

analysis

AN EXAMINATION OF STATE LAWS ON HUMAN TRAFFICKING

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The federal anti-trafficking statute, the Trafficking Victims Protection Act (TVPA), was enacted in 2000. Since that time, 36 states have addressed the issue of human trafficking through some manner of legislation.¹ The proliferation of state anti-trafficking statutes is an important advancement in the anti-trafficking movement, and the Renewal Forum welcomes and encourages this development. This judgment is based on a simple resource calculation: the passage of state anti-trafficking statutes empowers local law enforcement agencies to investigate and prosecute trafficking cases – the federal statute does not so incentivize local efforts – and local law enforcement personnel in the aggregate dwarfs what federal law enforcement agencies are able and willing to deploy to fight human trafficking.

*However, the fact of a state having an anti-trafficking law may not be as important as having a **good** law, and every state anti-trafficking statute passed to date has significant defects. This analysis is intended to promote the passage of effective and authentically victim-centered anti-trafficking laws by the states, so as to create a national environment in which the practice of modern-day slavery is eradicated. This report is accompanied by the release of the Renewal Forum's Model State Law on Human Trafficking.*

¹ The term “human trafficking” is an unfortunate misnomer. The crime of human trafficking need not entail the movement of people; the crime of human trafficking is at root the exploitation of the person – compelling them to do something against their will – for the purpose of profiting from their labor or sex acts.

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SUMMARY OF FINDINGS

1. As of today, 36 states have passed some sort of legislation regarding human trafficking.
 - Of these 36, 33 have criminalized the trafficking in persons.
 - Of these 33, 28 have passed statutes that criminalize both labor exploitation and sex exploitation.
 - Of these 28, 20 include adequately broad language recognizing that trafficking may be the result of force, fraud or coercion (fraud is the element most likely to be omitted), and define "sex" or "commercial sex" broadly enough to include crimes such as forcing a victim to participate in the production of obscenity.
2. The highest grade received by any state for its anti-trafficking statute is a B-. That state is Illinois. Only five states received a C- or better.
3. Fourteen states and the District of Columbia do not have anti-trafficking statutes, and so received a grade of "F." Six states with anti-trafficking statutes received a grade of "F" or "F+:" Colorado, Hawaii, Louisiana, South Carolina, Utah and Virginia.
4. No state is adequately protecting juvenile victims of sex trafficking – and this is by far the largest population of trafficking victims in the United States (the federal law holds that any juvenile under the age of 18 who engages in commercial sex is a victim of trafficking). While 21 states have specific laws against the exploitation of children in prostitution, these only criminalize the act of having sex with a prostitute under 18 (some states have a lower age threshold). Instead of giving these children their appropriate legal status as the victim of a crime, virtually every state treats the child victim as a perpetrator of a crime. While 14 states recognize that any child engaged in commercial sex is a victim of trafficking (in line with the federal standard), no states has shielded these children from prosecution under their prostitution statutes.
5. Only 23 states have made the trafficking of children a more grievous offense than trafficking in adults and, to reiterate, only 14 of those states have stated that a child is a victim of trafficking any time a child engages in commercial sex (whereas with adult victims, evidence that the trafficker employed force, fraud, or coercion to overcome the will of the victim is necessary to establish the crime of trafficking has occurred).
6. Oregon is the only state to give victims of trafficking an adequate defense for any crimes they were forced to commit by their traffickers. New Jersey provides a defense for trafficking victims but only for the crimes of trafficking and prostitution, not for any other crime they may have been forced to commit. Connecticut and Minnesota provide an affirmative defense for victims of trafficking but only for the crime of prostitution. Iowa has an affirmative defense for victims of trafficking but it lacks full effectiveness because it only shields crimes that were done under threat of serious, imminent injury. This does not take

into account the power of psychological coercion – fear – that the traffickers routinely utilize to control their victims.

7. Only three states, Illinois, Minnesota and Washington, have included in their trafficking law forfeiture language that benefits the victim. Washington's bill is the most victim orientated, as any revenue from the forfeited property goes first to restitution of the victim. Illinois and Minnesota have both found ways to incentivize law enforcement's pursuit of traffickers and help victims: Illinois gives half of any forfeiture value to a trafficking victim's fund and the other half to the agencies that helped prosecute the trafficker; Minnesota gives 40% to crime victim services, 40% to the appropriate state law enforcement agency and 20% to the prosecuting office of the trafficking perpetrator.
8. Missouri, California, and Illinois are the only states to have created a specific fund, separate from their general fund, to assist the victims of trafficking (who have typically endured profound psychological and physical trauma and need help to rebuild their lives). Connecticut has made a commitment to give money to the provision of services to victims of trafficking but has not created a separate fund reserved for such victim services.
9. Eleven states currently provide restitution to victims from the trafficker's pocket. Arizona, California, Delaware, Idaho, Illinois, Indiana, New Jersey, Rhode Island, and Pennsylvania all require perpetrators to pay for the value of services or at least the minimum wage for the hours the victims provided. Iowa also provides for restitution but it is not mandatory and Missouri provides for restitution but without guidelines on how that restitution should be based.
10. Only seven states, Connecticut, Florida, Illinois, Indiana, Minnesota, Oregon, Pennsylvania, give a private right of action to victims against their trafficker for punitive damages and the cost of attorney fees.
11. Of the 50 states and the District of Columbia, only seven direct that victims be assisted in obtaining federal and other benefits to which they are entitled. Missouri and New Jersey are the only states which direct that victims of trafficking be afforded their rights under the TVPA. California, Indiana, and New York have clauses that instruct officers to pursue certification for victims of trafficking within 15 days of coming in contact with them. Illinois and Iowa have certification clauses but instead of directing them to certify under Section 214.11(f)(1) of Chapter 8 of the Code of Federal Regulations, they direct officers vaguely to the federal Department of Justice.
12. California and Kentucky are the only states to guarantee trafficking victims privileged communications with their caseworkers.
13. Finally, Indiana and Kentucky are the only states to explicitly state that trafficking victims are to be treated as victims and not to be jailed.

THE CRITERIA OF EVALUATION

The foundation of this evaluation is the perspective that state anti-trafficking laws should create a legal environment under which the crime of trafficking is diminished to the point of abolition. Human trafficking is an extremely unusual category of major crime in which the victims will not report to law enforcement what is being perpetrated against them. As a result, human trafficking defies traditional law enforcement methods; victims will not be found and rescued in large numbers until a new strategy, not dependent solely or even principally on law enforcement actions, is implemented. Accordingly, we judge state laws by the standards of compassionate care for victims, with support for their restoration, and by the extent to which the law broadly mobilizes the instrumentalities of state and local government, and incentivizes non-governmental community organizations, to end the practice of modern-day slavery within its jurisdiction.

Grades were assigned to the states according to the following criteria.

1. THE CRIMINALIZATION AND DEFINITION OF TRAFFICKING:

- a. Does the statute include in its definition both sex and labor exploitation?
- b. Does it recognize that trafficking occurs as the result of force, fraud or coercion – or does it include a similarly expansive definition of psychological compulsion – such that physical bondage, restraint, or abuse need not be present?
- c. Does the state consider trafficking a felony and is the length of imprisonment appropriate to the severity of the crime?
- d. Is there an enhanced penalty for the trafficking of minors, and if so does it define any minor engaged in commercial sex as a victim of trafficking?
- e. Is there a penalty for *benefiting* from trafficking – or only *engaging* in trafficking?

2. STATE'S PROTECTION OF TRAFFICKING VICTIMS AND CREATION OF AN ANTI-TRAFFICKING ENVIRONMENT:

- a. Does the state give an affirmative defense to victims' criminal actions committed while being a victim of trafficking?
- b. Has the state mandated and provided training for law enforcement and service providers or made other provision to better equip the state to identify and rescue victims, and arrest and prosecute the traffickers?
- c. Does the state direct law enforcement to cooperate in the certification of victims for purpose of federal recognition and qualification for benefits under the TVPA?
- d. Has the state set up a fund to aid victims of trafficking which is separate from the general fund of the state, or has it directed that victims of trafficking have access to other victims' funds?

3. MAKING WHOLE THE VICTIMS OF TRAFFICKING:

- a. Is there a mandate for the trafficker to provide restitution to the victim?
- b. Is there a mandate for the trafficker to provide for restoration of the victim (for example, paying the costs of treatment for psychological trauma)?
- c. Does the state give a private right of action to the victim against the trafficker for punitive damages and court costs?

- d. Is a victim of trafficking entitled to the same rights as other victims of crime under the state's crime victims' rights scheme?

THE GRADES, STATE BY STATE

State	Overall Grade	Grade for Criminalization	Grade for Protecting Victims	Grade for Making Victims Whole	Age of minor for purpose of statute
Department of Justice Model State Law	D	C+	F	D+	18*
Alabama [†]	F	F	F	F	N/A
Alaska	D	C+	F+	F	N/A
Arizona	D	B	F	D	15
Arkansas	D	B	F	F	N/A
California	C	D+	B	C+	18
Colorado	F+	D+	D	F	16
Connecticut	D+	C-	C-	F+	N/A
Delaware	D	C+	F	D+	18*
Florida	D	B	F+	D+	18
Georgia	D	B	F	F	18*
Hawaii	F	F	F+	F	N/A
Idaho	C-	B	F+	C	18*
Illinois	B-	C+	C	A-	18*
Indiana	C	C	C	C	N/A
Iowa	D+	C+	C-	D-	18*
Kansas	D	A	F	F	18*
Kentucky	D+	A	F	D	18*
Louisiana	F+	C+	F	F	18
Maine [†]	F	F	F+	F	N/A
Maryland	D	A	F	F	18*
Massachusetts [†]	F	F	F	F	N/A
Michigan	D	B	F	F	18*
Minnesota	D+	C+	F+	C	18
Mississippi	D	B+	F	F	18*
Missouri	D+	B+	D	F+	18*
Montana	D-	C+	F	F	N/A
Nebraska	D	C+	F	F+	18*
Nevada	D-	C+	F	F	N/A
New Hampshire [†]	F	F	F	F	N/A
New Jersey	C+	B-	C+	C	N/A

* This state, like the TVPA, defines any minor engaged in commercial sex as a victim of trafficking.

† This state lacks any currently enacted trafficking bill, and receives an "F" by default.

New Mexico [†]	F	F	F	F	N/A
New York	D+	C	D	D+	N/A
North Carolina	C	B	F	D	18*
North Dakota [†]	F	F	F	F	N/A
Ohio [†]	F	F	F	F	N/A
Oklahoma [†]	F	F	F	F	N/A
Oregon	D+	C-	D	D	12
Pennsylvania	D	C-	F	C	18
Rhode Island	D	B+	F	D	18*
South Carolina	F	D	F	F	N/A
South Dakota [†]	F	F	F	F	N/A
Tennessee [†]	F	F	F	F	N/A
Texas	D	B	F	F	14
Utah	F	F	F	F	N/A
Vermont [†]	F	F	F	F	N/A
Virginia	F	F	F+	F	N/A
Washington	D	B	F	F+	N/A
West Virginia [†]	F	F	F	F	N/A
Wisconsin [†]	F	F	F	F	N/A
Wyoming [†]	F	F	F	F	N/A
Washington DC [†]	F	F	F	F	N/A

THE DEPARTMENT OF JUSTICE'S MODEL STATE TRAFFICKING LAW

The U. S. Department of Justice has articulated a model anti-trafficking law for the states. While this model law has many positive features, it lacks critical elements necessary for an authentically abolitionist legal environment, and received a grade of “D.” The following are specific observations regarding the defects of this model law.

1. As a general matter, DOJ's Model Anti-Trafficking Criminal Statute (the Model Statute) lacks the Trafficking Victim Protection Act's (TVPA) broad definition of a trafficking victim and instead defines trafficking through narrowly defined acts that create loopholes for traffickers. For example, the Model Statute lacks the TVPA's recognition that traffickers sometimes use deceit to induce someone into trafficking. Also, it does not include the expanded definition of coercion available in the TVPA (e.g., this omits the possibility of showing victimization through a scheme, plan or pattern – a feature that may be particularly important in the trafficking of children). Nor does the model law include fraud as a means by which traffickers overcome the will of the victim.
2. The Model Statute's identification of sexually-explicit performances and pornography production as acts which may entail trafficking exploitation is an improvement on the TVPA. However, the Model Statute's definition of “sexually explicit performances” has definitional gaps. Both the TVPA and the Model Statute fail to define a “sex act” – which is critical, as a minor who engages in a commercial sex act is a victim of trafficking.
3. The Model Statute undermines the Administration's efforts to combat prostitution as a contributing factor of trafficking. (1) The Model Statute requires prosecutors to show that a victim of commercial sex trafficking had “an ongoing relationship” (left undefined by the Model Statute) with the trafficker whereas the TVPA requires only a single “commercial sex act.” (2) It conflates labor and commercial sex trafficking. (3) It draws a distinction for sentencing purposes between the sexual exploitation of a minor (under 18) who is under the state age of consent and one who is older than the age of consent (but still under 18).
4. The mandatory restitution of victims provided by the Model Statute is welcome, but the level of restitution must include the cost of victim restoration, and be, at a minimum, a multiple of the minimum wage. The typical victim of human trafficking has endured profound psychological trauma for which specialized treatment is needed urgently. The remedies for victims of a purely economic crime are not adequate to make whole the victims of human trafficking.
5. The Model Statute should track the TVPA for purposes of facilitating victims' access to federally funded benefits and services.
6. The Model Statute provides for the criminalization of the acts collectively known as trafficking, but largely stops with that task. The Model Statute is not the embodiment of an effective abolitionist strategy, which would include, but not be limited to, the training of law enforcement officers, the incentivization of non-governmental organizations (NGOs) through per capita grants or other compensation to identify and assist victims, the utilization of non-law enforcement elements of state and local government to identify victims and increase public awareness of the phenomenon of human trafficking, the encouragement (if not

requirement) of state and local officials to support victims' application for federal recognition and benefits, and the embodiment of "demand reduction" strategies such as "Johns' Schools." In this sense, the Model Statute is passive, relying on the impact of criminal prohibition, rather than pursuing an activist approach to ending this terrible category of crime.

COMMENTARY ON STATE LAWS

This section provides additional detail regarding the provisions of the various state anti-trafficking statutes.

1. STATES WITHOUT ANTI-TRAFFICKING LAWS

These 14 states and the District of Columbia do not have anti-trafficking laws, and so received an "F" in the state-by-state grading. Furthermore, eight of these states (indicated by an asterisk) lack a criminalization of slavery or involuntary servitude in general. This creates a particular dangerous situation for victims of human trafficking.

Alabama*
Massachusetts*
New Hampshire
New Mexico*
North Dakota
Ohio
Oklahoma
South Dakota*
Tennessee*
Utah*
Vermont
West Virginia*
Wisconsin*
Wyoming
Washington DC

2. FEATURES OF INDIVIDUAL STATES' ANTI-TRAFFICKING LAWS

ALASKA

- Alaska has enacted a statute to criminalize trafficking, has included benefiting from an act of human trafficking as a crime, and has provided an appropriate sentence for such an egregious crime.
- Alaska's definition of human trafficking is limited, however, because it does not include the use of fraud as part of the crime of human trafficking.
- Alaska has taken a step in the right direction in order to provide for its victims by mandating that the legislative council adopt and publish procedures to respond to trafficking, however, even without recommendations from this taskforce, Alaska should add an affirmative defense for crimes committed by trafficking victims under their

captors. Alaska should also explicitly provide that victims are to have access to victim services and set aside specific services for victims of trafficking. Next, Alaska should enact legislation to make it possible for a victim to recoup some of the trauma done to them while victims by demanding by court order that their captors pay restitution for the value of their services as well as restoration for the victims. In addition, Alaska should allow the victim a private right of action against their captors in order to recover punitive damages.

- Finally, Alaska should incorporate a criminal penalty for trafficking in minors into their criminalization statute, with a minor being defined as anyone under 18 and providing, as does the TVPA, that any time a minor engages in a commercial sex act, the crime of trafficking has occurred.

ARIZONA

- Arizona has taken significant steps towards eradicating trafficking in the state, but could still improve significantly if it intends to abolish the practice of human trafficking.
- First, Arizona has criminalized human trafficking for both labor and sexual services and it has also made it illegal to engage a minor in a commercial sex act, but it has not protected minors by stating that any minor who is exploited for a commercial sex act is a victim of trafficking. Second, Arizona only provides enhanced penalties for sex trafficking if the person is under the age of fifteen. In order to be consistent with the TVPA they should make enhanced penalties for anyone under the age of 18.
- Arizona should also enlist protection for victims of trafficking by allowing an affirmative defense for victims of trafficking for crimes committed under the direction of their traffickers. Arizona should also establish training policies for their law enforcement as well as a mandatory certification clause so that victims are aided in the process of becoming certified under the TVPA. Finally, Arizona should establish a fund to provide services and help to trafficking victims, which could be funded by the forfeiture of any property gained from the act of trafficking.
- Arizona has attempted to provide for their victims by having court ordered restitution for victims according to the value of their labor, but this is inadequate if the state intends to restore victims. Arizona should also provide for court ordered restoration to victims as well as a private right of action against their trafficker. Finally, at the very least Arizona should allow trafficking victims explicit access to their normal crime victims services.

ARKANSAS

- Arkansas has addressed the issue of human trafficking by criminalizing both sex and labor trafficking. Additionally, it has included the acts of debt bondage, marriage, and adoption in order to expand its meaning appropriately. It has also criminalized benefiting from a trafficking victim, but lacks any language regarding the trafficking of minors. This is a serious deficiency.
- Arkansas should enlist protection for victims of trafficking by allowing an affirmative defense for victims of trafficking for crimes committed under the direction of their traffickers. Arkansas should also establish training policies for law enforcement as well as a mandatory certification clause so that victims can start the process of becoming certified under the TVPA. Arkansas should establish a fund for victims of trafficking to provide services and help to victims, which could be funded by the forfeiture of any property gained from the act of trafficking.

- Arkansas has not taken any steps to provide for the victims of trafficking after they are found. Arkansas should require court ordered restitution and restoration for victims of trafficking. In addition, Arkansas should give victims of trafficking a private right of action against their captors. Additionally, Arkansas should explicitly provide victims access to their normal crime victims services.
- Finally, Arkansas, at the very least, should establish a taskforce to study human trafficking in Arkansas and recommend the best policies to abolish human trafficking in the state.

CALIFORNIA

- California has one of the highest rated anti-trafficking statutes; but as evidenced by the fact it only scores a C, it has not gone far enough to abolish the practice of human trafficking. California has criminalized trafficking as well as added specific penalties for those who traffic minors. California's criminalization statute is lacking, however, because it does not punish those who benefit from trafficking nor does it have a separate specific definition of trafficking for purposes of sexual services. California's criminalization statute does not have a penalty severe enough for this crime, we would recommend at least 10 years for the sexual exploitation of a minor, and their law only provides for 8 years.
- California has taken initiative to rescue and protect victims by ensuring that police officers are trained to deal with trafficking victims as well as including excellent language to provide for the certification of victims under the TVPA.¹ California should also be commended for establishing a specific fund for victims of trafficking. However, California should provide an affirmative defense for victims of trafficking in order to shield victims from the crimes they were forced to commit by their traffickers.
- California has been innovative by allowing victims of trafficking access to the state victim's rights services as well as providing mandatory restitution. Finally, California just enacted legislation to give alleged trafficking victims the same rights as a refugee until their status is determined.

COLORADO

- Colorado has enacted a bill that recognizes human trafficking is a problem in Colorado and accordingly sets up a taskforce to study the extent of trafficking in the state; it also makes the selling of a human being a crime.
- The definition that Colorado uses for human trafficking is lacking. It includes any selling, exchanging, bartering or leasing of an adult, but it does not consider the use of such person or the forcing of a person into slavery to be a crime of human trafficking. Second, Colorado defines adult as a person above the age of sixteen, when it should be 18. Finally Colorado does not punish a person for benefiting from a victim of trafficking.
- Colorado has taken some steps to protect victims of trafficking by establishing a specific law enforcement force to patrol the highways and search for victims of trafficking but they should also enlist protection for trafficking victims by allowing an affirmative defense for crimes committed under the direction of their captors.
- Colorado has not taken any steps to provide for trafficking victims after they are found. Colorado should require court ordered restitution and restoration for trafficking victims from their traffickers. In addition, Colorado should give trafficking victims a private right of action against their captors. Additionally, they should establish a fund for trafficking victims to provide services and help, which could be funded by the forfeiture

of any property gained from the act of trafficking. Finally, Colorado should explicitly provide trafficking victims access to their normal crime victim services.

CONNECTICUT

- Connecticut has passed a criminalization statute that criminalizes both trafficking for labor and trafficking for prostitution. Unfortunately, its definition of prostitution is not broad enough to include the forcing of someone to produce obscenity and it receives a lower grade for that. In addition to this flaw, Connecticut does not criminalize benefiting from a trafficking victim or provide enhanced penalties for trafficking in minors.
- Connecticut has given an affirmative defense to those coerced into prostitution and should extend this defense to all coerced crimes by trafficking victims. Connecticut provides for training of law enforcement through a taskforce. Connecticut does not provide help to victims with certification under TVPA, however, and has not created a special fund for trafficking victims. Of note is that Connecticut establishes a civil penalty from the state against the trafficker.²
- Connecticut allows a victim a private right of action against the trafficker but limits it to a maximum of one thousand dollars a day. Connecticut does not provide for mandatory restitution from the captor nor does Connecticut make the trafficker provide for the restoration of the victim. Finally, Connecticut does not extend its crime victim services to trafficking victims.

DELAWARE

- Delaware has passed a criminal statute that consists of separate penalties for holding a person in involuntary servitude and for trafficking a person. Delaware's trafficking law does not depend on force, fraud, or coercion, but instead tracks the intent of the trafficker. Their involuntary servitude clause includes a showing of force or coercion, but it fails to include as a method of involuntary servitude. Delaware should be commended for criminalizing both the trafficking of minors and any commercial sexual exploitation of a child. Delaware should enact a statute that also criminalizes benefiting from a trafficking victim.
- Delaware has mandated that its Department of Health and Human Services and Attorney General provide an evaluation of what the state could do to protect victims of trafficking by the end of this year (2007). Until that time, Delaware should immediately give victims an affirmative defense for crimes committed under direction of their captors, train their law enforcement in identifying and rescuing victims of trafficking, require that officers help with the certification of trafficking victims under TVPA, and finally, set up a separate fund to support services by non-governmental organizations for the restoration of trafficking victims.
- Delaware has tried to provide for trafficking victims by declaring a mandatory restitution of the cost of their labor. Delaware should also require that traffickers pay for the cost of restoring their victims to self-sufficiency, give victims a private right of action against their captors, and give victims access to Delaware's crime victims services.

FLORIDA

- Florida has passed a criminal statute that is comprehensive because it criminalizes trafficking for labor as well as trafficking for sex. In addition, Florida has criminalized benefiting from a trafficking victim, and has established enhanced penalties for the sexual trafficking of minors.

- Florida has taken some steps to protect victims of trafficking by requiring the training of law enforcement officers in recognizing human trafficking. Florida should also enhance protection for trafficking victims by allowing an affirmative defense for crimes committed under the direction of their captors. Finally, Florida should establish a fund for trafficking victims to provide services and help to victims, which could be funded by the forfeiture of any property gained from the act of trafficking.
- Florida has taken a first step by giving victims a private right of action against their captors, but has not provided mandatory restitution or restoration from their captors. Florida has instructed its Department of Child and Family Services and other state agencies to cooperate to provide services and ensure trafficking victims have the same rights as refugees.
- Finally, Florida has directed their Department of Child and Family Services to “develop a public-awareness program for employers and other organizations that may come into contact with immigrant survivors of human trafficking in order to provide education and raise awareness of the problem.”

GEORGIA

- Georgia has enacted legislation that criminalizes both sex and labor trafficking. It uses extremely inclusive language that trafficking occurs whenever a person knowingly subjects or maintains another in servitude whether for labor or sex. This is even more expansive than the TVPA definition since it does not require force, fraud, or coercion, but only knowledge of servitude. Georgia also receives credit for adding enhanced penalties for minors and defining a minor as anyone under 18. Georgia does not specifically criminalize benefiting from a trafficking victim, but with their broad definition of trafficking it is implicitly included.
- Georgia should also enlist protection for trafficking victims by allowing an affirmative defense for crimes committed under the direction of their captors. Georgia should also establish training policies for their law enforcement as well as a mandatory certification clause so that victims can start the process of becoming certified under TVPA. Georgia should establish a fund for trafficking victims to provide services and help to victims, which could be funded by the forfeiture of any property gained from the act of trafficking.
- Georgia has not taken any steps to provide for trafficking victims after they are found. Georgia should require court ordered restitution and restoration for trafficking victims from their traffickers. In addition, Georgia should give victims of trafficking a private right of action against their captors. Georgia should explicitly provide victims access to their normal crime victim services.
- Finally, Georgia, at the very least, should establish a taskforce to study human trafficking and recommend the best policies to abolish human trafficking in the state.

HAWAII

- Hawaii has taken the initiative to create a taskforce to study trafficking but has not gone beyond the study to a substantive response.

IDAHO

- Idaho has criminalized both sex and labor trafficking and has also defined sex trafficking to include anytime a minor engages in commercial sex acts. Idaho has not, however, criminalized benefiting from a trafficking victim.

- Idaho's legislature has realized the need for the protection of trafficking victims and has instructed its officers to be trained in rescuing and identifying trafficking victims. A review is also in progress to assess the needs of trafficking victims. The legislature has not yet taken active steps towards that end. In its next trafficking bill, Idaho should include an affirmative defense for trafficking victims, a clause requiring law enforcement to assist in the certification of victims under TVPA, and establish a fund for trafficking victims separate from the general fund of the state.
- Idaho's language on restitution and restoration is innovative and is a good example of how states could order the rehabilitation of victims.³ Idaho still has steps to take in order to improve its assistance to victims. Idaho should enlist legislation that would give victims a private right of action against their captors and also should open up their victim right services to victims of trafficking.

ILLINOIS

- Illinois' anti-trafficking statute is currently the best in the country; however it could be improved by implementing some basic changes. Illinois has provided for criminalization of trafficking for both sex and labor purposes trafficking. It has defined a minor as any person less than 18 years of age and provided enhanced penalties for minors. Two things that the Illinois criminalization provision lacks, however, are a punishment for benefiting from a trafficking victim, and recognition of fraud as a means to induce a person into trafficking.
- The Illinois legislation protects victims by training its law enforcement to recognize trafficking victims and situations, and by providing a separate fund for the provision of restorative services to trafficking victims. In fact, Illinois' forfeiture clause ensures that part of the profits from property seized goes to the victims of trafficking fund.⁴ Illinois can still improve its law by giving victims an affirmative defense for any crimes committed at the hands of their captors and by requiring law enforcement to assist victims obtain in certification under the TVPA.
- Illinois has also protected the status of trafficking victims by providing mandatory restitution as well as a private right of action against their captors. In addition, Illinois gives trafficking victims access to their normal crime victim services, particularly especially for emergency or relief services.⁵

INDIANA

- Indiana has implemented a statute criminalizing trafficking for the purposes of labor and forcing another person into marriage or prostitution. The statute also makes it illegal to traffic in minors; however, there are no enhanced penalties. Indiana's law does not criminalize benefiting from a trafficking victim.
- Indiana has afforded some protection to trafficking victims by mandating that law enforcement is trained to deal with trafficking victims as well as requiring that law enforcement aid victims in becoming certified under the TVPA. In addition, Indiana has stated that trafficking victims are to be treated as crime victims and may not be jailed or penalized. Unfortunately, Indiana has not extended an affirmative defense to trafficking victims nor has it set aside a fund for the provision of services to victims of trafficking.
- Indiana has provided two very important rights to trafficking victims: the state has provided mandatory restitution for a victim's labor or services as well as a full private right of action that could be modeled by other states.⁶ Indiana has not provided victims

access to the state's crime victims services nor has it provided for the restoration for trafficking victims.

IOWA

- Iowa has criminalized trafficking in both sex and labor but it does not recognize the use of fraud in its definition. In addition, Iowa has created an enhanced penalty for trafficking of minors, but has not criminalized benefiting from a victim of trafficking.
- Iowa has provided for some protection to victims. For example, it mandates training for law enforcement officers and instructs them to help victims become certified as victims of trafficking under the provisions of the TVPA. Iowa provides an affirmative defense for crimes committed as victims of trafficking. Unfortunately, Iowa's legislative language is not expansive enough to really do what it is aimed to do and its certification clause is misdirected. The affirmative defense requires victims to be under imminent threat of harm at the time of the commission of an offense. The certification clause does not require state officials to provide supporting documentation for the victim's application for certification, but instead requires them to inform the Department of Justice of their intent to prosecute and the victim's willingness to participate in the prosecution.
- Iowa has enacted only one of the recommended rights for trafficking victims: the right to restitution from the trafficker; however, the law does not make it mandatory for judges to order restitution. Iowa should provide for mandatory court ordered restoration to victims as well as a private right of action against their trafficker. In addition, Iowa should allow trafficking victims explicit access to their normal crime victims services.

KANSAS

- Kansas has done an excellent job with the criminalization of trafficking, even going so far as to make any sex trafficking automatically aggravated and providing enhanced penalties for trafficking in minors. In addition, Kansas criminalizes benefiting from a victim of trafficking.
- Kansas should provide an affirmative defense for trafficking victims for crimes committed under the direction of their captors. Kansas should also establish training policies for law enforcement as well as a requirement to support victim certification. Finally, Kansas should establish a fund for trafficking victims to provide restorative services, which could be funded through the forfeiture of any property gained from the act of trafficking.
- Kansas has not taken any steps to provide for the victims of trafficking after they are found. Kansas should require court ordered restitution and restoration for trafficking victims from their traffickers. In addition, Kansas should give victims of trafficking a private right of action against their captors. Finally, Kansas should explicitly provide victims access to their normal crime victims services.
- Kansas should establish a taskforce to study human trafficking in the state and to recommend the best policies to abolish human trafficking in the state.

LOUISIANA

- Louisiana has enacted a statute that criminalizes both labor and sex trafficking, defines a minor as 18, and provides enhanced penalties for trafficking in minors. Unfortunately, it has not criminalized benefiting from a trafficking victim.

- Louisiana's law does not adequately protect trafficking victims. It should provide an affirmative defense for victims of trafficking for crimes committed under the direction of their captors. It should also establish training policies for law enforcement as well as require support for victim certification. Finally, Louisiana should establish a fund for trafficking victims to provide restorative services, which could be funded by the forfeiture of any property gained from the act of trafficking.
- Louisiana has not taken any steps to provide for the victims of trafficking after they are found. Louisiana should require court ordered restitution and restoration for victims of trafficking from their traffickers. In addition, Louisiana should give victims of trafficking a private right of action against their captors. Finally, Louisiana should explicitly provide victims access to their normal crime victims services.
- Louisiana should establish a taskforce to study human trafficking in the state and to recommend the best policies to abolish human trafficking from the state.

MAINE

- Maine has yet to pass any criminalization statute, but has established a taskforce that made recommendations to the legislature this previous session. Maine should enact the Renewal Forum model legislation in the next legislative session.

MARYLAND

- Maryland has criminalized trafficking of persons for the purposes of sex and labor. In addition, it has made it a felony to benefit from trafficking and has provided for enhanced penalties for minors. Maryland does not include an enhanced penalty for holding a minor in involuntary servitude nor does it define the age of a minor in the statute.
- Maryland should enact an affirmative defense for trafficking victims for crimes committed under the direction of their captors. It should also establish training policies for law enforcement as well as require support for victim certification. Finally, Maryland should establish a fund for trafficking victims to provide restorative services, which could be funded by the forfeiture of any property gained from the act of trafficking.
- Maryland has not taken any steps to provide for the victims of trafficking after they are found. It should require court ordered restitution and restoration for victims of trafficking from their traffickers. In addition, Maryland should provide trafficking victims a private right of action against their captors. Finally, Maryland should explicitly provide victims access to their normal crime victims services.
- Maryland should establish a taskforce to study human trafficking in the state and to recommend the best policies to abolish human trafficking from the state.

MICHIGAN

- Michigan has criminalized trafficking in persons for sex and labor and has stated that any enlistment of minors in sex activity is an act of trafficking. It has not, however, included fraud in its definition of trafficking.
- Michigan should enact an affirmative defense for trafficking victims for crimes committed under the direction of their captors. Michigan should also establish training policies for law enforcement as well as require support for victim certification. Finally, Michigan should establish a fund for trafficking victims to provide restorative services, which could be funded by the forfeiture of any property gained from the act of trafficking.

- Michigan has not taken any steps to provide for the victims of trafficking after they are found. Michigan should require court ordered restitution and restoration for victims of trafficking from their traffickers. In addition, Michigan should provide victims of trafficking a private right of action against their captors. Finally, Michigan should explicitly provide victims access to their normal crime victims services.
- Michigan should establish a taskforce to study human trafficking in the state and to recommend the best policies to abolish human trafficking from the state.

MINNESOTA

- Minnesota has done much to criminalize both sex and labor trafficking. The definition of sex trafficking is unusual because – regardless of fraud, force, or coercion – facilitating another person’s entry into prostitution is defined as sex trafficking. In addition, Minnesota provides enhanced penalties for the trafficking of minors, but does not criminalize benefiting from a minor.
- Minnesota provides an affirmative defense for prostitution of a trafficking victim but should extend this to any crime committed while a victim of trafficking. Minnesota should also establish training policies for law enforcement as well as require support for victim certification. Finally, Minnesota should establish a fund for trafficking victims to provide restorative services, which could be funded by the forfeiture of any property gained from the act of trafficking.
- Minnesota provides that victims are able to use Minnesota’s normal crime victims fund and allows a private right of action for victims against their captors. In addition, Minnesota’s forfeiture clause mandates that 20% goes to the prosecutor of the trafficker, 40% goes to crime victim services, and the final 40% goes to the general fund of the particular law enforcement agency who found the trafficker.
- Finally, Minnesota is one of the few states to mandate corporate responsibility for corporations engaging in trafficking.⁷

MISSISSIPPI

- Mississippi has enacted a criminal statute for the trafficking of persons and a special statute for the sexual trafficking of minors. Its enhanced penalties for minors, however, only apply if they are involved in sex acts not in labor. In addition it has criminalized benefiting from victims of trafficking.
- Mississippi should enact an affirmative defense for trafficking victims for crimes committed under the direction of their captors. Mississippi should also establish training policies for law enforcement as well as require support for victim certification. Finally, Mississippi should establish a fund for trafficking victims to provide restorative services, which could be funded by the forfeiture of any property gained from the act of trafficking.
- Mississippi has not taken any steps to provide for the victims of trafficking after they are found. It should require court ordered restitution and restoration for trafficking victims from their traffickers. In addition, Mississippi should give victims of trafficking a private right of action against their captors. Finally, Mississippi should explicitly provide victims access to their normal crime victims services.
- Mississippi should establish a taskforce to study human trafficking in the state and to recommend the best policies to abolish human trafficking from the state.

MISSOURI

- Missouri has criminalized both labor and sex trafficking, extending sex trafficking to any use or employment of a person for sexual conduct. In addition benefiting from trafficking and the trafficking of a child are crimes, but only if for the purpose of sex acts.
- Missouri is one of the few states that expressly stated that victims are to be afforded their rights under the TVPA. Missouri has not mandated training of law enforcement nor has it made clear a process for certifying victims. In addition, Missouri needs to provide victims an affirmative defense for crimes committed at the hands of their captors. Missouri also should establish a fund for victims of trafficking to provide restorative services.
- Missouri has instructed courts to order restitution to victims but does not instruct judges how restitution is to be calculated. Missouri should give instructions on restitution and give victims an additional private right of action against their trafficker. Finally, Missouri should expressly state that victims of human trafficking are able to access crime victims services.

MONTANA

- Montana passed a statute that criminalizes both sex and labor trafficking however it does not include the use of fraud. In addition Montana has criminalized benefiting from a trafficking victim but has not criminalized trafficking in minors.
- Montana should enact an affirmative defense for trafficking victims for crimes committed under the direction of their captors. It should also establish training policies for law enforcement as well as require support for victim certification. Finally, Montana should establish a fund for trafficking victims to provide restorative services, which could be funded by the forfeiture of any property gained from the act of trafficking.
- Montana has not taken any steps to provide for the victims of trafficking after they are found. Montana should require court ordered restitution and restoration for victims of trafficking from their traffickers. In addition, Montana should give trafficking victims a private right of action against their captors. Finally, Montana should explicitly provide victims access to their normal crime victims services.
- Montana should establish a taskforce to study human trafficking in the state and recommend the best policies to abolish human trafficking from the state.

NEBRASKA

- Nebraska has enacted a statute that criminalizes trafficking in persons for both labor and sexual servitude. It has also provided enhanced penalties for trafficking in minors, but it does not criminalize benefiting from trafficking.
- Nebraska has done little to protect victims of trafficking. At the moment, Nebraska has created a taskforce to evaluate the appropriate response to trafficking and has included a requirement that law enforcement be trained, but does not describe how. Nebraska should enact an affirmative defense for victims of trafficking for crimes committed under the direction of their captors. It should also establish training policies for law enforcement as well as require support for victim certification. Finally, Nebraska should establish a fund for trafficking victims to provide restorative services, which could be funded by the forfeiture of any property gained from the act of trafficking.
- Nebraska has extended its crime victims services to include victims of trafficking, but it should also mandate court ordered restitution and restoration for victims of trafficking

from their traffickers. In addition, Nebraska should give victims of trafficking a private right of action against their captors.

NEVADA

- Nevada passed a statute that criminalizes both sex and labor trafficking however it does not include the use of fraud. In addition Nevada criminalized benefiting from a trafficking victim but has not criminalized trafficking in minors.
- Nevada should enact an affirmative defense for trafficking victims for crimes committed under the direction of their captors. It should also establish training policies for law enforcement as well as require support for victim certification. Nevada should establish a fund for trafficking victims to provide restorative services, which could be funded by the forfeiture of any property gained from the act of trafficking.
- Nevada has not taken any steps to provide for the victims of trafficking after they are found. Nevada should require court ordered restitution and restoration for victims of trafficking from their traffickers. In addition, Nevada should give trafficking victims a private right of action against their captors. Finally, Nevada should explicitly provide victims access to their normal crime victims services.
- Nevada should establish a taskforce to study human trafficking in the state and recommend the best policies to abolish human trafficking from the state.

NEW JERSEY

- New Jersey has passed a criminal statute stating that both sex and labor trafficking are illegal but does not include fraud in its definition. It does not include any enhanced penalties for minors and it criminalizes benefiting from trafficking only when it is for the purpose of sex.
- New Jersey has done much to protect victims of trafficking, but as with all states, it can and must do more. First, New Jersey provides an affirmative defense for victims but only for the commission of the crimes of trafficking another person or prostitution. New Jersey also outlines that its police are to help any federal investigation of trafficking, but has not established standards for training local law enforcement to recognize and assist trafficking victims. New Jersey has not established a separate fund to provide restorative services for victims of trafficking.
- New Jersey has asserted victims' rights against their traffickers by requiring mandatory restitution. New Jersey provides victims of trafficking access to crime victims services, but it does not provide for a civil right of action against a trafficker for punitive damages, nor does it allow for restoration of the trafficking victim from the trafficker.
- In addition, New Jersey requires the trafficker's property to be forfeited if gained or used for trafficking but it does not direct that victims benefit from the distribution of forfeited funds.

NEW YORK

- New York passed a statute that criminalizes both trafficking in sex and labor, making each a felony. New York has not, however, criminalized benefiting from a trafficking victim or provided enhanced penalties for trafficking of minors.
- New York provided some protection for trafficking victims, but does not go far enough. New York established a taskforce that is to provide for the training of law enforcement officers. It provided for support for the certification application of a victim upon the request of a victim. Also, it established a fund for trafficking victims – operational when

funds are available. New York could greatly improve its victim protection by appropriating funds, or providing that services to victims be funded with the proceeds of forfeiture. In addition, New York should provide an affirmative defense for crimes committed by trafficking victims at the hands of their abusers.

- New York has also allowed victims to access New York's victim's rights program, but it is at the discretion of the Office of Temporary and Disability Assistance and only when funds are available. New York has also given victims a private right of action against their traffickers but has not mandated either restitution or restoration for victims of trafficking.

NORTH CAROLINA

- North Carolina has made it illegal to engage in trafficking and has also enacted an enhanced penalty if you traffic in minors but it does not make it a crime to benefit from a trafficking victim.
- North Carolina should enact an affirmative defense for trafficking victims for crimes committed under the direction of their captors. It should also establish training policies for law enforcement as well as require support for victim certification. Finally, North Carolina should establish a fund for trafficking victims to provide restorative services, which could be funded by the forfeiture of any property gained from the act of trafficking.
- North Carolina recently passed a statute that provides trafficking victims services under their crime victims rights scheme. North Carolina should now require court ordered restitution and restoration for victims of trafficking from their traffickers. In addition, North Carolina should give victims of trafficking a private right of action against their captors.
- North Carolina should establish a taskforce to study human trafficking in the state and recommend the best policies to abolish human trafficking from the state.

OREGON

- Oregon enacted a statute that criminalizes both labor and sex trafficking and created enhanced penalties for trafficking in children. Oregon, however, limited these penalties to children under 12 and it has not criminalized benefiting from a trafficking victim.
- Oregon enacted a taskforce in order to evaluate how victims ought to be protected. Also, it has given victims an affirmative defense for crimes they committed at the hands of their captors.⁸ Oregon should provide for training of law enforcement and require law enforcement to support the certification of trafficking victims under TVPA. Finally, Oregon should establish a separate fund to provide restorative services to victims.
- Oregon has provided some help for victims of trafficking by allowing a private right of action against their traffickers.⁹ It should extend the legislation to require court ordered restitution and restoration from their traffickers. Finally, Oregon should explicitly provide victims access to their normal crime victims services.

RHODE ISLAND

- Rhode Island enacted a comprehensive statute that criminalizes trafficking for labor and sex, as well as benefiting from a trafficking victim and gives enhanced penalties for the trafficking of minors. Rhode Island, however, left fraud out of its definition of intimidation.

- Rhode Island should enlist an affirmative defense for trafficking victims for crimes committed under the direction of their captors. It should also establish training policies for law enforcement as well as require support for victim certification. Finally, Rhode Island should establish a fund for trafficking victims to provide restorative services, which could be funded by directing the proceeds of forfeiture of any property gained from the act of trafficking to this fund instead of the general revenue.
- Rhode Island has tried to protect its victim of trafficking by mandating restitution to trafficking victims. Rhode Island should make traffickers pay for the restoration to society of victims as well as provide victims a private right of action against their captors. Finally, Rhode Island should give victims of trafficking access to their crime victims program.

PENNSYLVANIA

- Pennsylvania enacted a statute that criminalizes labor trafficking defining it as labor or services, but does not define services to include commercial sex acts. The statute defines a minor as an 18 year old and provides enhanced penalties, but does not include benefiting from a trafficking victim.
- Pennsylvania should enact an affirmative defense for trafficking victims for crimes committed under the direction of their captors. It should also establish training policies for law enforcement as well as require support for victim certification. Finally, Pennsylvania should establish a fund for trafficking victims to provide restorative services, which could be funded by the forfeiture of any property gained from the act of trafficking.
- Pennsylvania has enacted some rights for victims of trafficking by mandating restitution from the trafficker as well as giving victims a private right of action against their captors. It has not provided for restoration for the victim, nor has it expressly opened up crime victim services to victims of trafficking. In addition to this, while Pennsylvania has a forfeiture clause for assets gained through trafficking, the profits go to broadly enforcing the laws of Pennsylvania instead of providing for the victims of trafficking or assisting law enforcement agencies to deal specifically with the crime of trafficking.

SOUTH CAROLINA

- South Carolina has taken a step in the right direction by passing a statute that criminalizes trafficking in persons but it falls short by not protecting victims of sex trafficking. In addition, the law does not criminalize benefiting from a victim of trafficking or provide enhanced penalties for trafficking in minors.
- South Carolina should enact an affirmative defense for trafficking victims for crimes committed under the direction of their captors. It should also establish training policies for law enforcement as well as require support for victim certification. Finally, South Carolina should establish a fund for trafficking victims to provide restorative services, which could be funded by the forfeiture of any property gained from the act of trafficking.
- South Carolina has not taken any steps to provide for the victims of trafficking after they are found. It should require court ordered restitution and restoration for trafficking victims from their traffickers. In addition, it should give victims of trafficking a private right of action against their captors. Finally, South Carolina should explicitly provide victims access to their normal crime victims services.

- South Carolina should establish a taskforce to study human trafficking in the state and recommend the best policies to abolish human trafficking from the state.

TEXAS

- Texas has passed a statute criminalizing labor trafficking and forced prostitution. Texas could improve this statute by including any sex trafficking, including pornography and forced sex without a fee, as a criminal act. Texas has recently enacted a bill that criminalizes benefiting from a victim of trafficking and it should be applauded for that. Texas also has taken steps in the right direction by increasing penalties for trafficking when the victim is under the age of eighteen; however it does not reflect the TVPA definition that every minor engaged in commercial sex is a victim of trafficking.

VIRGINIA

- Virginia has enacted legislation that establishes a taskforce to evaluate and research the state's proper response to the problem of trafficking. As of this date, no other legislation has been passed.

WASHINGTON

- Washington has enacted a statute that criminalizes trafficking for both sex and labor and makes it a crime to benefit from victims of trafficking. Unfortunately, Washington has not provided enhanced penalties for the trafficking of minors.
- Washington has not yet enacted legislation to protect victims of trafficking, although it has created a taskforce in order to research the best way to protect and restore victims. Washington should enact an affirmative defense for crimes victims of trafficking committed because of their captors. It should also establish training policies for law enforcement and mandate that police help victims obtain certification under the TVPA. Finally, Washington should establish a fund for trafficking victims to provide restorative services, which could be funded by the forfeiture of any property gained from the act of trafficking.
- Washington has a forfeiture clause that mandates funds first go to restoring the specific victim, but it has not passed mandatory restitution or given victims a right of civil action against their traffickers. In addition, Washington should explicitly provide trafficking victims access to crime victims services.

3. EXEMPLARY STATE PROVISIONS

The following endnotes are exemplary clauses from state's legislation. We wish to highlight these as possible models for states considering new legislation.

¹ Cal. Penal Code §236.2 (2006) <http://www.leginfo.ca.gov/calaw.html> (last visited Jul. 30, 2007). (To find first select "Penal Code" and then enter keyword "236".)

"(a) Within 15 business days of the first encounter of a victim of human trafficking, victim pursuant to Section 236.1, law enforcement agencies shall provide brief letters that satisfy the following Law Enforcement Agency Endorsement (LEA) regulations as found in Section 214.11 (f)(1) of Chapter 8 of the Code of Federal Regulations.

(b) The LEA must be submitted on Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons, of Form I-914. The LEA endorsement must be filled out completely in accordance with the instructions contained on the form and must attach the results of any name or database inquiry performed. In order to provide persuasive evidence, the LEA endorsement must contain a description of the victimization upon which the application is based, including the dates the trafficking in persons and victimization occurred, and be signed by a supervising official responsible for the investigation or prosecution of trafficking in persons. The LEA endorsement must address whether the victim had been recruited, harbored, transported, provided, or obtained specifically for either labor or services, or for the purposes of a commercial sex act.

(c) Where state law enforcement agencies find the grant of a LEA endorsement to be inappropriate for a victim of trafficking in persons, the agency shall within 15 days provide the victim with a letter explaining the grounds of the denial of the LEA. The victim may submit additional evidence to the law enforcement agency, which must reconsider the denial of the LEA within one week of the receipt of additional evidence."

²An Act Concerning Trafficking in Persons. S.B. 153, 2006 Leg., (CT 2006) <http://www.cga.ct.gov/2006/ACT/PA/2006PA-00043-R00SB-00153-PA.htm> (last visited Jul. 27, 2007)

"(b) The Attorney General, upon the request of the Labor Commissioner, may bring a civil action in the Superior Court to recover a civil penalty of not more than ten thousand dollars for each violation of subsection (a) of this section and such injunctive or other equitable relief as the court may, in its discretion, order."

³Restitution - Rehabilitation. Idaho Code § 18-8504 (2007) <http://www3.state.id.us/idstat/TOC/18086KTOC.html> (last visited Jul. 30, 2007).

"(2) In addition to any order for restitution as provided in this section, the court shall order the defendant to pay an amount determined by the court to be necessary for the mental and physical rehabilitation of the victim or victims."

⁴720 Ill. Comp. Stat. 5/10A (2007) <http://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=072000050HArt%2E+10A&ActID=1876&ChapAct=720%26nbsp%3BILCS%26nbsp%3B5%2F&ChapterID=53&ChapterName=CRIMINAL+OFFENSES&SectionID=70296&SeqStart=12600000&SeqEnd=13100000&ActName=Criminal+Code+of+1961%2E> (last visited Jul. 30, 2007).

"The normal forfeiture processes and seizures shall apply except that any monies shall be distributed as follows: (1) one-half shall be divided equally among all State agencies and units of local government whose officers or employees conducted the investigation that resulted in the forfeiture; and (2) one-half shall be deposited into the Violent Crime Victims Assistance Fund and targeted to services for victims of the offenses listed under this section."

⁵ H.B. 1469, 94th Gen. Assem. (IL 2005)
<http://www.ilga.gov/legislation/fulltext.asp?DocName=&SessionId=50&GA=94&DocTypeId=HB&DocNum=1469&GAID=8&LegID=16270&SpecSess=&Session> (last visited Jul. 30, 2007).

"Trafficking victim services: Subject to availability of funds, the Dept. of Human Services may provide or fund emergency services and assistance to individuals who are victims of one or more offenses defined in this Article 10A. (IL article on trafficking)."

⁶ Civil Cause of Action. Ind. Code § 35-42-3.5-3 (2007)
<http://www.in.gov/legislative/ic/code/title35/ar42/ch3.5.html> (last visited Jul. 30, 2007).

- Sec. 3. (a) If a person is convicted of an offense under section 1 of this chapter, the victim of the offense:
- (1) has a civil cause of action against the person convicted of the offense; and
 - (2) may recover the following from the person in the civil action:
 - (A) Actual damages.
 - (B) Court costs.
 - (C) Punitive damages, when determined to be appropriate by the court.
 - (D) Reasonable attorney's fees.

⁷Labor or Sex Trafficking Crimes; Defenses; Civil Liability; Corporate Liability. Minn. Stat. § 609.284 (2006)
http://www.revisor.leg.state.mn.us/bin/getpub.php?pubtype=STAT_CHAP_SEC&year=2006§ion=609.284 (last visited Jul. 30, 2007).

"If a corporation or other business enterprise is convicted of violating section 609.282, 609.283, or 9.322, in addition to the criminal penalties described in those sections and other remedies provided elsewhere in law, the court may, when appropriate: (1) order its dissolution or reorganization; 2) order the suspension or revocation of any license, permit, or prior approval granted to it by a state agency; or (3) order the surrender of its charter if it is organized under Minnesota law or the revocation of its certificate to conduct business in Minnesota if it is not organized under Minnesota law."

⁸ S.B. 578, 74th Leg. Assem., 2007 Reg. Sess. (OR 2007)
<http://landru.leg.state.or.us/07reg/measures/sb0500.dir/sb0578.intro.html> (last visited Aug. 14, 2007).

"SECTION 4. A person who is the victim of a crime described in section 1 or 2 of this 2007 Act is immune from criminal liability for any labor or service that constitutes a crime under the laws of this state that the person was caused to provide."

⁹S.B. 578, 74th Leg. Assem., 2007 Reg. Sess. (OR 2007)
<http://landru.leg.state.or.us/07reg/measures/sb0500.dir/sb0578.intro.html> (last visited Aug. 14, 2007).

"SECTION 3. (1) Irrespective of any criminal prosecution or the result of a criminal prosecution, a person injured by a violation of section 1 or 2 of this 2007 Act has a civil action

for damages against a person whose actions are unlawful under section 1 or 2 of this 2007 Act.

(2) Upon prevailing in an action under this section, the plaintiff may recover:

(a) Both special and general damages, including damages for emotional distress; and

(b) Punitive damages.

(3) The court shall award reasonable attorney fees to the prevailing plaintiff in an action under this section. The court may award reasonable attorney fees and expert witness fees incurred by a defendant who prevails in the action if the court determines that the plaintiff had no objectively reasonable basis for asserting a claim or no reasonable basis for appealing an adverse decision of a circuit court.

(4) An action under this section must be commenced within two years of the conduct giving rise to the claim."