



STATE LEGISLATION TO COMBAT CHILD SEX TRAFFICKING

The National Center for Missing & Exploited Children® (NCMEC) supports state legislative initiatives that strengthen state and local leaders' efforts to combat human trafficking. In particular, NCMEC supports initiatives that cover the following four topics: reporting children missing from care, safe harbor laws, adopting Erin's Law, and expanding statutes of limitations for victims of child sexual abuse and child sex trafficking. Also included below are examples of states that have already taken action on these initiatives.

Children Missing from Care

The Preventing Sex Trafficking and Strengthening Families Act of 2014 requires social services agencies to report children who go missing from their care to law enforcement and to NCMEC by September 2016. NCMEC is working with the U.S. Department of Health and Human Services, state governments, social services agencies and others to ensure states and localities are compliant with this provision.

Safe Harbor

NCMEC supports work which decriminalizes “child prostitution” and, instead, places the focus on protecting and providing services to minors as opposed to punishing them. We call on states to pass laws that remove criminal penalties for children who are sex trafficked and provide victims with protective and rehabilitative services.

Erin's Law

NCMEC believes that the key to empowering children and their families to better protect themselves is to provide children with child sexual abuse prevention education. Many states have enacted a so-called “Erin's Law” which requires child sexual abuse prevention education in schools.

Statute of Limitations

NCMEC is aware that it can take victims of child sexual abuse and child sex trafficking quite some time not only to come to terms with the abuse they suffered, but to report the abuse and seek compensation for the harm they endured. That is why we believe states (and the federal government) should pass legislation that extends the amount of time for victims to pursue civil remedies to seek redress for the harms they have suffered.

Please contact NCMEC's Legislative Affairs team with any additional questions or needs at legislativeaffairs@ncmec.org.

Children Missing from Care

- California:** CAL. PENAL CODE § 11166(j)(3) (effective January 1, 2016) (requiring county probation and welfare departments report children missing from care to law enforcement and NCMEC)
- Colorado:** COLO. REV. STAT. § 19-1-115.3 (effective January 1, 2016) (requiring state and county social services departments report children missing from care to law enforcement and NCMEC)
- Connecticut:** CONN. STAT. § 17a-8b (effective July 1, 2015) (requiring Department of Children & Families report children missing from care to law enforcement and NCMEC)
- Maine:** ME. REV. STAT. tit. 22, § 4008 (effective March 1, 2016) (requiring Department of Health & Human Services report children missing from care to law enforcement and NCMEC)
- Minnesota:** MINN. STAT. § 260C.212(13)(b) (effective July 1, 2015) (requiring Department of Human Services report children missing from care to law enforcement and NCMEC)

Safe Harbor

- Illinois:** 720 ILL. COMP. STAT. § 5/11-14(d) (providing immunity from prosecution for prostitution when the person who engaged in the act is under the age of 18)
- Minnesota:** MINN. STAT. §§ 145.4716, 260C.007 (providing an affirmative defense if person can prove he/she was a victim of sex trafficking and that his/her actions were the result of being a victim; permitting commercially sexually exploited minors to be treated as children in need of protection or services)
- Oklahoma:** OKLA. STAT. tit. 21, § 1029 (creating a presumption of coercion in any prosecution for child prostitution where the person committing the offense is 16 or 17 years of age)
OKLA. STAT. tit. 21, § 748.2 (requiring all human trafficking victims be placed in an appropriate shelter and, for minor victims of human trafficking or sexual abuse, requiring that law enforcement immediately notify the Department of Human Services and transfer the minor to DHS' custody)

Erin's Law

- Florida:** FLA. STAT. § 39.0015 (requiring a "primary prevention and training program" including a training and educational program for children, parents, and teachers directed toward preventing child sexual abuse, physical abuse, child abandonment, and child neglect including "child safety training and age-appropriate self-defense techniques;" establishing private, prevention training centers)
- Maine:** ME. REV. STAT. tit. 20-A, §§ 254(18), 4502(5-C) (requiring Commissioner of Education develop a model policy for child sexual abuse prevention education and response for children in grades K-5 and requiring schools adopt a local written policy beginning in 2017-2018 school year)
- New Mexico:** N.M. STAT. ANN. § 22-13-1 (requiring that "all health education courses include age-appropriate sexual abuse and assault awareness and prevention training")
- Rhode Island:** R.I. GEN. LAWS § 16-22-26 (requiring that children in grades K-8 "receive instruction designed to prevent the abduction, exploitation, or sexual abuse of children")

Statute of Limitations

- Connecticut:** CONN. GEN. STAT. § 52-577d (requiring civil actions for damages to a minor caused by sexual abuse, sexual exploitation, or sexual assault be commenced within 30 years of reaching the age of majority)
- Massachusetts:** MASS. GEN. LAWS Ch. 260, § 4C (requiring civil actions for damages to a minor caused by sexual abuse be commenced within 35 years of the acts alleged to have caused the injury or within 7 years from the time the victim discovered or should have discovered the injury, whichever occurs later; period of limitations is tolled until child reaches 18 years of age)
- North Dakota:** N.D. CEN. CODE § 12.1-41-15(3) (requiring civil actions for damages caused as a result of human trafficking be commenced within 10 years of the victim attaining 18 years of age or within 10 years after the victim was no longer subject to human trafficking, whichever is later)
N.D. CEN. CODE § 28-01-25.1 (requiring civil actions for damages caused by childhood sexual abuse be commenced within 7 years after the date in which the plaintiff knew or should have known that a potential claim resulting from the alleged abuse existed)
- Texas:** TEX. CIV. PRAC. & REM. CODE ANN. § 16.0045 (requiring that civil actions for damages resulting from sexual assault of a child, aggravated sexual assault of a child, continuous sexual abuse of young children, trafficking of persons, or compelling prostitution be brought within 15 years after the date in which the cause of action accrues)