



Minor Human Trafficking  
Shared Hope Grading  
Criteria Presentation



# Introduction

## Old: Protected Innocence Challenge

- 1) Criminization of Domestic Minor Sex Trafficking
- 2) Criminal Provisions for Demand
- 3) Criminal Provisions for Traffickers
- 4) Criminal Provisions for Facilitators
- 5) Protective Provisions for the Child Victims
- 6) Criminal Justice Tools for Investigation and Prosecution



# Report Cards on Child and Youth Sex Trafficking

## Policy Issue Areas:

- 1) Criminal Provisions
- 2) Identification of and Response to Victims
- 3) Continuum of Care
- 4) Access to Justice for Trafficking Survivors
- 5) Tools for a Victim-Centered Criminal Justice Response
- 6) Prevention and Training

**110 POINTS TOTAL**

**States earn up to 2.5  
points per component**

**100 possible points**

**Extra credit: Protections  
for labor and youth 18+**

**plus up to 10 points**

# Policy Goal 1. Criminal Provisions

## 1.1 - The child sex trafficking law is expressly applicable to buyers of commercial sex with any minor under 18.

- **§ 14-43.10(4) - Definitions (Minor)**
  - “A person who is less than 18 years of age.”
- **§ 14-43.11(a) - Human Trafficking**
  - “... when that person (i) knowingly or in reckless disregard of the consequences of the action **recruits, entices, harbors, transports, provides, or obtains by any means another person** with the intent that the other person be held in involuntary servitude or sexual servitude or (ii) willfully or in reckless disregard of the consequences of the action causes a **minor** to be held in involuntary servitude or sexual servitude.”
  - (b) - “A person who violates this section is guilty of a Class C felony if the victim of the offense is an adult. A person who violates this section is guilty of a Class B2 felony if the victim of the offense is a **minor**.”
- **§ 14-43.13(a) - Sexual Servitude**
  - “...when that person knowingly or in reckless disregard of the consequences of the action **subjects, maintains, or obtains another** for the purposes of sexual servitude.”
  - (b) - A person who violates this section is guilty of a Class D felony if the victim of the offense is an adult. A person who violates this section is guilty of a Class C felony if the victim of the offense is a **minor**.
- **§ 14-43.14(a) - 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: 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.”
  - (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). For each subsequent violation, a person is guilty of a Class F felony and shall pay a minimum fine of ten thousand dollars (\$10,000).”

# Policy Goal 1. Criminal Provisions

## 1.2 - Commercial sexual exploitation of children (CSEC) laws specifically criminalize purchasing or soliciting commercial sex with any minor under 18.

- **§ 14-203(2) - Article 27 - Prostitution - Definitions (Minor)**
  - “Any person who is less than 18 years of age.”
- **§ 14-205.1(a) - Solicitation of Prostitution**
  - “...any person who **solicits another for the purpose of prostitution** is guilty of a Class 1 misdemeanor for a first offense and a Class H felony for a second or subsequent offense. **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.** ... Punishment under this section may include participation in a program devised for the education and prevention of sexual exploitation (i.e. "John School"), where available. A person who violates this subsection is not eligible for a disposition of prayer for judgment continued under any circumstances.”
- **§ 14-205.2(a) - Patronizing a Prostitute**
  - “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, 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.”
- **§ 14-205.3(b) - Promoting Prostitution**
  - “Any person who willfully performs any of the following acts commits the offense of promoting prostitution of a **minor** ... : (1) **Advances prostitution** as defined in G.S. 14-203, 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 prostitution by any means where the prostitute is a **minor** ... at the time of the offense.”

# Policy Goal 1. Criminal Provisions

## 1.3 - CSEC laws apply to traffickers and protect all minors under 18.

- **§ 14-203(2) - Article 27 - Prostitution - Definitions (Minor)**
  - “Any person who is less than 18 years of age.”
- **§ 14-205.1 - Solicitation of Prostitution**
  - (a) “...any person who solicits another for the purpose of prostitution is guilty of a Class 1 misdemeanor for a first offense and a Class H felony for a second or subsequent offense. **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.** ... Punishment under this section may include participation in a program devised for the education and prevention of sexual exploitation (i.e. "John School"), where available. A person who violates this subsection is not eligible for a disposition of prayer for judgment continued under any circumstances.”
  - (b) “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.”
- **§ 14-205.2(a) - Patronizing a Prostitute**
  - “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, 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.”

# Policy Goal 1. Criminal Provisions

## 1.4 - Mistake of age is not an available defense under sex trafficking and CSEC laws.

- **G.S. § 14-43.11(c1) - Human Trafficking**
  - “Mistake of age is not a defense to prosecution under this section. Consent of a minor is not a defense to prosecution under this section.”
- **G.S. § 14-43.12(c1) - Involuntary Servitude**
  - “Mistake of age is not a defense to prosecution under this section. Consent of a minor is not a defense to prosecution under this section.”
- **G.S. § 14-43.13(b1) - Sexual Servitude**
  - “Mistake of age is not a defense to prosecution under this section. Consent of a minor is not a defense to prosecution under this section.”
- **G.S. § 14-205.3(b) - Promoting Prostitution, (not Soliciting or Patronizing)**
  - “Mistake of age is not a defense to a prosecution under this subsection”

# Policy Goal 1. Criminal Provisions

## 1.5 - Use of a law enforcement decoy is not an available defense under sex trafficking and CSEC laws.

- **G.S. § 14-202.3(a) - Solicitation of child by computer or certain other electronic devices to commit an unlawful sex act** (only for solicitation of child by computer; nothing for HT or prostitution statutes)
  - “Offense. - A person is guilty of solicitation of a child by a computer if the person is 16 years of age or older and the person knowingly, with the intent to commit an unlawful sex act, entices, advises, coerces, orders, or commands, by means of a computer or any other device capable of electronic data storage or transmission, a child who is less than 16 years of age and at least five years younger than the defendant, or a person the defendant **believes to be a child** who is less than 16 years of age and who the defendant believes to be at least five years younger than the defendant, to meet with the defendant or any other person for the purpose of committing an unlawful sex act. Consent is not a defense to a charge under this section.”



# Policy Goal 1. Criminal Provisions

## 1.6 - The trafficking law expressly prohibits financially benefiting from assisting or enabling child sex trafficking.

- **G.S. § 14-205.3(a) - Promoting Prostitution (nothing for HT)**
  - “Any person who willfully performs any of the following acts commits promoting prostitution:
    - (1) Advances prostitution as defined in G.S. 14-203.
    - **(2) Profits from prostitution by doing any of the following:**
      - a. Compelling a person to become a prostitute.
      - b. Receiving a portion of the earnings from a prostitute for arranging or offering to arrange a situation in which the person may practice prostitution.
      - c. Any means other than those described in sub-subdivisions a. and b. of this subdivision, including from a person who patronizes a prostitute. This sub-subdivision does not apply to a person engaged in prostitution who is a minor. A person cannot be convicted of promoting prostitution under this sub-subdivision if the practice of prostitution underlying the offense consists exclusively of the accused’s own acts of prostitution under G.S. 14-204.”

# Policy Goal 1. Criminal Provisions

## 1.7 - State law mandates that financial penalties are levied on sex trafficking and CSEC offenders and are directed to a victim services fund (NEW PROVISION)

- **G.S. § 14-43.20(b) - Mandatory Restitution to Victim of HT**
  - “Restitution. - Restitution for a victim is mandatory under this Article. 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.”
- **G.S. § 14-43.20(e) - Court May Require Forfeiture of Offender Property**
  - “A person who commits a violation of G.S. 14-43.11, 14-43.12, or 14-43.13 is subject to the property forfeiture provisions set forth in G.S. 14-2.3.”
- **G.S. §14-43.20(f) - Directs Funds Not Claimed to Crime Victims Compensation Fund for HT**
  - “Escheat. - If a judge finds that the victim to whom restitution is due under this Article is unavailable to claim the restitution award, then the judge shall order the restitution be made payable to the clerk of superior court in the county in which the conviction for the offense requiring restitution occurred. If the victim fails to claim the restitution award within two years of the date of the restitution order issued by the judge, the clerk shall remit the restitution proceeds to the Crime Victims Compensation Fund established pursuant to G.S. 15B-23. Notwithstanding any provision of G.S. 15B-23 to the contrary, funds remitted to the Crime Victims Compensation Fund shall be used only to provide aid to victims who are (i) worthy and needy as determined by the Crime Victims Compensation Commission and (ii) enrolled in public institutions of higher education of this State.”
- **G.S. § 15A-830 - Crime Victims Rights Act**
  - **(6a) - Offense against the person.**
    - Subchapter III of Chapter 14 of the General Statutes (Human Trafficking).
    - Subchapter VII of Chapter 14 of the General Statutes (Prostitution).
  - **(7) - Victim.** - A person against whom there is probable cause to believe an *offense against the person*...has been committed.
  - **G.S. § 15A-834. Restitution** - “A *victim* has the right to receive *restitution* as ordered by the court...”
- **G.S. § 15A-1340.34. Restitution generally.**
  - “The court shall determine whether the defendant shall be ordered to make restitution to any victim of the offense in question.”

# Policy Goal 2. Identification of and Response to Victims

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

- **G.S. § 14-43.11(a) - Human Trafficking:**
  - "... when that person (i) knowingly or in reckless disregard of the consequences of the action recruits, entices, harbors, transports, provides, or obtains by any means another person with the intent that the other person be held in involuntary servitude or sexual servitude or (ii) willfully or in reckless disregard of the consequences of the action causes a minor to be held in involuntary servitude or sexual servitude."
- **G.S. § 14-43.13 - Sexual Servitude**
  - "... person commits the offense of sexual servitude when that person knowingly or in reckless disregard of the consequences of the action subjects, maintains, or obtains another for the purposes of sexual servitude."
- The above definitions require third party control. The prostitution statutes do not require third party control, but these statutes do not treat children as sex trafficking victims and only allows them to be immune from prosecution.

# Policy Goal 2. Identification of and Response to Victims

## **2.2: State law requires child welfare to develop policy guidance on responding to foreign national children. (NEW PROVISION)**

- Nothing explicitly relevant, but G.S. § 14-43.11(d) states that non-residents of NC are entitled to public benefits if they are a victim, which could potentially be extended to foreign nationals.

# Policy Goal 2. Identification of and Response to Victims

## **2.3: State law mandates child welfare agencies to conduct trauma-informed CSEC screening for children at risk of sex trafficking. (NEW PROVISION)**

- NC Child Protective Services has established protocols to screen for children at risk of human and sex trafficking, but these are not required by statute.

# Policy Goal 2. Identification of and Response to Victims

## **2.4: State law mandates juvenile justice agencies to conduct trauma-informed CSEC screening of children at risk of sex trafficking. (NEW PROVISION)**

- No statutes directly on point, but DHHS Policies require a screening of human trafficking and CSEC victims.

# Policy Goal 2. Identification of and Response to Victims

## 2.5: State law prohibits the criminalization of minors under 18 for prostitution offenses.

- **G.S. § 14-204(c) - Prostitution**
  - 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.
- **G.S. § 14-205.1(b) - Solicitation of Prostitution**
  - 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 who is soliciting as a prostitute, 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.

\* only applies to victims under 18

# Policy Goal 2. Identification of and Response to Victims

**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. (NEW PROVISION)**

- No statute which specifically decriminalizes HT and CSEC offenses committed by minors other than the prostitution statutes. The only statutes that come close are the affirmative defense statutes ( which only provides a defense, but does not say that it is not a crime) and the post-conviction remedies.



# Policy Goal 2. Identification of and Response to Victims

**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. (NEW PROVISION)**

- **G.S. § 14-204(c) - Prostitution**
  - 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.
- **G.S. § 14-205.1(b) - Solicitation of Prostitution**
  - 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 who is soliciting as a prostitute, 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.

# Policy Goal 2. Identification of and Response to Victims

## **2.8: State law provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization. (NEW PROVISION)**

- While G.S. § 14-43.16 (Affirmative Defense Statute) provides a defense for violations of the trafficking statutes, there is no statute that provides a defense to other violent felonies as a result of trafficking victimization.

# Policy Goal 2. Identification of and Response to Victims

## **2.9: Juvenile court jurisdiction extends to all minors under 18 charged with a law violation. (NEW PROVISION)**

- Juvenile Court does not retain jurisdiction over all minors, depending on the offense. While juvenile court jurisdiction was extended in 2019, there are still offenses, which can be transferred to Superior Court.

\* This jurisdiction does not apply to offenders over 18

# Policy Goal 2. Identification of and Response to Victims

## 2.10: State law defines child sex trafficking as a form of abuse for purposes of child welfare involvement.

- **G.S. §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. . . .”
- **G.S. 14-43.15 - Minor Victims**
  - “Any minor victim of a violation of G.S. 14-43.11, 14-43.12, or 14-43.13 shall be alleged to be abused and neglected and the provisions of Subchapter I of Chapter 7B of the General Statutes shall apply.”
- **G.S. § 14-204(c) - Prostitution**
  - “. . . 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. . . .”
- **G.S. § 14-205.1(b) - Solicitation of Prostitution**
  - “. . . a minor who is soliciting as a prostitute, that person shall be immune from prosecution under this section and instead shall be taken into temporary protective custody as an undisciplined juvenile. . . .”

# Policy Goal 2. Identification of and Response to Victims

**2.11: State law clearly defines child welfare's role in responding to non-familial child sex trafficking through an alternative specialized response that does not hinge on caregiver fault.**

- G.S. § 7B-101 Definitions
  - (1): “abused juvenile”;
  - (15): “neglected juvenile”;
  - (18a): “responsible person” identifies traffickers as a separate category from caretaker.
- No statute regarding specialized response, but DHHS Guidelines do require a specialized response.

# Policy Goal 3. Continuum of Care

## 3.1 - State law provides child sex trafficking victims with access to specialized services through a non-punitive system.

- **G.S. § 14-204(c) - Prostitution** (law enforcement reports juvenile sex trafficking case to DSS; § 14-205.1(b) (solicitation of prostitution)- DSS will investigate / determine if protective services are necessary; but could not find statutorily mandated “specialized services”)
  - “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.”
- **G.S. § 14-43.20(c) - Mandatory restitution; victim services; forfeiture** - DHHS may fund victim services
  - “Trafficking Victim Services. - Subject to the availability of funds, the Department of Health and Human Services may provide or fund emergency services and assistance to individuals who are victims of one or more offenses under G.S. 14-43.11, 14-43.12 (involuntary servitude), or 14-43.13.”
- # Pursuant to G.S. 7B-101(1) and 14-43.15, applies to involuntary servitude
  - **G.S. § 7B-101(1) - 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 ...**”
  - **G.S. § 14-43.15 - Minor victims.** “Any minor victim of a violation of G.S. 14-43.11 [HT], **14-43.12 [Involuntary Serv.]**, or 14-43.13 [Sexual Serv.] shall be alleged to be abused and neglected and the provisions of Subchapter 1 of Chapter 7B ... shall apply.”
- \* Only applies to minors under 18

# Policy Goal 3. Continuum of Care

**3.2 - State law provides for a survivor-centered multi-disciplinary team response to child sex trafficking cases (NEW PROVISION).**

- No relevant statute that mandates this.

# Policy Goal 3. Continuum of Care

## 3.3 - State law requires specialized services for identified sex trafficked children and youth in the juvenile justice system (NEW PROVISION).

- **G.S. § 14-204(c) -Prostitution** (law enforcement reports juvenile ST case to DSS; § 14-205.1(b) (solicitation of prostitution)- DSS will investigate / determine if protective services are necessary; but could not find statutorily mandated “specialized services”)
  - “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.”



# Policy Goal 3. Continuum of Care

## 3.4 - State law extends child welfare protections to transition age youth (NEW PROVISION).

- **G.S. § 131D-10.2B** - Foster care until 21 years of age.
  - “(a) A child placed in foster care who has attained the age of 18 years may continue receiving foster care services until reaching 21 years of age as provided by law. A child who initially chooses to opt out of foster care upon attaining the age of 18 years may opt to receive foster care services at a later date until reaching 21 years of age.
  - (b) A child who has attained the age of 18 years and chosen to continue receiving foster care services until reaching 21 years of age may continue to receive benefits pursuant to Part 4 of Article 2 of Chapter 108A of the General Statutes upon meeting the requirements under G.S. 108A-48(c). (2015-241, s. 12C.9(e).)”
- **G.S. § 108A-48** - foster care benefits extended for individuals in foster care up to age 21 upon certain conditions.
  - “(c) 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.”

# Policy Goal 3. Continuum of Care

## **3.5 - State funding is appropriated to support specialized services and a continuum of care for sex trafficked children regardless of system involvement (NEW PROVISION).**

- No statute that mandates this, but see:
  - [U.S. Attorney Matt Martin Announces More Than \\$65 Million Available to Fight Human Trafficking and Help Trafficking Victims](#)
  - March 25, 2020 announcement from MDNC - “Multidisciplinary Task Force Program to Combat Human Trafficking” ; Services for Victims of HT (\$16.5 mil available)
- NC Human Trafficking Commission allocated over \$1M in victim services grants using appropriated funds in 2018 ([2019 Report](#)) (2020 Report not available)

# Policy Goal 3. Continuum of Care

## **3.6 - State funding is appropriated to support child-serving agencies with providing specialized services and a continuum of care for sex trafficked children (NEW PROVISION).**

- Included in the yearly State budget - funding for HT Commission, DHHS, CACNC, NCCAHT, NCCASA, etc.
- [U.S. Attorney Matt Martin Announces More Than \\$65 Million Available to Fight Human Trafficking and Help Trafficking Victims](#)
  - Funds: “Integrated Services for Minor Victims of Labor Trafficking”; “Specialized Training and Technical Assistance on Housing for Victims of HT” ; “Services for Victims of HT” ; “Research and Evaluation on Trafficking in Persons” ; “Preventing Trafficking of Girls.”

\* Many of these agencies provide services to age 18+

# Policy Goal 4. Access to Justice for Trafficking Survivors

## 4.1: Civil orders of protection are specifically available to trafficking victims. (NEW PROVISION)

- **G.S. § 50C-5 - Civil No-Contact Orders**

- “Upon a finding that the victim has suffered unlawful conduct committed by the respondent, the court may issue temporary or permanent civil no-contact orders as authorized in this Chapter. In determining whether or not to issue a civil no-contact order, the court shall not require physical injury to the victim.”
  - Does not specifically mention trafficking victims, but could arguably fit under this statute.
  - Possible solution: revise Chapter 50B definition of “domestic violence” and “personal relationship” to include human trafficking or add an entirely new provision all together specific to human trafficking. Since a violation of 50B is a criminal violation, it would be a stronger protection to add this under 50B rather than 50C, if possible.

# Policy Goal 4. Access to Justice for Trafficking Survivors

**4.2:** Ineligibility factors for crime victims' compensation do not prevent victims of child sex trafficking or commercial sexual exploitation of children (CSEC) from accessing compensation.

- **G.S. §15B-2(2)(e) - Definition of Claimant**
  - Claimant includes “A person who was convicted of a first offense under G.S. 14-204 and whose participation in the offense was a result of having been a trafficking victim under G.S. 14-43.11 or G.S. 14-43.13 or a victim of a severe form of trafficking under the federal Trafficking Victims Protection Act”
- **G.S. § 15B-4(a) - Limits on Access to Compensation**
  - “Compensation shall only be paid for economic loss and not for noneconomic detriment.”

# Applies to victims of Involuntary Servitude

# Policy Goal 4. Access to Justice for Trafficking Survivors

**4.3:** Sex trafficked children and youth may vacate delinquency adjudications and criminal convictions for offenses arising from trafficking victimization without a waiting period.

- **G.S. 7B-3200(b)(2) - Expunction of Juvenile Records**
  - “The requirements set forth in subdivision (2) of this subsection [18 month waiting period] shall not apply to a person whose participation in the offense was a result of having been a victim of human trafficking as defined in G.S. 14-43.10 or a victim of a severe form of trafficking in persons as defined in the federal Trafficking Victims Protection Act, 22 U.S.C. § 7102.
- **G.S. §15A-145.6 - Expunction of Prostitution Offense**
  - “A person who has been convicted of a prostitution offense may file a petition in the court of the county where the person was convicted for expunction of the prostitution offense from the person's criminal record”
- **G.S. § 15A-145.9(b) - Expunction of Human Trafficking Offenses**
  - “A person who has been convicted of a nonviolent offense may file a petition in the court of the county where the person was convicted for expunction of the nonviolent offense from the person's criminal record if the court finds that the person was coerced or deceived into committing the offense as a direct result of having been a trafficking victim.”
- **G.S. § 15A-1415(b)(10) - Motion for Appropriate Relief**
  - Allowed when “ The defendant was convicted of a nonviolent offense as defined in G.S. 15A-145.9; 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.”

# Applies to Involuntary Servitude

# Policy Goal 4. Access to Justice for Trafficking Survivors

**4.4:** State law mandates restitution for child sex trafficking, commercial sexual exploitation of children (CSEC), and child sexual abuse material (CSAM) offenses.

- **G.S. § 14-43.20(c) - Mandatory Restitution; child sex trafficking victims and labor**
  - “Subject to the availability of funds, the Department of Health and Human Services may provide or fund emergency services and assistance to individuals who are victims of one or more offenses. . .”
- **G.S. § 15A-1340.34(a) - Restitution Generally**
  - “. . . 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.”
- **G.S. § 15A-830(6a) - Crime Victims Rights Act**
  - Provides for restitution for all crimes that are included in Chapter 14, Subchapter III (Human Trafficking) and Subchapter VII (Prostitution) among other crimes.

# Applies to involuntary servitude

# Policy Goal 4. Access to Justice for Trafficking Survivors

**4.5:** State law provides child sex trafficking victims with a trafficking-specific civil remedy.

- G.S. §14-43.18(a) - Civil Cause of Action for Human Trafficking, Involuntary Servitude and Sexual Servitude.
  - “An individual who is a victim may bring a civil action against a person who violates this Article 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.”

# Applies to all crimes, including involuntary servitude.

\* Applies to victims of all ages



# Policy Goal 4. Access to Justice for Trafficking Survivors

**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.

- ***State v. Hardin*, 201 S.E.2d 74 (N.C. Ct. App. 1973)**
  - Holds that there is no statute of limitations for any felony.
- **N.C.G.S. § 14-43.18(e) - Civil Statute of Limitations**
  - “Statute of Limitations. – No action may be maintained under subsection (a) 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.”

# Applies to all crimes, including involuntary servitude.

\* Applies to victims of all ages.

# Policy Goal 5. Tools for a Victim-Centered Criminal Justice Response

**5.1** State law provides a child sex trafficking-specific hearsay exception that applies to non-testimonial evidence to reduce reliance on victim testimony.

**5.3** Child sex trafficking victims have the right to a victim advocate at all stages of the investigation and prosecution of the perpetrator(s).

# Policy Goal 5. Tools for a Victim-Centered Criminal Justice Response

## 5.2 State law allows child sex trafficking victims to testify by closed circuit television regardless of the prosecuted offense.

- **G.S. § 15A-1225.1(b) - Child Witnesses; Remote Testimony**
  - (Not specific to child sex trafficking victims, but generally, “a child witness... may testify...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.”)
- \* only applies to children under 16
- # applies to any criminal proceeding, including involuntary servitude

# Policy Goal 5. Tools for a Victim-Centered Criminal Justice Response

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

- **G.S. § 8-53.12(b)**
  - Communications with agents of rape crisis centers and domestic violence programs privileged applies to sexual assault victim or domestic violence victim / rape crisis center, but does not specify child sex trafficking victims.

# Policy Goal 6. Prevention and Training

**6.1 State law mandates statewide training for child welfare agencies on identification and responses to child sex trafficking.**

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

**6.3 State law mandates trafficking-specific training on victim-centered investigations for law enforcement.**

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

# Policy Goal 6. Prevention and Training

## **6.5 State law mandates child sex trafficking training for school personnel.**

- G.S. §115C-375.20 - Child sexual abuse and sex trafficking training program required.
- G.S. § 115C-376.5 (b)(1)(e) - School-Based Mental Health Plan Required (Sex Trafficking Prevention)
- G.S. § 115C-47(64) - To adopt a child sexual abuse and sex trafficking training program.

# Policy Goal 6. Prevention and Training

## **6.6 State law mandates child sex trafficking prevention education in schools.**

- G.S. §115C-375.20 - Child sexual abuse and sex trafficking training in schools.
- G.S. § 115C-47(64) - To adopt a child sexual abuse and sex trafficking training program.