

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.

State ¹	Does state law extend non-criminalization to trafficking offenses?	Does state law extend non-criminalization to CSE offenses?	If non-criminalization is not extended, is an affirmative defense available?	Relevant statute(s)
Alabama	No	No	No	N/A
Alaska	No	No	No	N/A
Arizona	No	No	No	N/A
Arkansas	No	No	Yes; victims of trafficking may raise an affirmative defense to prostitution charges, including advancing prostitution	Ark. Code Ann. § 5-2-210(b), (c)(3) (Human trafficking – Affirmative defense)
California	No	No	Yes; victims of human trafficking may raise an affirmative defense to any charge, other than a violent felony, if the person was coerced to commit the offense and had a reasonable fear of harm	Cal. Penal Code § 236.23 (Human trafficking; affirmative defense; burden and standard)
Colorado	No	Yes; applicable to certain prostitution-related CSE offenses	Yes; victims of child sex trafficking may raise an affirmative defense to any charge other than a class 1 felony	Colo. Rev. Stat. Ann. § 18-7-209 (Immunity from prostitution-related offenses – Victims – Human trafficking of a minor for involuntary servitude – Human trafficking of a minor for sexual servitude); Colo. Rev. Stat. Ann. § 18-1-713(1) (Victims of human trafficking of a minor for involuntary servitude or sexual servitude – Affirmative defenses); Colo. Rev. Stat. Ann. § 18-3-504(2.5) (Human trafficking for sexual servitude)

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/#2.7>.

State ¹	Does state law extend non-criminalization to trafficking offenses?	Does state law extend non-criminalization to CSE offenses?	If non-criminalization is not extended, is an affirmative defense available?	Relevant statute(s)
				– Human trafficking of a minor for sexual servitude)
Connecticut	No	No	Yes; victims of trafficking may raise an affirmative defense to trafficking charges	Conn. Gen. Stat. § 53a-192a(b) (Trafficking in persons)
Delaware	No	No	No	N/A
District of Columbia	No	No	No	N/A
Florida	No	No	No	N/A
Georgia	No	No	No	N/A
Hawaii	No	No	No	N/A
Idaho	No	No	Yes; victims of human trafficking may raise an affirmative defense to any non-violent offense if committed as a direct and immediate result of their trafficking victimization	Idaho Code Ann. § 18-8606(2) (Safe harbor provisions)
Illinois	No	Yes; applicable to certain conduct amounting to promoting prostitution	No	720 Ill. Comp. Stat. Ann. 5/11-14.3(a) (Promoting prostitution)
Indiana	No	No	No	N/A
Iowa	No	No	Yes; victims of human trafficking may raise an affirmative defense to certain trafficking and CSE offenses (victims under 21 years of age are provided with additional protections to pimping offenses committed as a result of their victimization and while acting under the control of an adult)	Iowa Code § 710A.3 (Affirmative defense); Iowa Code § 725.2(3) (Pimping)
Kansas	No	No	Yes; child trafficking victims may raise an affirmative defense in a prosecution for human trafficking if	Kan. Stat. Ann. § 21-5426(e) (Human trafficking; aggravated human trafficking)

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			the offense was committed during their victimization	
Kentucky	No	No	Yes; victims of human trafficking may raise an affirmative defense in a prosecution for any offense other than a violent felony	Ky. Rev. Stat. Ann. § 529.170(1) (Being victim of human trafficking is affirmative defense to violation of chapter)
Louisiana	Yes	Yes	N/A	La. Rev. Stat. Ann. § 14:46.3(E) (Trafficking of children for sexual purposes)
Maine	No	No	No	N/A
Maryland	Yes	No	Yes; victims of human trafficking may raise an affirmative defense in a prosecution for certain CSE conduct	Md. Code Ann., Crim. Law § 1-402(B) (No prosecution if a minor is a victim of sex trafficking or human trafficking); Md. Code Ann., Crim. Law § 11-307(c)(1) (Using building, structure, or conveyance for prostitution or assignation)
Massachusetts	No	No	No	N/A
Michigan	No	Yes; minors under 16 years of age are protected from prosecution for certain CSE offenses	No	Mich. Comp. Laws Ann. § 750.450 (Aiding, assisting, or abetting; penalty); Mich. Comp. Laws Ann. § 750.451(7) (Violation of MCL 750.448, 750.449, 750.449a(1), 750.450, or 750.462; prior convictions; penalty; prosecution of person under 18 years of age; presumption; report; investigation by department of human services; “prior conviction” defined)
Minnesota	No	No	No	N/A
Mississippi	Yes	Yes; minor victims of trafficking are immune from prosecution for promoting prostitution	N/A	Miss. Code Ann. § 97-3-54.1(4) (Human trafficking act; prohibited conduct; penalty); Miss. Code Ann. § 97-29-51(3) (Prostitution; misdemeanor procuring services of prostitute; felony promoting prostitution; penalties)
Missouri	Yes (limited to co-conspirator liability)	Yes (limited to co-conspirator liability)	No	Mo. Rev. Stat. § 562.041 (Responsibility for the conduct of another)
Montana	Yes	No	No	Mont. Code Ann. § 45-5-709(1) (Immunity of child – Sex therapy participants)
Nebraska	Yes; victims of trafficking are immune for prosecution for participating in, or benefitting from, a venture that has	No	No	Neb. Rev. Stat. Ann. § 28-831(3) (Human trafficking; labor trafficking or sex trafficking; labor trafficking of a minor or sex trafficking of a minor; prohibited acts; penalties)

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	engaged in trafficking (victims can still be charged as sex trafficking and CSE offenders)			
Nevada	No ²	No	No	N/A
New Hampshire	Yes; but limited to offenses that did not involve an act or threat of violence	Yes; but limited to offenses that did not involve an act or threat of violence	N/A	N.H. Rev. Stat. Ann. § 633:7(VI), (VII) (Trafficking in persons)
New Jersey	No	No	Yes; victims of human trafficking, regardless of age, are provided an affirmative defense in a prosecution for human trafficking, human trafficking in the second degree, or promoting prostitution offenses and child victims are afforded a rebuttable presumption of trafficking victimization if charged with human trafficking in the second degree	N.J. Stat. Ann. § 2C:13-8(c) (Human trafficking); N.J. Stat. Ann. § 2C:13-9 (Human trafficking in the second degree); N.J. Stat. Ann. § 2C:24-1(e) (Prostitution and related offenses)
New Mexico	Yes; human trafficking victims, regardless of age, are immune from prosecution for operating as an accessory to the offense of human trafficking (however, they may be charged as the primary offender)	No	No	N.M. Stat. Ann. § 30-52-1(E) (Human trafficking)
New York	No	No	Yes; trafficking victims are provided an affirmative defense to trafficking	N.Y. Penal Law § 230.01 (Prostitution; affirmative defense); N.Y. Penal Law § 230.35 (Promoting or compelling prostitution; accomplice); N.Y. Penal

² However, Nev. Rev. Stat. Ann. § 201.303 (Rebuttable presumption that pandering, sex trafficking or facilitating sex trafficking committed under duress) does create a rebuttable presumption that a child sex trafficking victim charged with a trafficking offense acted under duress.

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			and CSE-related charges	Law § 230.36 (Sex trafficking; accomplice)
North Carolina	No	No	Yes; victims of trafficking are provided an affirmative defense to trafficking charges	N.C. Gen. Stat. § 14-43.16(a) (Affirmative defense)
North Dakota	No	No	No	N/A
Ohio	No	No	No	N/A
Oklahoma	No	Yes; applicable to certain CSE-related conduct	Yes; victims of trafficking are provided an affirmative defense to any criminal, youthful offender, or delinquent offense	Okla. Stat. tit. 21, § 1029(A), (C) (Engaging in prostitution, etc. – Soliciting or procuring – Residing or being in place for prohibited purpose – Aiding, abetting or participating – Child prostitution – Presumption of coercion); Okla. Stat. tit. 21, § 748(D) (Human trafficking)
Oregon	No	No	Yes; victims of human trafficking are provided an affirmative defense for any offense arising from their victimization	Or. Rev. Stat. § 163.269(1), (2) (Victim assertion of defense of duress)
Pennsylvania	No	No	No	N/A
Rhode Island	No	No	No	N/A
South Carolina	Yes	Yes	N/A	S.C. Code § 16-3-2020(G) (Trafficking in persons; penalties; defenses)
South Dakota	No	No	No	N/A
Tennessee	No	No	Yes; minor victims of sex trafficking are provided an affirmative defense to trafficking charges	Tenn. Code Ann. § 39-13-309(f) (Trafficking for a commercial sex act)
Texas	No	No	No	N/A
Utah	No	No	No	N/A
Vermont	No	Yes; applicable to prostitution-related CSE offenses, including aiding and abetting prostitution	Yes; victims of sex trafficking are provided an affirmative defense in a prosecution for any offense other than prostitution or obscenity if the offense was committed as a result of force, fraud, or coercion by a sex trafficker	Vt. Stat. Ann. tit. 13, § 2652(c)(1)–(2) (Human trafficking)

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Virginia	No	No	Yes; victims of sex trafficking are provided an affirmative defense for CSE-related conduct	Va. Code Ann. § 18.2-361.1 (Victims of sex trafficking; affirmative defense)
Washington	No	No	No	N/A
West Virginia	No	Yes; applicable to the offense of aiding and abetting prostitution if coerced into the criminal behavior	No	W. Va. Code Ann. § 61-14-8(a), (b) (Immunity for minor victim of sex trafficking)
Wisconsin	No	No	Yes; victims of trafficking are provided an affirmative defense in a prosecution for any offense committed as a direct result of the trafficking victimization	Wis. Stat. § 939.46(1m) (Coercion)
Wyoming	Yes	Yes	N/A	Wyo. Stat. Ann. § 6-2-708(a) (Victim defenses; vacating convictions)
Totals:	10 states extend non-criminalization to sex trafficking offenses.	12 states extend non-criminalization to CSE offenses.	18 states make an affirmative defense available.	