

## **A Look Back: Building a Human Trafficking Legal Framework**

For the last four years, Polaris has rated all 50 states and the District of Columbia based on 10 categories of laws that are critical to establishing a basic legal framework to effectively combat human trafficking, punish traffickers, and support survivors. In the final year of our State Ratings on Human Trafficking Laws, the following analysis highlights the tremendous improvement and innovation during this time. Yet, while criminal statutes have been enacted across the United States, there is still a significant absence of laws to assist and protect victims of human trafficking. In addition, the passage of dozens of new laws now requires that states work to provide proper funding and support to ensure that these laws can be effectively implemented.

### **State Ratings Category Descriptions:**

- 1. Sex Trafficking:** A statute that criminalizes sex trafficking and includes elements of inducing another through force, fraud, or coercion to engage in a commercial sex act. Some states have related laws in the prostitution code and were given credit if they had the same criminal elements.
- 2. Labor Trafficking:** A statute that creates the crime of labor trafficking or trafficking in persons, in which a person is compelled through force, fraud, or coercion into providing labor or services.
- 3. (a) Asset Forfeiture for Human Trafficking:** A statute that provides for the forfeiture of assets used in the course of the crime or acquired with proceeds from the crime of human trafficking.  
**(b) Investigative Tools for Law Enforcement:** A statute that amends existing Racketeering (RICO) statutes to include the crime of human trafficking or authorizes the use of wiretapping by law enforcement in human trafficking investigations.
- 4. (a) Training on Human Trafficking for Law Enforcement:** A statute that mandates or encourages law enforcement to be trained in human trafficking issues and the law.  
**(b) Human Trafficking Commission or Task Force:** A statute that creates, establishes, or encourages a task force, commission or advisory committee dedicated to addressing human trafficking.
- 5. Lower Burden of Proof for Sex Trafficking of Minors:** A statute that ensures that the elements of force, fraud, or coercion are not required for a trafficker to be prosecuted for the sex trafficking of a minor. This statute must be under the sex trafficking section in order for the state to receive credit.
- 6. Posting a Human Trafficking Hotline:** A statute that mandates or encourages the public posting of a human trafficking hotline, such as the National Human Trafficking Resource Center hotline or a state human trafficking hotline.
- 7. Safe Harbor - Protecting Sexually Exploited Minors:** A statute that recognizes sexually exploited individuals under 18 as victims of a crime in need of protection and services by granting immunity from prosecution or diverting minors from juvenile delinquency proceedings, and instead directing them to child welfare services. In order to receive full credit, the state must have provisions that relate to both immunity or diversion and services for the child.
- 8. Victim Assistance:** A statute that provides assistance, mandates the creation of a victim services plan, or funds programs to help victims of human trafficking. Victim services and protection may include counseling, job assistance, housing, continuing education, legal services, and/or a human trafficking caseworker privilege.
- 9. Access to Civil Damages:** A statute that provides victims of human trafficking with the ability to seek civil damages from their traffickers.
- 10. Vacating Convictions for Sex Trafficking Victims:** A statute that permits victims to have convictions for prostitution that were committed as a result of being trafficked vacated from their criminal records.