Stat. Ann. tit. 17-A, § 853-A(1) (Engaging in prostitution) (<i>repealed</i>)
Maryland	Yes	Yes	Yes	Md. Code Ann., Crim. Law § 1-402 (No prosecution if a minor is a victim of sex trafficking or human trafficking); Md. Code Ann., Cts. & Jud. Proc. § 3-8A-17.13(b) (Dismissal of charges for victim of human trafficking); Md. Code Ann., Cts. & Jud. Proc. § 3-8A-14(d)(2), (3) (Taking child into custody); Md. Code Ann., Crim. Law § 11-303 (House of prostitution); Md. Code Ann., Crim. Law § 11-306 (Procuring or solicitation of prostitution or assignation)
Massachusetts	No	N/A	N/A	Mass. Gen. Laws ch. 272, § 53A(a) (Engaging in sexual conduct for a fee; payors and payees; penalties); Mass. Gen. Laws ch. 272, § 53(a) (Penalty for certain offenses); Mass. Gen. Laws ch. 265, § 57 (Human trafficking – Victims accused of common night walking or street walking – Affirmative defense)
Michigan	Yes (under 16 only ⁹)	No	No ¹⁰	Mich. Comp. Laws Ann. § 750.448

⁸ While La. Rev. Stat. Ann. § 14:46.3(E) (Trafficking of children for sexual purposes) and La. Child. Code Ann. art. 804(3) (Definitions) provide important non-criminalization protections to commercially sexually exploited minors, such protections are undermined by several provisions permitting the criminalization of children for prostitution offenses.

⁹ Mich. Comp. Laws Ann. § 740.448 (Soliciting, accosting, or inviting to commit prostitution or immoral act; crime) provides non-criminalization protections to minors under 16 years of age and a presumption of trafficking victimization for older minors; however, 16 and 17 year old minors can still be arrested, charged, prosecuted, and adjudicated for prostitution.

¹⁰ Mich. Comp. Laws Ann. § 750.451(7) (Violation of MCL 750.448, 750.449, 750.449a(1), 750.450, or 750.462; prior conviction; penalty; prosecution of persons under 18 years of age; presumption; report; investigation by department of human services; “prior conviction” defined) requires law enforcement to refer 16 and 17 year olds (who are excluded from the non-criminalization protection), stating, “Excluding any reasonable period for investigation purposes, a law enforcement officer who encounters a person under 18 years of age engaging in any conduct that would be a violation of section 448 [Soliciting, accosting, or inviting to commit prostitution or immoral act; crime], 449 [Admitting to pace for purposes of prostitution], 450 [Aiding, assisting, or abetting; penalty], or 462 [Female 16 years of age or less in house of prostitution; crime] or a local ordinance substantially corresponding to section 448, 449, 450, or 462, if engaging in by a person 16 years of age or over shall immediately report to the department of health and human services as a suspected violation of human trafficking involving a person under 18 years of age in violation of sections 462a to 462h.”

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				(Soliciting, accosting, or inviting to commit prostitution or immoral act; crime); Mich. Comp. Laws Ann. § 750.451(6), (7) (Violation of MCL 750.448, 750.449, 750.449a(1), 750.450, or 750.462; prior conviction; penalty; prosecution of persons under 18 years of age; presumption; report; investigation by department of human services; “prior conviction” defined)
Minnesota	Yes	No	Yes	Minn. Stat. Ann. § 260B.007(6), (16) (Definitions); Minn. Stat. Ann. § 260E.06(1)(a)(1) (Maltreatment reporting)
Mississippi	Yes	No	Yes	Miss. Code Ann. § 97-29-49 (Prostitution; report to department of child protection services for suspected child sexual abuse or neglect if minor involved; immunity from prosecution if trafficked person involved)
Missouri	Yes	No	Yes	Mo. Rev. Stat. § 567.020 (Prostitution); Mo. Rev. Stat. § 210.1500(1)-(4) (Suspected victims of sex trafficking, law enforcement duties – Division duties – Procedure); Mo. Rev. Stat. § 566.223(4) (Federal Trafficking Victims Protection Act of 2000 to apply, when – Affirmative defense – Procedures to identify victims, training on protocols)
Montana	Yes	No	Yes	Mont. Code Ann. § 45-5-709(1)-(3) (Immunity of child – Sex therapy participants); Mont. Code Ann. § 41-3-201(1), (2)(g) (Reports)
Nebraska	Yes	No	Yes	Neb. Rev. Stat. Ann. § 28-801 (Prostitution; penalty; affirmative defense; immunity from prosecution; law enforcement officer; duties)
Nevada	No ¹¹	N/A	N/A	Nev. Rev. Stat. Ann. § 62C.015 (Treatment of child who engages in prostitution or solicitation for prostitution or who engages in certain unlawful acts in connection with commercial sexual report of commercial sexual exploitation to agency which provides child welfare services); Nev. Rev. Stat. Ann. § 62C.240 (Court referral for court supervision pursuant to supervision and consent decree of child alleged to have engaged in prostitution or solicitation of prostitution; violation of supervision and consent decree or order; dismissal of petition)
New Hampshire	Yes (but allows for punitive forms of custody)	No	No	N.H. Rev. Stat. Ann. § 645:2 (Prostitution and related offenses)

¹¹ While protections exist, they are undermined by conflicting provisions that allow minors who have engaged in commercial sex to be subjected to punitive processes.

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New Jersey	No ¹²	N/A	N/A	N.J. Stat. Ann. § 2C:34-1(b) (Prostitution and related offenses); N.J. Stat. Ann. § 2C-34.1.1 (Loitering for the purpose of engaging in prostitution); N.J. Stat. Ann. § 2A-4A-22(g)(5) (General definitions); N.J. Stat. Ann. § 2C:4A-71 (Reviewing and processing complaints); N.J. Stat. Ann. § 2A:4A-43(b) (Disposition of delinquency cases); N.J. Stat. Ann. § 2A:4A-46 (Disposition of juvenile-family crisis)
New Mexico	Yes	No	Yes	N.M. Stat. Ann. § 32A-2-3 (Definitions); N.M. Stat. Ann. § 32A-3B-3(a) (Protective custody; interference with protective custody; penalty); N.M. Stat. Ann. § 32A-3B-4(A), (B) (Protective custody; restrictions; time limitations); N.M. Stat. Ann. § 30-9-2 (Prostitution)
New York	No ¹³	N/A	N/A	N.Y. Soc. Serv. Law § 483-cc (Confirmation as a victim of human trafficking); N.Y. Fam. Ct. Act § 311.4(3) (Substitution for petition or finding); N.Y. Crim. Proc. Law § 170.80 (Proceedings regarding certain prostitution charges; certain persons aged sixteen or seventeen); N.Y. Crim. Proc. Law § 170.30(4) (Motion to dismiss information, simplified information, prosecutor's information or misdemeanor complaint); N.Y. Penal Code § 230.01 (Prostitution; affirmative defense)
North Carolina	Yes (but allows for punitive forms of custody)	No	Yes	N.C. Gen. Stat. § 14-204 (Prostitution); N.C. Gen. Stat. § 14-205.1 (Solicitation of prostitution); N.C. Gen. Stat. § 7B-1900(2) (Taking a juvenile into temporary custody)
North Dakota	Yes	No	Yes	N.D. Cent. Code § 12.1-29-03 (Prostitution); N.D. Cent. Code § 12.1-41-12 (Immunity of minor); N.D. Cent. Code § 12.1-41-17(3) (Eligibility for benefit or services)
Ohio	No ¹⁴	N/A	N/A	Ohio Rev. Code Ann. § 2907.25 (Prostitution; after positive HIV test); Ohio Rev. Code Ann. § 2907.24 (Soliciting; after positive HIV test; driver's license suspension)

¹² N.J. Stat. Ann. § 2C:34-1(b) (Prostitution and related offenses) and N.J. Stat. Ann. § 2C:34.1.1 (Loitering for the purpose of engaging in prostitution) apply to minors under 18; however, N.J. Stat. Ann. § 2A:4A-22(g)(5) (General definitions) defines children engaged in commercial sex as a “juvenile-family crisis,” which permits identified child sex trafficking victims to be diverted away from a standard juvenile justice response.

¹³ While some commercially sexually exploited children may be directed away from traditional juvenile or criminal justice responses, New York law permits arresting, detaining, charging, and prosecuting minors for prostitution and prostitution-related offenses.

¹⁴ Ohio's core prostitution offense, Ohio Rev. Code Ann. §2907.24 (Prostitution; after positive HIV test), applies to minors under 18 years of age; however, pursuant to Ohio Rev. Code Ann. § 2152.021(F) (Complaint alleging that child is delinquent child or juvenile traffic offender; initiation of serious youthful offender proceedings), child sex trafficking victims may be diverted to an alternative juvenile justice process for prostitution or other offenses committed as a result of their victimization.

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Oklahoma	Yes	Yes	Yes	Okla. Stat. Ann. tit. 21, § 1029(A)(1)–(3) (Engaging in or soliciting prostitution – Residing or remaining in place for prohibited purpose – Aiding, abetting, or participating in prohibited acts – Child prostitution – Human trafficking); Okla. Stat. Ann. tit. 21, § 748.2(E) (Rights of victims of human trafficking – Civil action against perpetrator)
Oregon	No	N/A	N/A	Or. Rev. Stat. § 167.007 (Prostitution)
Pennsylvania	Yes	Yes	Yes	18 Pa. Cons. Stat. § 5902(a) (Prostitution and related offenses); 18 Pa. Cons. Stat. § 3065 (Safe harbor for sexually exploited children)
Rhode Island	Yes*	Yes	No	R.I. Gen. Laws § 11-34.1-2(a) (Prostitution); R.I. Gen. Laws § 11-67.1-15 (Immunity of a minor)
South Carolina	Yes	Yes	Yes	S.C. Code Ann. § 16-15-90 (Prostitution; lewdness, assignation and prostitution generally); S.C. Code Ann. § 16-3-2020(G) (Trafficking in persons; penalties; defenses); S.C. Code Ann. § 63-11-2400 (Multidisciplinary team investigation of suspected crime against a child must follow Child Abuse Response Protocol; effects of failure to comply)
South Dakota	No ¹⁵	N/A	N/A	S.D. Codified Laws § 22-23-1 (Prostitution – Penalty); S.D. Codified Laws § 26-8B-2(6) (Child in need of supervision defined); S.D. Codified Laws § 26-8B-6 (Decree of disposition – Contents – Findings)
Tennessee	Yes	No	Yes	Tenn. Code Ann. § 39-13-513 (Prostitution – Defenses); Tenn. Code Ann. § 39-13-309(e) (Trafficking for a commercial sex act)
Texas	No ¹⁶	N/A	N/A	Tex. Penal Code § 43.02 (Prostitution) ; Tex. Fam. Code § 51.03(b)(5) (Delinquent conduct; conduct indicating a need for supervision); Tex. Fam. Code § 54.04 (Disposition hearing); Tex. Fam. Code § 51.0413 (Jurisdiction over and transfer of combination proceedings); Tex. Fam. Code § 54.0326(b) (Deferral of adjudication and dismissal of certain cases on completion of trafficked persons program)
Utah	Yes (but allows for punitive forms of custody)	No	Yes	Utah Code Ann. § 76-10-1032(1) (Prostitution); Utah Code Ann. § 76-10-1313 (Sexual solicitation – Penalty); Utah Code Ann. § 76-10-1315(2), (4) (Safe harbor for children as victims of commercial sex or sexual solicitation); Utah Code Ann. § 80-6-201 (Minor taken into temporary custody by peace officer, private citizen, or probation officer – Grounds – Protective

¹⁵ Although the core prostitution law is inapplicable to minors, commercially sexually exploited minors are still subject to juvenile justice processes in response to their victimization. S.D. Codified Laws §§ 22-23-1, 26-8B-2, 26-8B-6.

¹⁶ While state statute provides alternative juvenile justice responses to identified child sex trafficking victims, including avenues to avoid a delinquency adjudication, such responses direct child victims towards punitive processes to access care and services.

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				custody); Utah Code Ann. § 80-1-102(49) (Juvenile code definitions)
Vermont	No ¹⁷	N/A	N/A	Vt. Stat. Ann. tit. 13, § 2652(c)(1) (Human trafficking); Vt. Stat. Ann. tit. 13, § 2638(b), (c) (Immunity from liability)
Virginia	No ¹⁸	N/A	N/A	Va. Code Ann. § 18.2-346 (Prostitution; commercial sexual conduct; penalties)
Washington	Yes	No	Yes	Wash. Rev. Code Ann. § 9A.88.030(1) (Prostitution); Wash. Rev. Stat. Ann. § 43-185C.260(7), (8) (Youth services – Officer taking child into custody – Authorization –Duration of custody – Transporting to crisis residential center – Report on suspected abuse or neglect)
West Virginia	Yes	Yes	Yes	W.Va. Code Ann. § 61-8-5 (Houses of ill fame and assignation; penalties; jurisdiction of courts); W.Va. Code Ann. § 61-14-8 (Immunity for minor victim of sex trafficking); W. Va. Code Ann. § 61-14-7(e) (General provisions and other penalties)
Wisconsin	No ¹⁹	N/A	N/A	Wis. Stat. § 944.30(1m), (2m) (Prostitution)
Wyoming	No ²⁰	N/A	N/A	Wyo. Stat. Ann. § 6-4-101 (Prostitution); Wyo. Stat. Ann. § 6-2-708 (Victim defenses; vacating convictions); Wyo. Stat. Ann. § 14-6-429(d) (Decree where child adjudged in need of supervision; dispositions; terms and conditions; legal custody); Wyo. Stat. Ann. § 14-6-438 (Liability for contempt; penalties); Wyo. Stat. Ann. § 6-2-709(a) (Victims’ rights; services)
Totals:	30 states²¹ prohibit the criminalization of minors for prostitution offenses.	8 non-crim states hinge protection on a finding of victimization.	23 non-crim states require law enforcement to direct all impacted children to services.	

¹⁷ Vt. Stat. Ann. tit. 13, § 2652(c)(1) (Human trafficking) insulates minors from prosecution for a prostitution offense; however, Vt. Stat. Ann. tit. 13, § 2652(c)(1)(B) allows child sex trafficking victims to be treated as a “juvenile under 33 V.S.A. chapter 52 [Delinquency proceedings] or referred to the Department of Children and Families for treatment under 33 V.S.A. chapter 53 [Children in Need of Care or Supervision].” Consequently, minors referred for delinquency proceedings under Vt. Stat. Ann. tit. 33, §§ 5201–5293 face a traditional juvenile justice response to their trafficking victimization.

¹⁸ Encouragingly, Enacted Senate Bill 1292 (2023) requires the Department of Criminal Justice Services to administer a two-year safe harbor pilot program aimed, in part, at reducing the arrest of sex trafficking victims.

¹⁹ Wis. Stat. Ann. § 944.30(1m), (2m) (Prostitution) applies to minors under 18; however, minors may be subject to an alternative juvenile justice process or outcome, including a deferred prosecution or consent decree.

²⁰ While some commercially sexually exploited minors may be identified as “neglected children” and afforded protective responses, a minor may also be identified as a child in need of supervision (CHINS) and directed to the juvenile justice system.

²¹ Though not technically a state, District of Columbia has been included in the overall state count for statistical purposes.