

**Shared Hope 2022 Grading Criteria Analysis**

	<b>Criminal Provisions</b>	<b>Points</b>	<b>New Provision or Change?</b>	<b>NC Legislation?</b>
1.1	Child Sex Trafficking Law expressly applicable to buyers of commercial sex with any minor under 18.	2.5		§ 14-43.10(4) - Definitions (Minor) § 14-43.14(a) - Unlawful Sale, Surrender, or Purchase of a Minor § 14-43.11(a) - Human Trafficking § 14-43.13(a) - Sexual Servitude
1.2	CSEC laws specifically criminalize purchasing or soliciting commercial sex with any minor under 18.	2.5		§ 14-203(2) - Definitions (Minor) § 14-205.1(a) - Solicitation of Prostitution § 14-205.2(a) - Patronizing a Prostitute § 14-205.3(b) - Promoting Prostitution
1.3	CSEC laws apply to traffickers and protect all minors under 18	2.5		§ 14-203(2) - Definitions (Minor) § 14-205.1(a) - Solicitation of Prostitution

\* provision eligible for extra credit when extended to youth 18+

# provision eligible for extra credit when extended to child labor victims

				§ 14-205.2(a) - Patronizing a Prostitute
1.4	Mistake of age is not an available defense under child sex trafficking and CSEC laws.	2.5		G.S. § 14-43.11(c1) - Human Trafficking G.S. § 14-43.12(c1) - Involuntary Servitude G.S. § 14-43.13(b1) - Sexual Servitude G.S. § 14-205.3(b) - Promoting Prostitution, not Soliciting or Patronizing
1.5	Use of law enforcement decoy is not an available defense under sex trafficking and CSEC laws.	2.5		None G.S. § 14-202.3(a) (only for solicitation of child by computer; nothing for HT or prostitution statutes)
1.6	The trafficking law expressly prohibits financially benefitting from assisting or enabling child sex trafficking.	2.5		G.S. § 14-205.3(a) - Promoting Prostitution (nothing for HT)

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1.7	State law mandates that financial penalties are levied on sex trafficking and CSEC offenders and are directed to a victim services fund.	2.5	New Provision	<p>G.S. § 14-43.20(b) - mandatory restitution to victim of HT</p> <p>G.S. § 14-43.20(e) - court may require forfeiture of offender property for HT</p> <p>G.S. § 14.43.20(f) - directs funds not claimed to Crime Victims Compensation Fund for HT</p> <p>None specifically for Prostitution statutes</p> <p>G.S. § 15A-830 - Crime Victims Rights Act provides for restitution for all crimes that are included in Chapter 14, Subchapter III (HT) and Subchapter VII (Prostitution) among other crimes.</p>
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	Identification of and Response to Victims	Points	New Provision or Change?	NC Legislation?
2.1	The definition of child sex trafficking victim in the criminal code includes all commercially sexually exploited children without requiring third party control.	2.5		<p>G.S. § 14-43.11(a) - Human Trafficking</p> <p>G.S. § 14-43.13 - Sexual Servitude</p>

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2.2	State law requires child welfare to develop policy guidance on responding to foreign national children.	2.5	New Provision	None  The only provision relevant to non-residents of NC is § 14-43.11(d), which states that non-residents of NC are entitled to public benefits if they are a victim; could potentially be extended to foreign nationals.
2.3	State law mandates child welfare agencies to conduct trauma-informed CSEC screening for children at risk of sex trafficking.	2.5*	New Provision	None  NC CPS/CWS does have established protocols / guidance to screen for children at risk of HT/ST, but these are not required by statute. <a href="https://policies.ncdhhs.gov/divisional/social-services/child-welfare/policy-manuals/modified-manual-1/cps-intake.pdf">https://policies.ncdhhs.gov/divisional/social-services/child-welfare/policy-manuals/modified-manual-1/cps-intake.pdf</a> <a href="https://files.nc.gov/ncdhhs/documents/files/dss/dcdl/childwelfareservices/CWS-25-2018a.pdf">https://files.nc.gov/ncdhhs/documents/files/dss/dcdl/childwelfareservices/CWS-25-2018a.pdf</a>
2.4	State law mandates juvenile justice agencies to conduct trauma-informed CSEC screening of children at risk of sex trafficking.	2.5*	New Provision	None  DHHS Policies require a screening of HT and CSEC victims: <a href="https://policies.ncdhhs.gov/divisional/social-services/child-welfare/policy-manuals/modified-manual-1/assessments.pdf">https://policies.ncdhhs.gov/divisional/social-services/child-welfare/policy-manuals/modified-manual-1/assessments.pdf</a>
2.5	State law prohibits the criminalization of minors under 18 for prostitution offenses.	2.5*		G.S. § 14-204(c) - Prostitution  G.S. § 14-205.1(b) - Solicitation of Prostitution

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				* only applies to victims under 18
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.	2.5*#	New Provision	<p>None</p> <p>G.S. § 15A-145.9 - allows for expunction of non-violent offense</p> <p>G.S. § 15A-1416.1 - allows court to vacate non-violent offenses upon motion for appropriate relief by defendant</p> <p>No statute, which specifically decriminalizes HT and CSEC offenses committed by minors other than the prostitution statutes listed in 2.7. The only statutes that come close are the affirmative defense statutes (see 2.8 - which only provides a defense, but does not say that it is not a crime) and the post-conviction remedies (see above and 2.6).</p> <p>*# - affirmative defense statute applies to victims of any age and involuntary servitude.</p>

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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.	2.5	New Provision	G.S. § 14-204(c) - Prostitution  G.S. § 14-205.1(b) - Solicitation of Prostitution  For HT, none. See note in 2.6 (above)
2.8	State law provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.	2.5*#	New Provision	None  While G.S. § 14-43.16 (Affirmative Defense Statute) provides a defense for violations of the trafficking statutes, we do not have a statute that provides a defense to other violent felonies as a result of their trafficking victimization.
2.9	Juvenile court jurisdiction extends to all minors under 18 charged with a law violation.	2.5*	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

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2.10	State law defines child sex trafficking as a form of abuse for purposes of child welfare involvement.	2.5		<p>G.S. §7B-101(1) - Definitions (Abused Juveniles)</p> <p>G.S. 14-43.15 - Minor Victims</p> <p>G.S. §7B-101(1) - Definitions (Abuse)</p> <p>§ 14-204(c) - Prostitution</p> <p>§ 14-205.1(b) - Solicitation of prostitution (requires child to be taken into custody as undisciplined juvenile. Discuss whether this language should be amended per Shared Hope’s previous comments.)</p>
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.	2.5		<p>G.S. § 7B-101 Definitions (1): “abused juvenile”; (15): “neglected juvenile”; and (18a): “responsible person” identifies traffickers as a separate category from caretaker.</p> <p>No statute regarding specialized response, but DHHS Guidelines do require a specialized response: See <a href="https://policies.ncdhhs.gov/divisional/social-services/child-welfare/policy-manuals/modified-manual-1/assessments.pdf">https://policies.ncdhhs.gov/divisional/social-services/child-welfare/policy-manuals/modified-manual-1/assessments.pdf</a></p>

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	Continuum of Care	Points	New Provision or Change?	NC Legislation?
3.1	State law provides child sex trafficking victims with access to specialized services through a non-punitive system.	2.5*#		<p>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”)</p> <p>G.S. § 14-43.20(c) - DHHS may fund victim services</p> <p># Pursuant to G.S.7B-101(1) and 14-43.15, applies to involuntary servitude</p> <p>* Only applies to minors under 18</p>
3.2	State law provides for a survivor-centered multi-disciplinary team response to child sex trafficking cases.	2.5*	New Provision	None
3.3	State law requires specialized services for identified sex trafficked children and youth in the juvenile justice system.	2.5	New Provision	<p>None</p> <p>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”)</p>

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3.4	State law extends child welfare protections to transition age youth.	2.5	New Provision	G.S. § 131D-10.2B - Foster care until 21 years of age.  G.S. § 108A-48 - foster care benefits extended for individuals in foster care up to age 21 upon certain conditions.
3.5	State funding is appropriated to support specialized services and a continuum of care for sex trafficked children regardless of system involvement.	2.5*#	New Provision	No statute that mandates this, but see:  <a href="#">U.S. Attorney Matt Martin Announces More Than \$65 Million Available to Fight Human Trafficking and Help Trafficking Victims</a>  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 ( <a href="#">2019 Report</a> ) (2020 Report not available)
3.6	State funding is appropriated to support child-serving agencies with providing specialized services and a continuum of care for sex trafficked children.	2.5*	New Provision	Included in the yearly State budget - funding for HT Commission, DHHS, CACNC, NCCAHT, NCCASA, etc.  <a href="#">U.S. Attorney Matt Martin Announces More Than \$65 Million Available to Fight Human Trafficking and Help Trafficking Victims</a>

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				<p>“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.”</p> <p>* Many of these agencies provide services to age 18+</p>
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	Access to Justice for Trafficking of Survivors	Points	New Provision or Change?	NC Legislation?
4.1	Civil Orders of Protection are specifically available to trafficking victims.	2.5#	New Provision	<p>None</p> <p>G.S. § 50C - civil no-contact orders; does not specifically mention trafficking victims, but could arguably fit under this statute.</p> <p>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.</p>

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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.	2.5*#		<p>Crime Victim's Compensation specifically allows for compensation to victims of Human Trafficking and CSEC (Prostitution statute). However, pursuant to §15B-2(2)(a); § 15B-4(a), for all victims, "compensation shall only be paid for economic loss and not for noneconomic detriment."</p> <p># Applies to victims of Involuntary Servitude</p>
4.3	Sex trafficked children and youth may vacate delinquency adjudications and criminal convictions for offenses arising from trafficking victimization without a waiting period.	2.5#		<p>G.S. 7B-3200(b)(2) - "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.</p> <p><b>Note:</b> No CSEC language here and juvenile must be 18 to expunge a juvenile adjudication.</p> <p>G.S. § §15A-145.6 - expunction of Prostitution Offense (note: requires either (1) a 3 year waiting period <u>or</u> (2) the offense was conditionally discharged upon conviction).</p> <p>G.S. § 15A-145.9 - expunction of Human Trafficking Offenses</p> <p>G.S. § 15A-1415(b)(10) - Motion for Appropriate Relief allowed when " The defendant was convicted of a</p>

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				<p>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.”</p> <p># Applies to Involuntary Servitude</p>
4.4	State law mandates restitution for child sex trafficking, commercial sexual exploitation of children (CSEC), and child sexual abuse material (CSAM) offenses.	2.5#		<p>G.S. § 14-43.20(b) - Mandatory Restitution; child sex trafficking victims and labor)</p> <p>G.S. § 15A-1340.34(a) - restitution generally</p> <p>G.S. § 15A-830 - Crime Victims Rights Act provides for restitution for all crimes that are included in Chapter 14, Subchapter III (HT) and Subchapter VII (Prostitution) among other crimes.</p> <p># Applies to involuntary servitude</p>
4.5	State law provides child sex trafficking victims with a trafficking-specific civil remedy.	2.5*#		<p>G.S. §14-43.18(a) - Civil Cause of Action for Human Trafficking, Involuntary Servitude and Sexual Servitude.</p> <p># Applies to all crimes, including involuntary servitude. * Applies to victims of all ages</p>

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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.	2.5*#		<p><i>State v. Hardin</i>, 201 S.E.2d 74 (N.C. Ct. App. 1973) - no statute of limitations for any felony.</p> <p>N.C.G.S. § 14-43.18(e) civil statute of limitations is extended to 10 years from the time the individual turns 18.</p> <p># Applies to all crimes, including involuntary servitude.</p> <p>* Applies to victims of all ages.</p>
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	<b>Tools for Victim-Centered Criminal Justice Response</b>	<b>Points</b>	<b>New Provision or Change?</b>	<b>NC Legislation?</b>
5.1	State law provides a child sex trafficking-specific hearsay exception that applies to non-testimonial evidence to reduce reliance on victim testimony.	2.5*#	New Provision	None
5.2	State law allows child sex trafficking victims to testify by closed circuit television regardless of the prosecuted offense.	2.5*#	New Provision	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

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				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
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).	2.5*#	New Provision	None
5.4	State law provides for privileged communications between caseworkers and child sex trafficking victims.	2.5*#	New Provision	None  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.)

	<b>Prevention and Training</b>	<b>Points</b>	<b>New Provision or Change?</b>	<b>NC Legislation?</b>
6.1	State law mandates statewide training for child welfare agencies on identification and responses to child sex trafficking.	2.5	New Provision	None

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6.2	State law mandates statewide training for juvenile justice agencies on identification and response to child sex trafficking.	2.5	New Provision	None
6.3	State law mandates trafficking-specific training on victim-centered investigations for law enforcement.	2.5	New Provision	None
6.4	State law mandates trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.	2.5	New Provision	None
6.5	State law mandates child sex trafficking training for school personnel.	2.5	New Provision	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.
6.6	State law mandates child sex trafficking prevention education in schools.	2.5	New Provision	G.S. §115C-375.20 - Child sexual abuse and sex trafficking training in schools.

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				G.S. § 115C-47(64) - To adopt a child sexual abuse and sex trafficking training program.
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Extra Credit: +1 point per component, only if the 2.5 has been achieved and then extended to either youth age 18+ or labor trafficking victims, maximum 5 points for youth 18+ and 5 points for labor trafficking for a total of 10 possible extra credit points

1) In recognition of the impact that specific policies have on youth age 18+ and/or on minors who experience sex and labor trafficking polyvictimization, several components are eligible for receiving extra credit if state law extends the same protection to youth age 18+ and/or child victims of labor trafficking.

- a. Preventing Sex Trafficking and Strengthening Families Act (2014): Child welfare policies can apply up to the age of 26
- b. Justice for Victims of Trafficking Act (2015) allows for the use of ‘child’ to apply up to 24 years old for child abuse prevention and treatment programs
- c. Provisions: 2.3, 2.4, 2.5, 2.6, 2.8, 2.9, 3.1, 3.2, 3.5, 3.6, 4.2, 4.5, 4.6, 5.1, 5.2, 5.3, 5.4 (designated above with a \*)

2) Extension to labor trafficking

- a. Application of many of the provisions
  - i. 2.6, 2.8, 3.1, 3.5, 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 5.1, 5.2, 5.3 (designated above with a #)

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