

**REPORT CARD ON STATE ACTION  
TO COMBAT INTERNATIONAL TRAFFICKING**

**By**

**CENTER FOR WOMEN POLICY STUDIES**

**US PACT**

**(Policy Advocacy to Combat Trafficking) Program**

**MAY 2007**

## ABOUT THE CENTER FOR WOMEN POLICY STUDIES

Founded in 1972, the Center for Women Policy Studies was the first policy institute in the United States to address the impact of public policy on women and girls. The Center's mission today is what it was then – to shape public policy to improve women's lives and preserve women's human rights. A hallmark of the Center's work is the multiethnic feminist lens through which we view all policy issues affecting women and girls.

For more than three decades, the Center has brought the voices and self-defined needs of women and girls to major public policy debates on such issues as: equal credit opportunity, educational equity, violence against women and girls, international trafficking of women and girls, alleviation of women's poverty, welfare reform, work/family balancing and workplace diversity policies and practices, reproductive rights and justice, the women's HIV/AIDS epidemic, access to health care for low income women, and much more.

The Center is a unique and respected resource for policy makers, academics, and advocates for women's human rights for our reliable research and policy analysis and for our astute advocacy.

Through its **Contract with Women of the USA® State Legislators Initiative**, the Center works in close partnership with state-level elected officials to implement the principles of the 1995 UN Conference on Women (Beijing) Platform for Action, signed by the United States. The **Contract with Women of the USA®** itself reflects the principles of the Beijing Platform – and guides the Center's women's human rights policy agenda.

**Since 1998, the Center has brought the issue of international trafficking of women and girls into the USA to the attention of state legislators nationwide.**

And since 2001, we have worked in partnership with legislators – as their “national staff” on women's human rights policy issues – to craft state level responses to this global women's human rights crisis.

To learn more about the Center's programs, including **US PACT (Policy Advocacy to Combat Trafficking)**, visit the Center's website at [www.centerwomenpolicy.org](http://www.centerwomenpolicy.org).

## PREFACE

We are pleased to present this **Report Card on State Action to Combat International Trafficking**, the first state-by-state analysis of state legislatures' efforts to confront international trafficking of women and girls into the United States. We honor those state legislators nationwide who have successfully crafted state responses to this international crisis during their legislative sessions between 2002 and 2006. And we also honor legislators in the other states who continue to bring their leadership to bear to encourage their legislatures to take action.

During 2005, we decided to conduct this analysis of state anti-trafficking laws after receiving the results of a **telephone survey** of American women and men which our colleagues at Lake Research conducted for the Center. We commissioned the research in order to learn whether Americans knew that trafficking in persons for forced labor had reached our shores and whether they believed that our federal and state governments should take action to respond.

We learned that relatively few American voters (23 percent) were knowledgeable about international trafficking of women and girls into the United States, even though the United States is a major "destination" country for trafficking in persons. We also learned that most voters did not know that Congress and several states had already passed anti-trafficking laws.

However, we were gratified to learn from the survey that once Americans heard more about this global crisis (as part of the survey questioning), a majority agreed that it is very important for both federal (72 percent) and state (65 percent) governments to take action.

We share this brief snapshot of the survey findings because we believe that it affirms the importance of the Center's efforts – and the groundbreaking efforts of legislators, advocates, service providers, community leaders, and government leaders nationwide – to respond to international trafficking of women and

girls into the United States in ways that reflect our commitment to women's human rights in every sphere.

Since we first began to discuss this issue with colleagues on Capitol Hill and in other organizations in 1998, the Center for Women Policy Studies has been **fighting the war on trafficking of women and girls into the United States** – traveling the country to meet with advocates, service providers, communities of women religious and, especially, our stellar national network of state legislators who lead the way in policy change to support women's human rights.

At our very first session on international trafficking of women and girls at the **National Conference of State Legislatures (NCSL)**, in 1999, a surprisingly large group of state legislators learned about trafficking for the first time and pledged to take action – both to support the new federal efforts being led by the late Senator Paul Wellstone (D-MN) and the Clinton Administration and also to take action at the state level as well.

These state elected officials well understood that the United States is implicated in this violation of women's and girls' human rights, because we are a major "destination" country for traffickers – who bring women and girls (and men and boys) into our country for forced labor and involuntary servitude in a variety of horrific workplaces – from sweatshops to domestic servitude in private homes, to agricultural fields, to brothels, for example.

Passage of the federal **Trafficking Victims Protection Act of 2000** further inspired state legislators, who immediately understood that states can – and must – play a major role, in partnership with the federal government, to combat international trafficking of women and girls into their states.

As their "national staff," the Center works with legislators nationwide to help them create the policy

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framework that will enable them to prosecute and punish traffickers while protecting and supporting women and girls who have been trafficked into our country for forced labor and sexual exploitation.

The Center's fact sheets defining criteria for state legislation (2001-2005) and our **Resource Guide for State Legislators: Model Provisions for State Anti-Trafficking Laws** (2005) provide comprehensive model legislation for state law and policy in five areas:

- ◆ criminalization of trafficking;
- ◆ protection and assistance for trafficking victims;
- ◆ creation of statewide interagency task forces to study the nature and extent of trafficking of people into the state and propose appropriate state remedies;
- ◆ regulation of international marriage brokers (IMBs) that operate in the state;

- ◆ regulation of travel service providers that facilitate sex tourism.

We are grateful to all of our colleagues in legislatures and communities nationwide who share our mission to combat this global women's human rights crisis in every state. And we hope that this **Report Card on State Action to Combat International Trafficking** will inspire their continued efforts.

As always, the Center stands ready to provide its expertise and assistance to all who share this mission.

Leslie R. Wolfe  
President

May 2007

## ABOUT THE REPORT CARD

The **Report Card** publicly recognizes the exceptional leadership of state legislators nationwide for their efforts to confront international trafficking of women and girls into the United States. Since 2002, more than half of the states have enacted some form of anti-trafficking legislation – and we hope that legislators and advocates in these states will use the analysis of their state’s efforts to improve and expand upon their existing laws and policies. While the states that had not yet enacted such laws as of December 31, 2006 received a grade of “F,” we hope that the **Report Card’s** recommendations will inspire their renewed efforts during the remainder of 2007 and in their 2008 legislative sessions.

### METHODOLOGY AND GRADING SYSTEM

We analyzed each state law in terms of its responsiveness to the model legislative provisions for the five types of laws discussed in the Center’s 2005 **Resource Guide for State Legislators**. We assigned a point value for each provision, from 0 [did not address] to 4 [addressed fully]. We then averaged the point values to determine the final numerical grade and translated each numerical grade into the corresponding letter grade.

Each state therefore received **five letter grades**, one for each type of law – criminalization, victim protection and services, statewide interagency task force, regulation of international marriage brokers, and regulation of travel service providers that promote sex tourism. Each state’s individual report card includes a brief analysis of the state’s legislation and includes recommendations for improvements.

We assess **state criminalization statutes** on the basis of several key criteria for a comprehensive anti-trafficking law:

- ◆ Does the statute create the **crime of trafficking** in persons as a felony offense?

- ◆ Does the statute include **comprehensive language** – “recruits, harbors, transports or obtains” persons – to include all those who participate in the offense?
- ◆ Does the statute make explicit reference in its language to the **hallmarks of trafficking** – “force, fraud, and coercion” (or equivalent language) – and does it also include the various methods traffickers use to “recruit” and control their victims?
- ◆ Does the statute criminalize **all forms of trafficking** for forced labor and involuntary servitude, including forced labor in sweatshops, households, agricultural fields, and other workplaces and forced sexual exploitation in brothels, production of pornography, and other forms of forced commercial sexual activity?
- ◆ Does the statute provide for **enhanced penalties** for trafficking of minors and/or for trafficking that involves kidnapping or bodily injury?
- ◆ Does the statute create an **affirmative defense** for trafficked persons so that they are not prosecuted for crimes they were forced to commit?
- ◆ Does the statute provide for **mandatory restitution** to victims of trafficking, for **forfeiture** of traffickers’ assets, for **corporate liability** by traffickers?
- ◆ Does the statute provide for **mandatory training** on international trafficking in persons for local and state law enforcement personnel?

We assess state laws that provide for **victim protection and assistance** based on whether these statutes provide:

- ◆ access to **safe and secure housing** and shelters that are appropriate for women and girls who have been abused and traumatized;

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- ◆ **protection of victims** from intimidation, threats and reprisals from traffickers and protection of victims' privacy and anonymity;
- ◆ physical and mental **health care** services delivered by personnel who are trained to work with abused and traumatized women and girls;
- ◆ **legal and immigration assistance;**
- ◆ **translation services;**
- ◆ **educational and job readiness** programs.

We also consider two other criteria – whether states have created policies and procedures to ensure that trafficking victims have **access to services** and whether states provide victims with a **private right of action**.

We assess statutes that establish **Statewide Interagency Task Forces** based on the extent to which they include top leaders of essential state government agencies and key statewide and community-based nongovernmental organizations that serve women and girls from various communities in the state.

The 2004 **Connecticut** statute that created its **Interagency Task Force on Trafficking in Persons** is the model for other statutes – as it includes a mandate to ascertain the nature and extent of trafficking in the state, assess the adequacy of available services for victims of trafficking, and make recommendations for legislative, policy, and programmatic initiatives to respond to the findings.

We assess state laws that **regulate international marriage brokers (IMBs)** based on whether they include:

- ◆ **mandatory dissemination** of criminal and marital history of the prospective American client to women from other countries, in their own language;
- ◆ **mandatory dissemination** of basic US civil and legal rights information to women from other countries, in their own language;

- ◆ **civil penalties** for violations of the statute.

We assess state laws that **regulate travel service providers that facilitate sex tourism** based on whether they create both a **criminal offense** and a **civil penalty** for travel agencies and other travel service providers in the state that promote sex tourism.

**Special Recognition:** Several states enacted important provisions that we had not included in the Center's 2005 **Resource Guide**. We appreciate the forward-thinking leadership of these state legislatures and briefly describe these new provisions in the individual state report cards. Although these new provisions do not affect the state's overall grade, we are pleased to award these states **Special Recognition** for their outstanding leadership.

### SUMMARY OF FINDINGS

Since 2002, when **Washington** became the first state in the United States to enact anti-trafficking legislation, states have made great strides forward in confronting these complex issues. We take this opportunity to honor **Washington** for blazing a trail for other states to follow – passing the first state criminalization law in 2003, creating the first statewide interagency task force in 2002, and passing the first legislation to regulate international marriage brokers (IMBs) in 2002.

As of December 31, 2006, 27 states had enacted some form of anti-trafficking law – including 25 state criminalization statutes, 10 laws to create statewide interagency task forces, commissions, or special studies, four laws to regulate international marriage brokers that operate in the state, and four statutes to regulate travel service providers that facilitate sex tourism.

We especially recommend that states consider creating **statewide interagency task forces**, by statute, as this is a strategy that has been proven effective in building partnerships among the executive branch, the legislature, law enforcement, advocates for

women’s human rights, and such service providers as battered women’s shelters, rape crisis centers, refugee and immigrant rights groups, legal services attorneys, and programs designed specifically to aid victims of trafficking. Through a statewide task force, these key leaders propose legislation that will confront trafficking in the state in the most effective manner – and with the broadest and deepest support of key leaders.

### CRIMINALIZATION STATUTES

Laws to make trafficking in persons a state felony offense now are on the books in **Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, North Carolina, Pennsylvania, South Carolina, Texas, and Washington.**

Nine of these state laws provide for mandatory restitution to victims/survivors of trafficking – **Arizona, California, Idaho, Illinois, Indiana, Iowa, Missouri, New Jersey, and Pennsylvania.** And five states include requirements for asset forfeiture – **Illinois, Minnesota, New Jersey, Pennsylvania, and Washington.** Four states – **Connecticut, Illinois, Iowa, and New Jersey** – create an affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors. Five state laws criminalize traffickers’ withholding or destruction of their victims’ immigration or identification documents – **Iowa, Michigan, Minnesota, Mississippi, and Missouri.**

### PROTECTION OF VICTIMS AND PROVISION OF SERVICES

Eleven states have enacted laws that provide for victim protections and provision of services – **California, Connecticut, Florida, Idaho, Illinois, Indiana, Iowa, Minnesota, Missouri, New Jersey, and Washington.**

We commend each of these states for taking the leadership to provide women and girls trafficked into their states with the essential protection and

assistance to ensure their safety and facilitate their physical and emotional recovery. We appreciate the difficulty many legislatures face in creating new service delivery programs that will require the expenditure of state funds, but we urge states to find a way to share their resources with women and girls who have been trafficked into their communities for forced labor and exploitation.

### STATEWIDE INTERAGENCY TASK FORCES

In 2002, the **Washington** legislature created the first Task Force in the United States – designed to study the nature and extent of trafficking of persons into the state and to make recommendations for appropriate state legislative and policy responses. The ***Washington State Task Force Against the Trafficking of Persons*** thus became the first model for other states.

Nine additional states have passed laws creating similar **Statewide Interagency Task Forces** or state study commissions – **California, Colorado, Connecticut, Hawaii, Idaho, Iowa, Maine, Minnesota, and Nebraska.** The ***Report Card*** only assesses the actual legislation establishing the Task Force, but does not comment on the implementation, activities, or recommendations of these state Task Forces or study commissions.

### REGULATION OF INTERNATIONAL MARRIAGE BROKERS (IMBs)

Four states have passed laws to regulate IMBs that operate in the state – **Hawaii, Missouri, Texas, and Washington.**

### REGULATION OF TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM

In 2004, **Hawaii** became the first state to regulate travel agencies and others that facilitate sex tourism. In 2006, **Alaska, Missouri, and Washington** also enacted such laws.

## ACKNOWLEDGEMENTS

The Center is especially grateful to senior staff members who contributed their expertise and commitment – and many long hours of intensive work – to the preparation of the **Report Card**. Amy Bain, policy associate, and Jennifer Tucker, vice president, ensured that the **Report Card's** analysis was accurate and complete and worked closely with Center consultant, Kelly Heinrich, whose initial analysis of each state's anti-trafficking laws formed the basis for the final **Report Card**.

This project was supported by Grant No. 2006-DD-BX-K280 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United States Department of Justice.

**REPORT CARD ON STATE ACTION TO COMBAT INTERNATIONAL TRAFFICKING**

	<b>Criminalization Statutes</b>	<b>Victims Protection and Assistance</b>	<b>Statewide Task Forces</b>	<b>Regulating International Marriage Brokers</b>	<b>Regulating Travel Service Providers</b>
ALABAMA	F	F	F	F	F
ALASKA	D+	F	F	F	C
ARIZONA	C+	F	F	F	F
ARKANSAS	B-	F	F	F	F
CALIFORNIA	B	B	A	F	F
COLORADO	D-	F	A-	F	F
CONNECTICUT	C	D	A	F	F
DELAWARE	F	F	F	F	F
FLORIDA	B	D	F	F	F
GEORGIA	B	F	F	F	F
HAWAII	F	F	A	C	A
IDAHO	C+	D-	A	F	F
ILLINOIS	B+	B	F	F	F
INDIANA	C+	B	F	F	F
IOWA	B+	C-	B	F	F
KANSAS	B-	F	F	F	F
KENTUCKY	F	F	F	F	F
LOUISIANA	B-	F	F	F	F
MAINE	F	F	A	F	F
MARYLAND	F	F	F	F	F
MASSACHUSETTS	F	F	F	F	F
MICHIGAN	B-	F	F	F	F
MINNESOTA	B	D	C+	F	F
MISSISSIPPI	B-	F	F	F	F
MISSOURI	C+	D	F	D+	A
MONTANA	F	F	F	F	F
NEBRASKA	B-	F	B	F	F
NEVADA	F	F	F	F	F
NEW HAMPSHIRE	F	F	F	F	F
NEW JERSEY	B+	D+	F	F	F
NEW MEXICO	F	F	F	F	F
NEW YORK	F	F	F	F	F
NORTH CAROLINA	B-	F	F	F	F
NORTH DAKOTA	F	F	F	F	F
OHIO	F	F	F	F	F
OKLAHOMA	F	F	F	F	F
OREGON	F	F	F	F	F
PENNSYLVANIA	B	F	F	F	F
RHODE ISLAND	F	F	F	F	F
SOUTH CAROLINA	C	F	F	F	F
SOUTH DAKOTA	F	F	F	F	F
TENNESSEE	F	F	F	F	F
TEXAS	B-	F	F	A	F
UTAH	F	F	F	F	F
VERMONT	F	F	F	F	F
VIRGINIA	F	F	F	F	F
WASHINGTON	B	C-	A	C	A
WEST VIRGINIA	F	F	F	F	F
WISCONSIN	F	F	F	F	F
WYOMING	F	F	F	F	F

ALABAMA	
CRIMINALIZATION	F
VICTIM PROTECTION AND ASSISTANCE	F
STATEWIDE TASK FORCE/ASSESSMENT	F

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

Alabama should pass a criminalization statute that: creates the crime of trafficking in persons as a felony with enhanced penalties; includes measures for asset forfeiture and corporate liability for traffickers; requires training for local and state law enforcement; and, includes provisions for mandatory restitution to trafficking victims. The statute also should create an affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors.

**VICTIM PROTECTION AND ASSISTANCE**

Alabama state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical

and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Alabama also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

Alabama should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls and for women and girls in refugee and immigrant communities.

<b>REGULATING INTERNATIONAL MARRIAGE BROKERS</b>	<b>F</b>
<b>REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM</b>	<b>F</b>

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Alabama should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Alabama should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

For more information and proposed legislative language for all five types of state laws, see the **Center’s Resource Guide for State Legislators: Model Provisions for State Anti-Trafficking Laws** at [www.centerwomenpolicy.org](http://www.centerwomenpolicy.org) or request a free printed copy at [cwps@centerwomenpolicy.org](mailto:cwps@centerwomenpolicy.org).

ALASKA	
<b>CRIMINALIZATION</b>	<b>D+</b>
<b>VICTIM PROTECTION AND ASSISTANCE</b>	<b>F</b>
<b>STATEWIDE TASK FORCE/ASSESSMENT</b>	<b>F</b>

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

In 2006, Alaska passed a law that established the Class A felony of human trafficking for compelling or inducing another person to come to the state for the purpose of sexual conduct, adult entertainment, or labor through the use or threat of force or by deception. The law also established the Class B felony for anyone who benefits from trafficking.

While this is a good start, Alaska can strengthen this law by including the language “recruits, harbors, transports or obtains” or its equivalent, to encompass all the individuals who participate in the offense of trafficking, thus increasing the state’s ability to prosecute all criminal actors involved in human trafficking. Moreover, it should expand its statute by including “coercion” along with its existing language of “force” and “deception,” thus including all the elements traffickers use to “recruit” and control their victims.

To further strengthen its anti-trafficking law, Alaska also should enact the following provisions:

- ◆ Enhanced penalties for traffickers and captors;
- ◆ An affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors;

- ◆ Mandatory restitution to trafficking victims;
- ◆ Asset forfeiture by traffickers;
- ◆ Corporate liability for traffickers; and
- ◆ Mandatory training for local and state law enforcement.

**VICTIM PROTECTION AND ASSISTANCE**

Alaska state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Alaska also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

Alaska should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the

**REGULATING INTERNATIONAL MARRIAGE BROKERS**

F

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

C

adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Alaska should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

In 2006, Alaska expanded the crime of promoting prostitution in the second degree to include any person who “offers, sells, advertises, promotes, or facilitates travel that includes commercial sexual conduct as enticement for the travel.” To improve upon this law, Alaska should create civil penalties, such as suspension and/or revocation of the agency’s license or registration, for businesses that violate this statute.

**SPECIAL RECOGNITION:** Alaska prohibits the procurement of supplies, services, professional services and construction by its legislative and judicial branches and agencies from any country listed in Tier 3 of the U.S. Department of State’s annual *Trafficking in Persons Report*. The State Department places a country in Tier 3 if the Department has determined that the country has a significant human trafficking problem but is not making sufficient efforts to combat it.

For more information and proposed legislative language for all five types of state laws, see the **Center’s Resource Guide for State Legislators: Model Provisions for State Anti-Trafficking Laws** at [www.centerwomenpolicy.org](http://www.centerwomenpolicy.org) or request a free printed copy at [cwps@centerwomenpolicy.org](mailto:cwps@centerwomenpolicy.org).

ARIZONA	
<b>CRIMINALIZATION</b>	<b>C+</b>
<b>VICTIM PROTECTION AND ASSISTANCE</b>	<b>F</b>
<b>STATEWIDE TASK FORCE/ASSESSMENT</b>	<b>F</b>

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

In 2005, Arizona passed a law that established two Class 2 felonies: sex trafficking; and trafficking of persons for forced labor or services. Additionally, the law created a first degree felony of sex trafficking of a minor under the age of 15 and a second degree felony of attempted sex trafficking of a minor. The law also established a Class 2 felony for anyone who benefits from trafficking.

Arizona’s definition of sex trafficking uses the comprehensive language of “recruits, entices, harbors, transports, provides or obtains” to encompass all the individuals who participate in the offense of sex trafficking; the statute also uses the language of “force, fraud, or coercion” to include all the elements traffickers use to “recruit” and control victims. Arizona should strengthen its existing statute by amending the language of the forced labor offense to mirror that of the more comprehensive sex trafficking offense; this would add “recruits, entices, harbors, transports, provides” to the existing language of “obtains” and “force, fraud, or coercion.” Arizona also should include a definition of “forced sexual exploitation” that criminalizes all forms of sex trafficking, not only “prostitution.” While Arizona provides enhanced penalties for the sex trafficking of a minor, it should include additional offenses such as kidnapping,

sexual assault, and serious bodily injury. The Center commends Arizona for providing mandatory restitution to victims of trafficking.

To further strengthen its anti-trafficking law, Arizona also should enact the following provisions:

- ◆ An affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors;
- ◆ Asset forfeiture by traffickers;
- ◆ Corporate liability for traffickers; and
- ◆ Mandatory training for local and state law enforcement.

**VICTIM PROTECTION AND ASSISTANCE**

Arizona state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other professionals who are trained to work with abused and traumatized educational and job readiness programs. Arizona also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

<b>REGULATING INTERNATIONAL MARRIAGE BROKERS</b>	<b>F</b>
<b>REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM</b>	<b>F</b>

**STATEWIDE INTERAGENCY TASK FORCE**

Arizona should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Arizona should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how

and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Arizona should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

For more information and proposed legislative language for all five types of state laws, see the **Center’s Resource Guide for State Legislators: Model Provisions for State Anti-Trafficking Laws** at [www.centerwomenpolicy.org](http://www.centerwomenpolicy.org) or request a free printed copy at [cwps@centerwomenpolicy.org](mailto:cwps@centerwomenpolicy.org).

ARKANSAS	
<b>CRIMINALIZATION</b>	<b>B-</b>
<b>VICTIM PROTECTION AND ASSISTANCE</b>	<b>F</b>
<b>STATEWIDE TASK FORCE/ASSESSMENT</b>	<b>F</b>

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

In 2005, Arkansas passed a law that established the Class A felony of trafficking of persons for the purpose of involuntary servitude, peonage, debt bondage, slavery, marriage, adoption, or sexual conduct. The law also created the Class A felony of benefiting financially from trafficking.

Arkansas’ statute uses the comprehensive language of “recruits, harbors, transports or obtains” to encompass all the individuals who participate in the offense of trafficking; the statute also uses the language of “force, fraud, or coercion” to include all the elements traffickers use to “recruit” and control victims. To ensure that the statute criminalizes all forms of trafficking for forced sexual exploitation, Arkansas should amend its definition of “sexual conduct” to include comprehensive language on “forced sexual exploitation.”

To further strengthen its anti-trafficking law, Arkansas also should enact the following provisions:

- ◆ Enhanced penalties for traffickers;
- ◆ An affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors;
- ◆ Mandatory restitution to trafficking victims;

- ◆ Asset forfeiture by traffickers;
- ◆ Corporate liability for traffickers; and
- ◆ Mandatory training for local and state law enforcement.

**VICTIM PROTECTION AND ASSISTANCE**

Arkansas state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Arkansas also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

Arkansas should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and

<b>REGULATING INTERNATIONAL MARRIAGE BROKERS</b>	<b>F</b>
<b>REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM</b>	<b>F</b>

programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

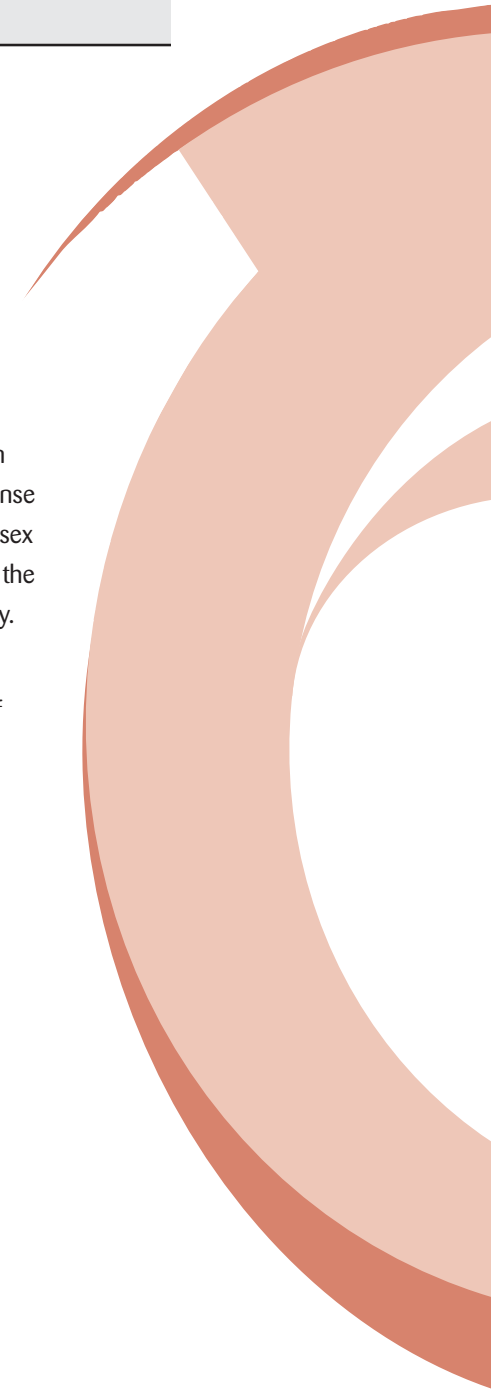
**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Arkansas should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Arkansas should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

For more information and proposed legislative language for all five types of state laws, see the **Center’s Resource Guide for State Legislators: Model Provisions for State Anti-Trafficking Laws** at [www.centerwomenpolicy.org](http://www.centerwomenpolicy.org) or request a free printed copy at [cwps@centerwomenpolicy.org](mailto:cwps@centerwomenpolicy.org).



CALIFORNIA	
CRIMINALIZATION	B
VICTIM PROTECTION AND ASSISTANCE	B
STATEWIDE TASK FORCE/ASSESSMENT	A

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

The 2005 California Trafficking Victims Protection Act established human trafficking for “forced labor or service” or “depriving or violating the personal liberty of another with the intent to effect or maintain a felony violation,” such as prostitution, as a felony punishable by a sentence of three, four, or five years in state prison and a sentence of four, six or eight years for trafficking of a minor. The statute provides mandatory restitution for victims of trafficking.

California’s statute uses the comprehensive language of “recruits, harbors, transports or obtains” to encompass all the individuals who participate in the offense of trafficking; the statute also uses the language of “force, fraud, deceit, coercion, violence, duress, menace or threat” to include all the elements traffickers use to “recruit” and control their victims. California also should include a definition of “forced sexual exploitation” that criminalizes all forms of sex trafficking, not only “prostitution.” While the law provides enhanced penalties for the trafficking of a minor, it also should include offenses such as kidnapping, sexual assault, and serious bodily injury.

To further strengthen its anti-trafficking law, California also should enact the following provisions:

- ◆ An affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors;
- ◆ Asset forfeiture by traffickers;
- ◆ Corporate liability for traffickers; and
- ◆ Mandatory training for local and state law enforcement.

**VICTIM PROTECTION AND ASSISTANCE**

In 2006, California amended its *Welfare and Institutions Code* to allow non-citizen victims of trafficking, domestic violence and other serious crimes to gain access to certain

public social services, including cash assistance, employment social services, and health care services. Trafficking victims are eligible for public social services for one year. After the one year, benefits may continue if federal law enforcement files a continued presence request or a trafficked person files a T Visa application. California stipulates that within 15 days of first encountering a trafficking victim, law enforcement agencies must complete and submit the *Law Enforcement Agency Endorsement (LEA)* documents. If the LEA Endorsement is found to be “inappropriate,” the law enforcement agency, within 15 days, must provide the victim with a letter explaining why it was denied. Additionally, California provides victims of trafficking with a private right of action.

The Center commends California for its exceptional efforts to provide social services to victims of trafficking. The legislature should continue these efforts by providing other forms of assistance to victims of trafficking, especially: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; and translation services. California also should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

In 2005, the state legislature created the *California Alliance to Combat Trafficking and Slavery (California ACTS) Task Force* to ascertain the nature and extent of trafficking in the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The task force members

**REGULATING INTERNATIONAL MARRIAGE BROKERS**

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**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

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included state legislators, members of the judiciary, heads of key governmental agencies, the chair of the state Commission on the Status of Women, representatives from law enforcement, representatives of nongovernmental organizations that provide services to victims of sexual assault and domestic violence, children, low income individuals, immigrant and refugee communities, and farm workers. Health care professionals and one survivor of human trafficking also served on the task force.

Prior to passage of the *California ACTS Task Force*, the legislature took a unique approach. In 2004, at the request of Assemblywoman Sally Lieber, Assembly Speaker Fabian Nunez created the *Select Committee on Human Trafficking in California*, chaired by Assemblywoman Lieber, which held hearings in several parts of the state to begin collecting information about trafficking of persons into California. Co-sponsors of these hearings included the California Commission on the Status of Women, the California Women’s Law Center, and the California Women’s Legislative Caucus.

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

California should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law

should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

California should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

**SPECIAL RECOGNITION:** California’s leadership is reflected in three unique and important provisions that are included in its state laws. First, California makes it a misdemeanor to disclose the location of any shelter for victims of trafficking.

California also creates a caseworker privilege, to protect the information a trafficked person shares with a caseworker from being made available to criminal defense attorneys and therefore to the trafficker. This provision is extremely beneficial because caseworkers’ ability to assist trafficked persons is hindered if they must limit the information they can gather.

Finally, California makes benefits available to any trafficked person for one year; after the one year, benefits may continue if federal law enforcement files a continued presence request or a trafficked person files a T Visa application.

For more information and proposed legislative language for all five types of state laws, see the **Center’s Resource Guide for State Legislators: Model Provisions for State Anti-Trafficking Laws** at [www.centerwomenpolicy.org](http://www.centerwomenpolicy.org) or request a free printed copy at [cwps@centerwomenpolicy.org](mailto:cwps@centerwomenpolicy.org).

<b>COLORADO</b>	
<b>CRIMINALIZATION</b>	<b>D–</b>
<b>VICTIM PROTECTION AND ASSISTANCE</b>	<b>F</b>
<b>STATEWIDE TASK FORCE/ASSESSMENT</b>	<b>A–</b>

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

In 2006, Colorado passed a law that established the Class 2 felony of trafficking in adults (persons 16 years of age or older) and the Class 3 felony of trafficking in children (persons under the age of 16). While this is a good start, Colorado should broaden the offense, currently restricted to the sale or exchange of an adult or child, to include the language “recruits, harbors, transports or obtains” or its equivalent, to encompass all the individuals who participate in the offense of trafficking. It also should add “force, fraud and coercion” to include all the elements traffickers use to “recruit” and control their victims. The statute must include definitions for “forced labor” and “forced sexual exploitation” to ensure that the law criminalizes all forms of trafficking. Furthermore, the legislature should eliminate the distinction that defines the crime’s severity according to a victim’s immigration status, which reflects a bias against those who are not citizens of the state.

With the creation of a division in the state patrol to “address human smuggling and human trafficking on its highways,” Colorado is falsely conflating these two separate crimes. If these distinctions become blurred, trafficking victims will not be properly identified nor will they receive the appropriate protection and assistance necessary. The legislature should establish clear guidelines on how to correctly identify victims, and ensure that law enforcement personnel understand them.

To further strengthen its anti-trafficking law, Colorado also should enact the following provisions:

- ◆ Enhanced penalties for traffickers;
- ◆ An affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors;
- ◆ Mandatory restitution to trafficking victims;
- ◆ Asset forfeiture by traffickers;
- ◆ Corporate liability for traffickers; and
- ◆ Mandatory training for local and state law enforcement.

**VICTIM PROTECTION AND ASSISTANCE**

Colorado state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Colorado also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

In 2005, the Colorado legislature created the *Interagency Task Force on Trafficking in Persons*

**REGULATING INTERNATIONAL MARRIAGE BROKERS**

**F**

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

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to: collect and organize data on the nature and extent of trafficking in the state; investigate collaborative models for protecting victims; measure and evaluate the progress of the state in preventing trafficking, protecting victims, and prosecuting traffickers; identify available federal, state, and local programs that provide services to victims; evaluate approaches to increase public awareness of trafficking; analyze existing criminal statutes for their adequacy in addressing trafficking and make recommendations; and, consult with governmental and nongovernmental organizations in developing recommendations.

The membership is comprised of the Governor; heads of key government agencies, representatives from law enforcement; and nongovernmental organizations who provide services to victims of domestic violence and sexual assault. Colorado’s task force statute demonstrates the efforts states can make to ascertain the nature and extent of trafficking in the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives.

However, the Center recommends that the legislature expand the membership of the task force to mandate inclusion of mental health experts, legal and immigration service providers, and immigrant rights and refugee advocacy nongovernmental organizations.

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Colorado should enact legislation to regulate international marriage brokers (IMBs) that operate in

the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Colorado should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

For more information and proposed legislative language for all five types of state laws, see the *Center’s Resource Guide for State Legislators: Model Provisions for State Anti-Trafficking Laws* at [www.centerwomenpolicy.org](http://www.centerwomenpolicy.org) or request a free printed copy at [cwps@centerwomenpolicy.org](mailto:cwps@centerwomenpolicy.org).

CONNECTICUT	
CRIMINALIZATION	C
VICTIM PROTECTION AND ASSISTANCE	D
STATEWIDE TASK FORCE/ASSESSMENT	A

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

In 2006, Connecticut passed a law establishing the Class B felony of trafficking in persons and authorizing and funding a training program on trafficking in persons for state police, the office of the Chief State’s Attorney, local police departments and community organizations. The statute also provides corporate liability and an affirmative defense to trafficking victims who are coerced into prostitution.

While this is an excellent start, Connecticut should amend the trafficking in persons offense to include broader terms that reflect all of the ways in which a person may be trafficked. This would include the language of “recruits, harbors, transports or obtains” (rather than “compel or induce”) and “force, fraud or coercion” as opposed to only “coercion”. Connecticut also should include a definition of “forced sexual exploitation” that criminalizes all forms of sex trafficking, not only “prostitution.”

To further strengthen its anti-trafficking law, Connecticut also should enact the following provisions:

- ◆ Enhanced penalties for traffickers;
- ◆ Mandatory restitution to trafficking victims; and
- ◆ Asset forfeiture by traffickers.

**VICTIM PROTECTION AND ASSISTANCE**

While Connecticut affords victims with a private right of action, it also should provide for appropriate protection and assistance to ensure trafficking victims’ safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Connecticut also should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

The 2004 statute that created Connecticut’s *Interagency Task Force on Trafficking in Persons* is the model for the efforts that states can make to ascertain the nature and extent of trafficking in the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. Its representative membership draws from a wide range of governmental agencies, nongovernmental and community

**REGULATING INTERNATIONAL MARRIAGE BROKERS**

**F**

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**F**

organizations and is the most comprehensive task force legislation enacted so far by any state.

Task force members include: state legislators; representatives of the judiciary; heads of key governmental agencies; chairs of the Permanent Commission on the Status of Women, the Latino and Puerto Rican Affairs Commission, and the African American Commission; representatives from law enforcement; representatives of the Asian American community; health care professionals; advocates for social justice and human rights; and nongovernmental organizations that provide services to victims of sexual assault and domestic violence, to low income people, and to immigrant and refugee communities. In 2006, Connecticut expanded the responsibilities of the task force to “address access to rights, benefits, and services for victims of trafficking.”

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Connecticut should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The

legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Connecticut should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

For more information and proposed legislative language for all five types of state laws, see the **Center’s Resource Guide for State Legislators: Model Provisions for State Anti-Trafficking Laws** at [www.centerwomenpolicy.org](http://www.centerwomenpolicy.org) or request a free printed copy at [cwps@centerwomenpolicy.org](mailto:cwps@centerwomenpolicy.org).

DELAWARE	
CRIMINALIZATION	F
VICTIM PROTECTION AND ASSISTANCE	F
STATEWIDE TASK FORCE/ASSESSMENT	F

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

Delaware should pass a criminalization statute that: creates the crime of trafficking in persons as a felony with enhanced penalties; includes measures for asset forfeiture and corporate liability for traffickers; requires training for local and state law enforcement; and, includes provisions for mandatory restitution to trafficking victims. The statute also should create an affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors.

**VICTIM PROTECTION AND ASSISTANCE**

Delaware state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Delaware also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

Delaware should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the

<b>REGULATING INTERNATIONAL MARRIAGE BROKERS</b>	<b>F</b>
<b>REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM</b>	<b>F</b>

adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Delaware should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly

and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Delaware should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

For more information and proposed legislative language for all five types of state laws, see the **Center’s Resource Guide for State Legislators: Model Provisions for State Anti-Trafficking Laws** at [www.centerwomenpolicy.org](http://www.centerwomenpolicy.org) or request a free printed copy at [cwps@centerwomenpolicy.org](mailto:cwps@centerwomenpolicy.org).

FLORIDA	
<b>CRIMINALIZATION</b>	<b>B</b>
<b>VICTIM PROTECTION AND ASSISTANCE</b>	<b>D</b>
<b>STATEWIDE TASK FORCE/ASSESSMENT</b>	<b>F</b>

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

In 2006, Florida greatly improved upon its original 2004 criminalization statute by expanding the definition of “forced labor or services” to include the use of force, fraud, coercion, isolation, certain debt practices and unlawful conduct with respect to immigration or government identification documents. The new statute also mandated the development and implementation of standards for training programs for law enforcement officers. The 2004 criminalization statute had established two second degree felonies: obtaining forced labor; and, sex trafficking and human trafficking for anyone who knowingly participates in trafficking for purposes of forced labor, services or prostitution. Any sex trafficking activity that results in death or is committed against a person who is under the age of 14 is considered a first degree felony. Additionally, it created the first degree felony of sex trafficking for parents, legal guardians, or other persons having custody of a minor who sell, transfer custody, or offer to sell or transfer custody of the minor for the purpose of sex trafficking or prostitution. In 2006, Florida created a second degree felony for attempted trafficking and knowingly benefiting financially, or receiving anything of value, from trafficking.

Florida uses the comprehensive language of “transports, solicits, recruits, harbors, provides, or obtains” to encompass all the individuals who

participate in the offense of trafficking; the law also uses the terms “force, fraud, or coercion” to include all the elements traffickers use to “recruit” and control victims. Florida should expand its current sex trafficking offense to include a definition of “forced sexual exploitation” that criminalizes all forms of sex trafficking, not only “prostitution.” While Florida provides enhanced penalties for the sex trafficking of a minor, it also should include additional offenses such as kidnapping, sexual assault, and serious bodily injury.

To further strengthen its anti-trafficking law, Florida also should enact the following provisions:

- ◆ An affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors;
- ◆ Mandatory restitution to trafficking victims;
- ◆ Asset forfeiture by traffickers; and
- ◆ Corporate liability for traffickers.

**VICTIM PROTECTION AND ASSISTANCE**

While Florida affords victims with a private right of action, it also should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental

**REGULATING INTERNATIONAL MARRIAGE BROKERS**

F

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

F

health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Florida also should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

Florida should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Florida should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries

(“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Florida should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

**SPECIAL RECOGNITION:** Florida also criminalizes trafficking attempts.

For more information and proposed legislative language for all five types of state laws, see the **Center’s Resource Guide for State Legislators: Model Provisions for State Anti-Trafficking Laws** at [www.centerwomenpolicy.org](http://www.centerwomenpolicy.org) or request a free printed copy at [cwps@centerwomenpolicy.org](mailto:cwps@centerwomenpolicy.org).

GEORGIA	
CRIMINALIZATION	B
VICTIM PROTECTION AND ASSISTANCE	F
STATEWIDE TASK FORCE/ASSESSMENT	F

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

In 2006, the *Georgia Security and Immigration Compliance Act* established the felonies of trafficking in persons for labor servitude and trafficking in persons for sexual servitude. The statute includes an enhanced penalty for trafficking of a person under 18 years of age and allows for a corporation to be prosecuted under certain circumstances. Additionally, the law includes mandatory training for law enforcement.

Georgia’s law uses the comprehensive language of “recruits, harbors, transports or obtains” to encompass all the individuals who participate in the offense of trafficking. While it does not use the terms “force” or “fraud,” Georgia defines “coercion” to incorporate elements of force (causing or threatening to cause bodily harm) and uses the term “deception” as the equivalent of “fraud.” To ensure that the statute criminalizes all forms of sex trafficking, the language of “sexual servitude” should be amended to include the more comprehensive definition of “forced sexual exploitation.” While Georgia provides enhanced penalties for the trafficking of a minor, it should include additional offenses such as kidnapping, sexual assault, and serious bodily injury.

To further strengthen its anti-trafficking law, Georgia also should enact the following provisions:

- ◆ An affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors;
- ◆ Mandatory restitution to trafficking victims;
- ◆ Asset forfeiture by traffickers; and
- ◆ Corporate liability for traffickers.

**VICTIM PROTECTION AND ASSISTANCE**

Georgia state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Georgia also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

<b>REGULATING INTERNATIONAL MARRIAGE BROKERS</b>	<b>F</b>
<b>REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM</b>	<b>F</b>

**STATEWIDE INTERAGENCY TASK FORCE**

Georgia should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Georgia should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights,

in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Georgia should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

For more information and proposed legislative language for all five types of state laws, see the ***Center’s Resource Guide for State Legislators: Model Provisions for State Anti-Trafficking Laws*** at [www.centerwomenpolicy.org](http://www.centerwomenpolicy.org) or request a free printed copy at [cwps@centerwomenpolicy.org](mailto:cwps@centerwomenpolicy.org).

HAWAII	
CRIMINALIZATION	F
VICTIM PROTECTION AND ASSISTANCE	F
STATEWIDE TASK FORCE/ASSESSMENT	A

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

Hawaii should pass a criminalization statute that: creates the crime of trafficking in persons as a felony with enhanced penalties; includes measures for asset forfeiture and corporate liability for traffickers; requires training for local and state law enforcement; and, includes provisions for mandatory restitution to trafficking victims. The statute also should create an affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors.

**VICTIM PROTECTION AND ASSISTANCE**

Hawaii state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and

job readiness programs. Hawaii also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

In 2005, the legislature created the *Hawaii Anti-Trafficking Task Force* to review laws and information from other states on efforts to combat trafficking of persons and provide support for victims. Based on this analysis, the task force will recommend changes to Hawaii law. The task force also is charged with developing protocols and training for the coordination and provision of services for victims. Task force members include: heads of key government agencies; representatives from law enforcement; representatives from the health care community; nongovernmental organizations that provide services to victims of domestic violence and sexual assault; and, advocates who work with immigrant and refugee communities. Hawaii’s task force is an excellent example of the efforts states can make to ascertain the nature and extent of trafficking in the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives.

**REGULATING INTERNATIONAL MARRIAGE BROKERS**

C

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

A

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

In 2004, Hawaii became the third state to regulate international marriage brokers (IMBs) by requiring them to notify women from other countries (“foreign recruits”), in their own language, that the criminal and marital histories of Hawaii residents (“clients”) seeking to meet women “foreign recruits” are available upon request. While this is an excellent start, it puts the responsibility on the women “foreign recruits” to request the information.

Hawaii could strengthen its existing law by requiring IMBs to provide women “foreign recruits” with the criminal and marital histories of the “client,” as well as basic information about women’s civil and legal rights in the United States. Furthermore, the IMBs should be required to disseminate this information to “recruits,” in their own language, without first requiring a request. This lifts the burden of requesting the information from the women “recruits” and provides them with the necessary information to make an informed decision about pursuing further contact with the “client.”

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

In 2004, Hawaii became the first state to regulate travel service providers that facilitate sex tourism by establishing a Class C felony for knowingly selling or offering to sell travel services that include or facilitate travel for the purpose of engaging in prostitution. The law authorizes the suspension or revocation of travel agency registration for engaging in these acts. Hawaii’s law is an excellent example of a comprehensive approach to regulating travel service providers that facilitate sex tourism by creating both a criminal offense and providing for civil penalties.

For more information and proposed legislative language for all five types of state laws, see the **Center’s Resource Guide for State Legislators: Model Provisions for State Anti-Trafficking Laws** at [www.centerwomenpolicy.org](http://www.centerwomenpolicy.org) or request a free printed copy at [cwps@centerwomenpolicy.org](mailto:cwps@centerwomenpolicy.org).

IDAHO	
<b>CRIMINALIZATION</b>	<b>C+</b>
<b>VICTIM PROTECTION AND ASSISTANCE</b>	<b>D-</b>
<b>STATEWIDE TASK FORCE/ASSESSMENT</b>	<b>A</b>

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

In 2006, Idaho established “sex trafficking” and trafficking for “labor or services” as felonies punishable by imprisonment in the state prison for not more than 25 years. The law also authorizes the court to order restitution to trafficking victims and to order payment for mental and physical rehabilitation of the victim.

Idaho defines trafficking for “labor or services” by using the comprehensive language of “recruits, harbors, transports, provides or obtains” and “force, fraud, or coercion” to include all the elements traffickers use to “recruit” and control victims. Idaho should amend its “sex trafficking” definition to mirror the language of its “trafficking for labor or services” offense by including “recruits, harbors, transports, provides or obtains” to encompass all the individuals who participate in the offense of trafficking. To ensure that the statute criminalizes all forms of sex trafficking, Idaho should include a definition for “commercial sex act” that includes the language of “forced sexual exploitation.” While Idaho provides enhanced penalties for trafficking of a minor, it also should include additional offenses such as kidnapping, sexual assault, and serious bodily injury.

To further strengthen its anti-trafficking law, Idaho also should enact the following provisions:

- ◆ An affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors;

- ◆ Asset forfeiture by traffickers;
- ◆ Corporate liability for traffickers; and
- ◆ Mandatory training for local and state law enforcement.

**VICTIM PROTECTION AND ASSISTANCE**

Idaho makes a good first attempt at providing victim protection and assistance by requiring a report from the Attorney General, in consultation with the Department of Health and Welfare and the U.S. Attorney’s Office, on how existing laws and programs respond to the needs of trafficking victims and what improvements can be made. The Center commends Idaho’s efforts and suggests that the law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Idaho also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

In 2005, the Idaho legislature authorized the Legislative Council to appoint a legislative committee

**REGULATING INTERNATIONAL MARRIAGE BROKERS**

F

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

F

to complete a study on human trafficking. The co-chairs of the committee were charged with appointing the non-legislative members of the committee, which included but were not limited to: heads of key government agencies; representatives from the judiciary; law enforcement personnel; representatives of the health care community; nongovernmental organizations that provide services to victims of domestic violence and sexual assault; and advocates who work with immigrant and refugee communities.

The statute authorized the committee to: collect data and present findings on the nature and extent of human trafficking in Idaho; identify available federal, state and local programs that provide services to victims; analyze and make recommendations regarding the ability of existing criminal statutes to address trafficking; and, make recommendations regarding the prevention of trafficking, the prosecution of offenses, and the provision of victim assistance. Idaho’s committee is an excellent example of the efforts states can make to ascertain the nature and extent of trafficking in the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives.

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Idaho should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from

domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Idaho should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

For more information and proposed legislative language for all five types of state laws, see the *Center’s Resource Guide for State Legislators: Model Provisions for State Anti-Trafficking Laws* at [www.centerwomenpolicy.org](http://www.centerwomenpolicy.org) or request a free printed copy at [cwps@centerwomenpolicy.org](mailto:cwps@centerwomenpolicy.org).

ILLINOIS	
CRIMINALIZATION	B+
VICTIM PROTECTION AND ASSISTANCE	B
STATEWIDE TASK FORCE/ASSESSMENT	F

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

Illinois’ 2005 statute defines trafficking of persons in a comprehensive manner. It establishes the felony offenses of involuntary servitude, involuntary servitude of a minor, and trafficking of persons for forced labor or services – which includes commercial sexual activity and sexually explicit performances. The law also specifies factors that can be used to determine the severity of the charge, such as: causing or threatening physical harm; destroying, concealing, removing, confiscating, or possessing any actual or purported immigration document; and using intimidation. Enhanced penalties include a broad array of offenses, including sexual assault, extreme violence, and bodily injury. The statute authorizes mandatory restitution to victims of trafficking and provides for an affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors. The statute also provides for asset forfeiture by traffickers.

To further strengthen its anti-trafficking law, Illinois also should enact the following provisions:

- ◆ Corporate liability for traffickers; and
- ◆ Mandatory training for local and state law enforcement.

**VICTIM PROTECTION AND ASSISTANCE**

Illinois’ criminalization statute specifies that trafficking victims should be provided with emergency services and assistance depending upon the availability of funding. It stipulates that one half of the monies received through the forfeiture of any assets obtained as a result of the involuntary servitude or trafficking offense will be deposited in the *Violent Crime Victims Assistance Fund* and targeted to services for trafficking victims. Additionally, Illinois’ *Predator Accountability Act* instructs that “a victim of the sex trade (including trafficking victims) shall be entitled to all relief that would make him or her whole.”

Illinois also affords trafficking victims with a private right of action and requires law enforcement to provide written documentation of the cooperation of the trafficking victim to any federal agency granting benefits to the victim.

The Center commends Illinois for providing protection and assistance to trafficking victims and suggests that it improve upon its existing laws by specifying the types of protection and assistance that are available to trafficking victims, such as: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and,

<b>REGULATING INTERNATIONAL MARRIAGE BROKERS</b>	<b>F</b>
<b>REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM</b>	<b>F</b>

educational and job readiness programs. Additionally, The Center suggests providing a time frame within which law enforcement must complete the certification form to ensure that victims gain access to much needed services more quickly.

**STATEWIDE INTERAGENCY TASK FORCE**

Illinois should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Illinois should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The

legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Illinois should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

**SPECIAL RECOGNITION:** Illinois also criminalizes trafficking attempts.

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INDIANA	
<b>CRIMINALIZATION</b>	<b>C+</b>
<b>VICTIM PROTECTION AND ASSISTANCE</b>	<b>B</b>
<b>STATEWIDE TASK FORCE/ASSESSMENT</b>	<b>F</b>

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

In 2006, Indiana enacted a statute that established a Class C felony of human trafficking and a Class B felony of promoting human trafficking. The law also created a Class A felony of sexual trafficking of a minor for parents, legal guardians, or other persons having custody of a minor who sell or transfer custody of the minor for the purpose of prostitution. The law requires court ordered victim restitution, allows that some cases of trafficking be considered domestic violence and racketeering activity, and requires the Law Enforcement Training Board to establish minimum standards for a course of study on human and sexual trafficking to be completed by law enforcement trainees and cadets and to be included in law enforcement officers’ in-service training programs.

Indiana uses the comprehensive language of “recruits, harbors, transports, or obtains” to encompass all the individuals who participate in the offense of trafficking. It should expand its trafficking offense by including “coercion” along with its existing language of “force” and “fraud,” thus including all the elements traffickers use to “recruit” and control their victims.

Indiana also should include a definition of “forced sexual exploitation” that criminalizes all forms of sex trafficking, not only “prostitution.”

To further strengthen its anti-trafficking law, Indiana also should enact the following provisions:

- ◆ Enhanced penalties for traffickers;
- ◆ An affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors;
- ◆ Asset forfeiture by traffickers; and
- ◆ Corporate liability for traffickers.

**VICTIM PROTECTION AND ASSISTANCE**

Indiana grants “alleged” trafficking victims many protections. These include protection from being detained in a facility inappropriate to the victim’s status as a crime victim and from being jailed, fined or otherwise penalized because of her/his status as a victim of trafficking. The state also provides for protection if the victim’s safety is at risk and for ensuring that any identifying information about the victim and the victim’s family members is not disclosed to the public. The state also affords trafficking victims with a private right of action.

While Indiana makes an excellent effort to protect victims, it also should provide for appropriate assistance and benefits to ensure their physical and emotional recovery. Victim assistance should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental

**REGULATING INTERNATIONAL MARRIAGE BROKERS**

F

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

F

health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Indiana also should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

Indiana should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Indiana should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history

of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Indiana should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

For more information and proposed legislative language for all five types of state laws, see the **Center’s Resource Guide for State Legislators: Model Provisions for State Anti-Trafficking Laws** at [www.centerwomenpolicy.org](http://www.centerwomenpolicy.org) or request a free printed copy at [cwps@centerwomenpolicy.org](mailto:cwps@centerwomenpolicy.org).

<b>Iowa</b>	
<b>CRIMINALIZATION</b>	<b>B+</b>
<b>VICTIM PROTECTION AND ASSISTANCE</b>	<b>C-</b>
<b>STATEWIDE TASK FORCE/ASSESSMENT</b>	<b>B</b>

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

Iowa’s 2006 statute is an extensive law that defines trafficking of persons in a comprehensive manner. It establishes Class B, C or D felonies of human trafficking of adults and victims under 18 years of age. It also includes felony offenses for: unlawful conduct with regard to immigration or government identification documents; benefiting financially or receiving anything of value from trafficking; and, soliciting services or benefiting from the services of a trafficked victim. Enhanced penalties include trafficking of a minor (a person under 18 years of age) and causing or threatening to cause serious physical injury. The statute provides for mandatory restitution to trafficking victims and also creates an affirmative defense for trafficking victims so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors. The law requires – in consultation with experts in the field – the development of human trafficking training standards, including curricula on cultural sensitivity and dealing effectively and appropriately with trafficking victims.

Iowa’s statute uses the comprehensive language of “recruits, harbors, transports, provides or obtains” to encompass all the individuals who participate in the offense of trafficking; the statute also uses the language of “force, fraud, or coercion” to include all the elements traffickers use to “recruit” and control their victims. Additionally, it provides broad definitions for forced labor or services and “commercial sexual activity” to

ensure that the statute criminalizes all forms of trafficking for “forced labor exploitation” and “forced sexual exploitation.” While Iowa provides enhanced penalties for trafficking of a minor, it also should include additional offenses such as kidnapping and sexual assault.

To further strengthen its anti-trafficking law, Iowa also should enact the following provisions:

- ◆ Asset forfeiture by traffickers; and
- ◆ Corporate liability for traffickers.

**VICTIM PROTECTION AND ASSISTANCE**

Iowa affords trafficking victims the same rights as other crime victims, and allows access to the victim compensation fund regardless of immigration status. It also requires law enforcement to provide written documentation of the cooperation of the trafficking victim to any federal agency granting benefits to the victim.

The Center commends Iowa for its efforts to provide protection and assistance to trafficking victims and suggests that it improve upon its existing laws by expanding the type of protections and assistance available to trafficking victims, such as: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Iowa also should provide victims with a private right of action. Additionally, the Center suggests providing a time frame within which law

**REGULATING INTERNATIONAL MARRIAGE BROKERS**

F

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

F

enforcement must complete the certification form to ensure that victims gain access to much-needed services more quickly. Iowa also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

Iowa’s 2006 criminalization statute requested legislative council authorization for a legislative interim study on human trafficking. The study recommendations and findings included, but were not limited to, identifying the needs of human trafficking victims and law enforcement and any other agencies that serve victims of human trafficking. The statute required that the study report be submitted for consideration during the 2007 legislative session. To improve upon its study, Iowa should include participant members beyond the legislature, such as the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Iowa should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries

(“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Iowa should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

**SPECIAL RECOGNITION:** Iowa also criminalizes trafficking attempts, as well as unlawful conduct with respect to documents, which refers to traffickers’ withholding and/or destroying of immigration or government identification documents.

For more information and proposed legislative language for all five types of state laws, see the **Center’s Resource Guide for State Legislators: Model Provisions for State Anti-Trafficking Laws** at [www.centerwomenpolicy.org](http://www.centerwomenpolicy.org) or request a free printed copy at [cwps@centerwomenpolicy.org](mailto:cwps@centerwomenpolicy.org).

KANSAS	
<b>CRIMINALIZATION</b>	<b>B-</b>
<b>VICTIM PROTECTION AND ASSISTANCE</b>	<b>F</b>
<b>STATEWIDE TASK FORCE/ASSESSMENT</b>	<b>F</b>

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

In 2005, Kansas enacted a statute that established the level 2 felony offense of trafficking and the level 1 felony offense of aggravated trafficking. Trafficking is defined as aggravated if it includes kidnapping or attempted kidnapping, the “sexual gratification” of the defendant or another person, the death of the victim, or trafficking of a person under the age of 18. Benefiting financially or receiving anything of value from trafficking is established as a level 2 felony.

Kansas uses the comprehensive language of “recruits, harbors, transports, provides or obtains” to encompass all the individuals who participate in the offense of trafficking; the statute also uses the language of “force, fraud, threat, or coercion” to include all the elements traffickers use to “recruit” and control victims. To ensure that the statute criminalizes all forms of sex trafficking, however, Kansas should include a definition of “sexual gratification” that includes the language of “forced sexual exploitation.”

To further strengthen its anti-trafficking law, Kansas also should enact the following provisions:

- ◆ An affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors;
- ◆ Mandatory restitution to trafficking victims;
- ◆ Asset forfeiture by traffickers;
- ◆ Corporate liability for traffickers; and
- ◆ Mandatory training for local and state law enforcement.

**VICTIM PROTECTION AND ASSISTANCE**

Kansas state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Kansas also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

<b>REGULATING INTERNATIONAL MARRIAGE BROKERS</b>	<b>F</b>
<b>REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM</b>	<b>F</b>

**STATEWIDE INTERAGENCY TASK FORCE**

Kansas should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Kansas should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and

legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Kansas should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

For more information and proposed legislative language for all five types of state laws, see the **Center’s Resource Guide for State Legislators: Model Provisions for State Anti-Trafficking Laws** at [www.centerwomenpolicy.org](http://www.centerwomenpolicy.org) or request a free printed copy at [cwps@centerwomenpolicy.org](mailto:cwps@centerwomenpolicy.org).

KENTUCKY	
CRIMINALIZATION	F
VICTIM PROTECTION AND ASSISTANCE	F
STATEWIDE TASK FORCE/ASSESSMENT	F

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

Kentucky should pass a criminalization statute that: creates the crime of trafficking in persons as a felony with enhanced penalties; includes measures for asset forfeiture and corporate liability for traffickers; requires training for local and state law enforcement; and, includes provisions for mandatory restitution to trafficking victims. The statute also should create an affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors.

**VICTIM PROTECTION AND ASSISTANCE**

Kentucky state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other

professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Kentucky also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

Kentucky should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

<b>REGULATING INTERNATIONAL MARRIAGE BROKERS</b>	<b>F</b>
<b>REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM</b>	<b>F</b>

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Kentucky should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Kentucky should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

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LOUISIANA	
<b>CRIMINALIZATION</b>	<b>B-</b>
<b>VICTIM PROTECTION AND ASSISTANCE</b>	<b>F</b>
<b>STATEWIDE TASK FORCE/ASSESSMENT</b>	<b>F</b>

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

In 2005, Louisiana established the felony crime of human trafficking, which is punishable by a maximum fine of \$10,000 and a maximum sentence of 10 years in prison. If the trafficking is committed for the purposes of commercial sexual activity, the maximum fine is \$15,000 and the maximum prison sentence is 20 years. Trafficking of a minor carries a maximum fine of \$25,000 and a prison sentence of five to 25 years.

Louisiana uses the comprehensive language of “recruits, harbors, transports, provides, solicits or obtains” to encompass all the individuals who participate in the offense of trafficking; the statute also uses the language of “force, fraud, or coercion” to include all the elements traffickers use to “recruit” and control victims. While Louisiana provides enhanced penalties for trafficking of a minor, it also should include additional offenses such as kidnapping, sexual assault, and serious bodily injury.

To further strengthen its anti-trafficking law, Louisiana also should enact the following provisions:

- ◆ An affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors;

- ◆ Mandatory restitution to trafficking victims;
- ◆ Asset forfeiture by traffickers;
- ◆ Corporate liability for traffickers; and
- ◆ Mandatory training for local and state law enforcement.

**VICTIM PROTECTION AND ASSISTANCE**

Louisiana state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Louisiana also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

Louisiana should create a statewide interagency task force or study commission, by statute, with

**REGULATING INTERNATIONAL MARRIAGE BROKERS**

**F**

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

**F**

a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Louisiana should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United

States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Louisiana should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

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MAINE	
CRIMINALIZATION	F
VICTIM PROTECTION AND ASSISTANCE	F
STATEWIDE TASK FORCE/ASSESSMENT	A

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

Maine should pass a criminalization statute that: creates the crime of trafficking in persons as a felony with enhanced penalties; includes measures for asset forfeiture and corporate liability for traffickers; requires training for local and state law enforcement; and, includes provisions for mandatory restitution to trafficking victims. The statute also should create an affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors.

**VICTIM PROTECTION AND ASSISTANCE**

Maine state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other

professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Maine also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

In 2006, the Maine legislature created the *Human Trafficking Task Force* to review laws and legislation from other jurisdictions and make recommendations for statutory language to criminalize human trafficking. The statute also charged the task force with identifying federal, state and local programs that provide victim services and recommending methods to coordinate these services. Task force members include: state legislators; heads of key government agencies; representatives from law enforcement; representatives from the health care community; nongovernmental organizations that provide services to victims of domestic violence and sexual assault; and, advocates who work with immigrant and refugee communities. Maine’s task force is an excellent example of the efforts states can make to ascertain the nature

<b>REGULATING INTERNATIONAL MARRIAGE BROKERS</b>	<b>F</b>
<b>REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM</b>	<b>F</b>

and extent of trafficking in the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives.

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Maine should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Maine should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

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MARYLAND	
CRIMINALIZATION	F
VICTIM PROTECTION AND ASSISTANCE	F
STATEWIDE TASK FORCE/ASSESSMENT	F

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

Maryland should pass a criminalization statute that: creates the crime of trafficking in persons as a felony with enhanced penalties; includes measures for asset forfeiture and corporate liability for traffickers; requires training for local and state law enforcement; and, includes provisions for mandatory restitution to trafficking victims. The statute also should create an affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors.

**VICTIM PROTECTION AND ASSISTANCE**

Maryland state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Maryland also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

Maryland should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the

**REGULATING INTERNATIONAL MARRIAGE BROKERS**

**F**

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

**F**

adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Maryland should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United

States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Maryland should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

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MASSACHUSETTS	
CRIMINALIZATION	F
VICTIM PROTECTION AND ASSISTANCE	F
STATEWIDE TASK FORCE/ASSESSMENT	F

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

Massachusetts with enhanced penalties; includes measures for asset forfeiture and corporate liability for traffickers; requires training for local and state law enforcement; and, includes provisions for mandatory restitution to trafficking victims. The statute also should create an affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors.

**VICTIM PROTECTION AND ASSISTANCE**

Massachusetts state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental

health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Massachusetts also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

Massachusetts should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

<b>REGULATING INTERNATIONAL MARRIAGE BROKERS</b>	<b>F</b>
<b>REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM</b>	<b>F</b>

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Massachusetts should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Massachusetts should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

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<b>MICHIGAN</b>	
<b>CRIMINALIZATION</b>	<b>B-</b>
<b>VICTIM PROTECTION AND ASSISTANCE</b>	<b>F</b>
<b>STATEWIDE TASK FORCE/ASSESSMENT</b>	<b>F</b>

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

In 2006, Michigan passed a law that established human trafficking for forced labor or services as a felony punishable by imprisonment for not more than 10 years; the law established trafficking of a person under the age of 18 for the purpose of “child sexually abusive activity” as a felony punishable by imprisonment for not more than 20 years. The statute also makes financially benefiting from trafficking a felony offense, punishable by imprisonment for not more than 10 years. The law includes enhanced penalties for kidnapping or an attempt to kidnap, criminal sexual conduct or an attempt to commit criminal sexual conduct, injury or death of the victim.

The statute uses the comprehensive language of “recruits, entices, harbors, transports, provides, or obtains” to encompass all the individuals who participate in the offense of trafficking.

Furthermore, it broadly defines trafficking for forced labor or services to encompass a wide range of methods traffickers use to “recruit” and control victims including: threats of bodily harm or physical restraint; abuse of the law or legal process; financial harm; blackmail; and unlawful conduct with regards to immigration or governmental identification documents. Additionally, the statute includes “commercial sexual

activity” and “sexually explicit performances” under the definition of “services”.

To further strengthen its anti-trafficking law, Michigan also should enact the following provisions:

- ◆ An affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors;
- ◆ Mandatory restitution to trafficking victims;
- ◆ Asset forfeiture by traffickers;
- ◆ Corporate liability for traffickers; and
- ◆ Mandatory training for local and state law enforcement.

**VICTIM PROTECTION AND ASSISTANCE**

Michigan state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Michigan also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

<b>REGULATING INTERNATIONAL MARRIAGE BROKERS</b>	<b>F</b>
<b>REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM</b>	<b>F</b>

**STATEWIDE INTERAGENCY TASK FORCE**

Michigan should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Michigan should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United

States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Michigan should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

**SPECIAL RECOGNITION:** Michigan also criminalizes trafficking attempts, as well as unlawful conduct with respect to documents, which refers to traffickers’ withholding and/or destroying of immigration or government identification documents.

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MINNESOTA	
CRIMINALIZATION	B
VICTIM PROTECTION AND ASSISTANCE	D
STATEWIDE TASK FORCE/ASSESSMENT	C+

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

In a 2005 law, Minnesota established the felonies of labor trafficking, sex trafficking, and unlawful conduct with respect to documents in furtherance of labor or sex trafficking. Labor trafficking of an adult is punishable by up to 15 years of imprisonment, a \$30,000 fine, or both. Labor trafficking of a minor (under 18 years of age) is punishable by up to 20 years of imprisonment, a \$40,000 fine, or both. Sex trafficking of an adult is punishable by up to five years of imprisonment, a \$10,000 fine, or both. Sex trafficking of a minor (under 18 years of age) is punishable by up to 10 years of imprisonment, a \$20,000 fine, or both. The statute includes asset forfeiture by traffickers and corporate liability for traffickers.

Minnesota’s statute uses the comprehensive language of “recruits, transports, transfers, harbors, entices, provides, obtains or receives” to encompass all the individuals who participate in the offense of trafficking. The statute also broadly defines “forced labor or services” to include the elements of “force, fraud or coercion.” To ensure that Minnesota’s sex trafficking offense encompasses a wide range of methods that traffickers use to “recruit” and control victims, the legislature should replace “by any means” with “force, fraud, or coercion.”

Minnesota also should expand its current sex trafficking offense by including a definition of “forced sexual exploitation” that criminalizes all forms of sex trafficking, not only “prostitution.” While Minnesota

provides enhanced penalties for trafficking of persons under the age of 18, the legislature should consider including additional offenses such as kidnapping, sexual assault, and serious bodily injury.

To further strengthen its anti-trafficking law, Minnesota also should enact the following provisions:

- ◆ An affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors;
- ◆ Mandatory restitution to trafficking victims;
- ◆ Mandatory training for local and state law enforcement.

**VICTIM PROTECTION AND ASSISTANCE**

While Minnesota affords victims with a private right of action, it also should provide for appropriate protection and assistance to ensure trafficking victims’ safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Minnesota also should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

In 2005, the Minnesota legislature appropriated funds for an annual statewide human trafficking assessment,

<b>REGULATING INTERNATIONAL MARRIAGE BROKERS</b>	<b>F</b>
<b>REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM</b>	<b>F</b>

conducted by the Commissioner of the Department of Public Safety with the assistance of government agencies and nongovernmental organizations. The study must include data on: the number of arrests, prosecutions, and successful convictions of traffickers; the number of trafficking victims, including demographics, method of recruitment, and method of discovery; trafficking routes and patterns; methods of transportation; and, social factors that contribute to and foster trafficking, especially trafficking of women and children.

Minnesota could improve its trafficking assessment by specifying which government agencies and nongovernmental organizations should participate and assist with the study and by mandating examination and assessment of programs and services that are available for trafficking victims. The legislature then could create a statewide interagency task force, by statute, to include heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Minnesota should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The

legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Minnesota should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

**SPECIAL RECOGNITION:** Minnesota also criminalizes unlawful conduct with respect to documents, which refers to traffickers’ withholding and/or destroying of immigration or government identification documents.

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MISSISSIPPI	
<b>CRIMINALIZATION</b>	<b>B-</b>
<b>VICTIM PROTECTION AND ASSISTANCE</b>	<b>F</b>
<b>STATEWIDE TASK FORCE/ASSESSMENT</b>	<b>F</b>

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

In 2006, Mississippi enacted the *Anti-Human Trafficking Act* that establishes trafficking of persons for “forced labor or services,” under which commercial sexual activity and sexually explicit performances are included as forms of “services,” as a felony punishable by imprisonment for not more than 20 years. The felony offense also applies to those who benefit financially or by receiving anything of value from engaging in such a venture. Trafficking of a minor (under the age of 18) for the purpose of engaging in commercial sexual activity is a Class II felony. Unlawful conduct with actual or purported immigration or government identification documents in furtherance of human trafficking is punishable by imprisonment for not more than five years.

Mississippi uses the comprehensive language of “recruits, entices, harbors, transports, provides or obtains” to encompass all the individuals who participate in the offense of trafficking. Furthermore, the statute broadly defines trafficking for forced labor or services to encompass a wide range of methods traffickers use to “recruit” and control victims including: threats of bodily harm or physical restraint; abuse of the law or legal process; financial harm; blackmail; and unlawful conducts with regards to immigration or governmental identification documents. While Mississippi provides enhanced penalties for

trafficking of a minor for the purpose of engaging in commercial sexual activity, it should consider including offenses such as kidnapping, sexual assault, and serious bodily injury.

To further strengthen its anti-trafficking law, Mississippi also should enact the following provisions:

- ◆ An affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors;
- ◆ Mandatory restitution to trafficking victims;
- ◆ Asset forfeiture by traffickers;
- ◆ Corporate liability for traffickers; and
- ◆ Mandatory training for local and state law enforcement.

**VICTIM PROTECTION AND ASSISTANCE**

Mississippi state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Mississippi also should

<b>REGULATING INTERNATIONAL MARRIAGE BROKERS</b>	<b>F</b>
<b>REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM</b>	<b>F</b>

provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

Mississippi should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Mississippi should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights,

in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Mississippi should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

**SPECIAL RECOGNITION:** Mississippi also criminalizes trafficking attempts, as well as unlawful conduct with respect to documents, which refers to traffickers’ withholding and/or destroying of immigration or government identification documents.

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MISSOURI	
CRIMINALIZATION	C+
VICTIM PROTECTION AND ASSISTANCE	D
STATEWIDE TASK FORCE/ASSESSMENT	F

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

In 2004, Missouri enacted a statute that established a Class A felony of sexual trafficking of a child, Class B felonies of abusing an individual through forced labor and of trafficking for either forced labor or sexual exploitation, and a Class D felony of contributing to human trafficking through the misuse of documentation. As part of the sentencing for a human trafficking offense, the court must order the perpetrator to pay restitution to the victim. The statute also includes corporate liability for traffickers.

Missouri uses the comprehensive language of “recruits, harbors, transports, provides or obtains” to encompass all the individuals who participate in the offense of trafficking; the statute also broadly defines “involuntary servitude or forced labor” to encompass a wide range of methods traffickers use to “recruit” and control victims. Missouri should amend the provisions that cover trafficking for “purposes of sexual exploitation” by replacing “by any means” with “force, fraud, or coercion” and by removing “without his or her consent.” The legislature should expand the description beyond “sexual conduct” to include all elements of “forced sexual exploitation.” While Missouri provides enhanced penalties for sexual trafficking of a child, the legislature should consider including additional offenses such as kidnapping, sexual assault, and serious bodily injury.

To further strengthen its anti-trafficking law, Missouri also should enact the following provisions:

- ◆ An affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors;

- ◆ Asset forfeiture by traffickers; and
- ◆ Mandatory training for local and state law enforcement.

**VICTIM PROTECTION AND ASSISTANCE**

Missouri stipulates that victims of trafficking shall be afforded the rights and protections provided in the federal *Trafficking Victims Protection Act of 2000*. While this is an excellent start, Missouri should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Missouri also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

Missouri should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental

**REGULATING INTERNATIONAL MARRIAGE BROKERS**

**D+**

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

**A**

organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

In 2005, Missouri became the fourth state to regulate international marriage brokers (IMBs) by requiring them to notify women from other countries (“foreign recruits”) that the criminal and marital history information of the Missouri resident (“clients”) is available, upon request, in the recruit’s own language. Basic rights information – including information about human rights, immigration, emergency assistance and resources, and the legal rights of and resources for victims of domestic violence – also must be made available to recruits. The IMB must distribute this information no later than 30 days after receiving it, and IMBs that fail to provide the information or willfully provide incomplete or false information are guilty of a class D felony.

Missouri could strengthen its existing law by requiring IMBs to provide women “foreign recruits” with the criminal and marital histories of the “client,” as well as basic information about women’s civil and legal rights in the United States. Furthermore, IMBs should be required to disseminate this information to the women “recruits,” in their own language, without first requiring a request. This lifts the burden of requesting the information from the women “recruits” and provides them with the necessary information to make an informed decision about pursuing further contact

with the “client.” Missouri also should impose a civil penalty for violations of this statute by the IMBs.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

In 2006, Missouri passed a law to regulate travel service providers that facilitate sex tourism. The statute establishes a Class C felony of knowingly selling or offering to sell travel services that facilitate travel for the purpose of engaging in prostitution. The law authorizes the revocation of the articles of incorporation, as well as the freezing of bank and deposit accounts, of travel service providers who violate the law. Missouri’s law is an excellent example of a comprehensive approach to regulating travel service providers that facilitate sex tourism by creating a criminal offense and providing civil penalties.

**SPECIAL RECOGNITION:** Missouri also criminalizes contributing to human trafficking through the misuse of documentation, which refers to traffickers’ withholding of victims’ immigration and government identity documents. Additionally, as part of regulating international marriage brokers, Missouri makes providing incomplete or false information a class D felony.

For more information and proposed legislative language for all five types of state laws, see the **Center’s Resource Guide for State Legislators: Model Provisions for State Anti-Trafficking Laws** at [www.centerwomenpolicy.org](http://www.centerwomenpolicy.org) or request a free printed copy at [cwps@centerwomenpolicy.org](mailto:cwps@centerwomenpolicy.org).

MONTANA	
CRIMINALIZATION	F
VICTIM PROTECTION AND ASSISTANCE	F
STATEWIDE TASK FORCE/ASSESSMENT	F

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

Montana should pass a criminalization statute that: creates the crime of trafficking in persons as a felony with enhanced penalties; includes measures for asset forfeiture and corporate liability for traffickers; requires training for local and state law enforcement; and, includes provisions for mandatory restitution to trafficking victims. The statute also should create an affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors.

**VICTIM PROTECTION AND ASSISTANCE**

Montana state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental

health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Montana also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

Montana should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

<b>REGULATING INTERNATIONAL MARRIAGE BROKERS</b>	<b>F</b>
<b>REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM</b>	<b>F</b>

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Montana should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Montana should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

For more information and proposed legislative language for all five types of state laws, see the **Center’s Resource Guide for State Legislators: Model Provisions for State Anti-Trafficking Laws** at [www.centerwomenpolicy.org](http://www.centerwomenpolicy.org) or request a free printed copy at [cwps@centerwomenpolicy.org](mailto:cwps@centerwomenpolicy.org).

NEBRASKA	
<b>CRIMINALIZATION</b>	<b>B-</b>
<b>VICTIM PROTECTION AND ASSISTANCE</b>	<b>F</b>
<b>STATEWIDE TASK FORCE/ASSESSMENT</b>	<b>B</b>

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

In 2006, Nebraska enacted the *Prostitution Intervention and Treatment Act* that establishes a Class III felony offense for trafficking of persons for “forced labor or services” – which includes commercial sexual activity and sexually explicit performances. The felony offense also applies to those who benefit financially or by receiving anything of value from engaging in such a venture. Trafficking of a minor (under the age of 18) for the purpose of engaging in commercial sexual activity is a Class II felony.

Nebraska uses the comprehensive language of “recruits, entices, harbors, transports, provides or obtains” to encompass all the individuals who participate in the offense of trafficking. Furthermore, the statute broadly defines trafficking for “forced labor or services” to encompass a wide range of methods traffickers use to “recruit” and control victims including: threats of bodily harm or physical restraint; financial harm; and unlawful conducts with regards to immigration or governmental identification documents. While Nebraska provides enhanced penalties for trafficking of a minor for the purpose of engaging in commercial sexual activity, it should consider including offenses such as kidnapping, sexual assault, and serious bodily injury.

To further strengthen its anti-trafficking law, Nebraska also should enact the following provisions:

- ◆ An affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors;
- ◆ Mandatory restitution to trafficking victims;
- ◆ Asset forfeiture by traffickers;
- ◆ Corporate liability for traffickers; and
- ◆ Mandatory training for local and state law enforcement.

**VICTIM PROTECTION AND ASSISTANCE**

Nebraska state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Nebraska also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

While Nebraska did not create a task force or mandate a statewide trafficking assessment, the 2006

**REGULATING INTERNATIONAL MARRIAGE BROKERS**

F

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

F

criminalization statute instructed the Department of Health and Human Services and the Attorney General to examine and report on “social service programs” available for trafficking victims and where improvements can be made. The statute also charged these two agencies with reporting on how existing “victim and witness laws and rules and regulations respond to the needs of trafficking victims” and where improvements can be made.

While this is an excellent start, Nebraska should require the Department of Health and Human Services and the Attorney General to involve other key groups in the assessment, including representatives from law enforcement, representatives from the health care community, and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities. The legislature then should create a statewide interagency task force, by statute.

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Nebraska should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries

(“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Nebraska should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

**SPECIAL RECOGNITION:** Nebraska also criminalizes trafficking attempts.

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NEVADA	
<b>CRIMINALIZATION</b>	<b>F</b>
<b>VICTIM PROTECTION AND ASSISTANCE</b>	<b>F</b>
<b>STATEWIDE TASK FORCE/ASSESSMENT</b>	<b>F</b>

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

Nevada should pass a criminalization statute that: creates the crime of trafficking in persons as a felony with enhanced penalties; includes measures for asset forfeiture and corporate liability for traffickers; requires training for local and state law enforcement; and, includes provisions for mandatory restitution to trafficking victims. The statute also should create an affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors.

**VICTIM PROTECTION AND ASSISTANCE**

Nevada state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other

professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Nevada also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

Nevada should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

<b>REGULATING INTERNATIONAL MARRIAGE BROKERS</b>	<b>F</b>
<b>REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM</b>	<b>F</b>

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Nevada should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Nevada should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

For more information and proposed legislative language for all five types of state laws, see the **Center’s Resource Guide for State Legislators: Model Provisions for State Anti-Trafficking Laws** at [www.centerwomenpolicy.org](http://www.centerwomenpolicy.org) or request a free printed copy at [cwps@centerwomenpolicy.org](mailto:cwps@centerwomenpolicy.org).

NEW HAMPSHIRE	
<b>CRIMINALIZATION</b>	<b>F</b>
<b>VICTIM PROTECTION AND ASSISTANCE</b>	<b>F</b>
<b>STATEWIDE TASK FORCE/ASSESSMENT</b>	<b>F</b>

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

New Hampshire should pass a criminalization statute that: creates the crime of trafficking in persons as a felony with enhanced penalties; includes measures for asset forfeiture and corporate liability for traffickers; requires training for local and state law enforcement; and, includes provisions for mandatory restitution to trafficking victims. The statute also should create an affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors.

**VICTIM PROTECTION AND ASSISTANCE**

New Hampshire state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by

medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. New Hampshire also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

New Hampshire should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

<b>REGULATING INTERNATIONAL MARRIAGE BROKERS</b>	<b>F</b>
<b>REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM</b>	<b>F</b>

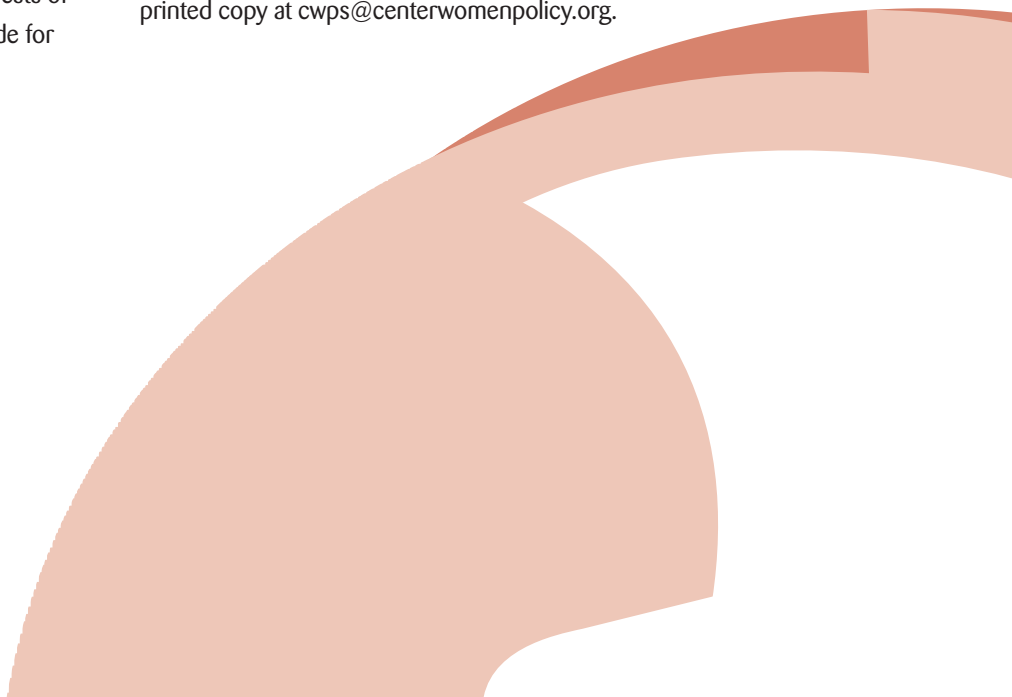
**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

New Hampshire should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

New Hampshire should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

For more information and proposed legislative language for all five types of state laws, see the **Center’s Resource Guide for State Legislators: Model Provisions for State Anti-Trafficking Laws** at [www.centerwomenpolicy.org](http://www.centerwomenpolicy.org) or request a free printed copy at [cwps@centerwomenpolicy.org](mailto:cwps@centerwomenpolicy.org).



NEW JERSEY	
<b>CRIMINALIZATION</b>	<b>B+</b>
<b>VICTIM PROTECTION AND ASSISTANCE</b>	<b>D+</b>
<b>STATEWIDE TASK FORCE/ASSESSMENT</b>	<b>F</b>

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

In 2005, New Jersey passed a law that established the first degree felony offense of human trafficking for the purposes of engaging in sexual activity, providing labor or services, or receiving anything of value from participating in such a venture. The law also provides an affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors, mandatory restitution to victims, and asset forfeiture by traffickers.

The statute uses the comprehensive language of “holds, recruits, lures, entices, harbors, transports, provides or obtains” to encompass all the individuals who participate in the offense of trafficking. Furthermore, the statute broadly defines the trafficking of persons offense to encompass a wide range of methods traffickers use to “recruit” and control victims including: threats of bodily harm or physical restraint; abuse of the law or legal process; and unlawful conduct with regard to immigration or governmental identification documents. To ensure that the statute criminalizes all forms of sex trafficking, New Jersey should amend its definition of “sexual activity” to include the comprehensive language of “forced sexual exploitation.”

To further strengthen its anti-trafficking law, New Jersey also should enact the following provisions:

- ◆ Enhanced penalties for traffickers;
- ◆ Corporate liability for traffickers; and
- ◆ Mandatory training for local and state law enforcement.

**VICTIM PROTECTION AND ASSISTANCE**

In the 2005 criminalization statute, the legislature charged the Office of Victim-Witness Advocacy or the county prosecutor’s office with ensuring that trafficked individuals obtain assistance in receiving any benefits or services that are available to trafficking victims, including the necessary certifications or endorsements to be eligible for federal benefits and services. The statute also requires the Attorney General – through the Office of Victim-Witness Advocacy and in consultation with the Commissioner of the Department of Health and Senior Services, the Superintendent of State Police, and representatives from service providers who serve trafficking victims – to develop standard protocols for providing victims with information and services.

This is an excellent example of the kind of mechanism a state can establish to create policies and procedures to enable victims of trafficking to gain access to services. The Center recommends that New Jersey implement these protocols in a timely fashion so that

**REGULATING INTERNATIONAL MARRIAGE BROKERS**

**F**

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

**F**

much-needed benefits – including access to safe and secure housing and shelters, physical and mental health care services, legal and immigration assistance, translation services, and educational and job readiness programs – can be made more widely available to women and girls who are trafficked into the state. New Jersey also should provide victims with a private right of action.

**STATEWIDE INTERAGENCY TASK FORCE**

New Jersey should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

New Jersey should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring

IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

New Jersey should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

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NEW MEXICO	
CRIMINALIZATION	F
VICTIM PROTECTION AND ASSISTANCE	F
STATEWIDE TASK FORCE/ASSESSMENT	F

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

New Mexico should pass a criminalization statute that: creates the crime of trafficking in persons as a felony with enhanced penalties; includes measures for asset forfeiture and corporate liability for traffickers; requires training for local and state law enforcement; and, includes provisions for mandatory restitution to trafficking victims. The statute also should create an affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors.

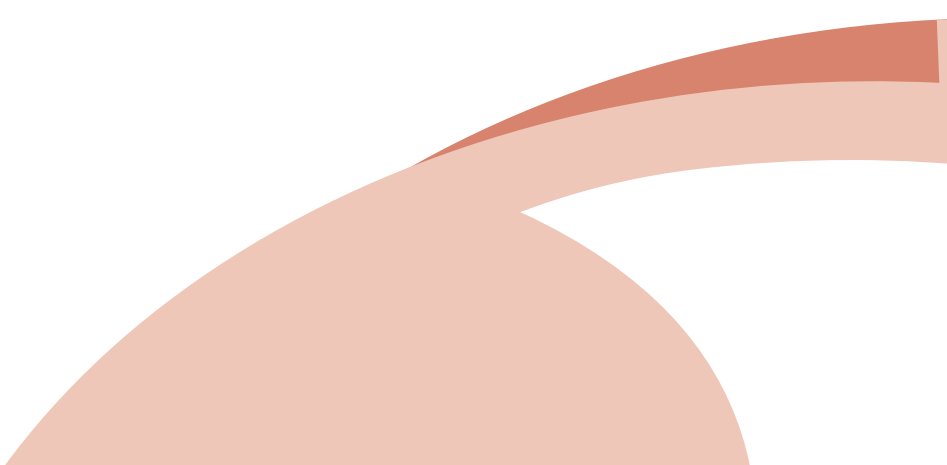
**VICTIM PROTECTION AND ASSISTANCE**

New Mexico state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and

shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. New Mexico also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

New Mexico should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads



**REGULATING INTERNATIONAL MARRIAGE BROKERS**

**F**

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

**F**

of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

New Mexico should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties

for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

New Mexico should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

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NEW YORK	
CRIMINALIZATION	F
VICTIM PROTECTION AND ASSISTANCE	F
STATEWIDE TASK FORCE/ASSESSMENT	F

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

New York should pass a criminalization statute that: creates the crime of trafficking in persons as a felony with enhanced penalties; includes measures for asset forfeiture and corporate liability for traffickers; requires training for local and state law enforcement; and, includes provisions for mandatory restitution to trafficking victims. The statute also should create an affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors.

**VICTIM PROTECTION AND ASSISTANCE**

New York state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental

health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. New York also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

New York should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

<b>REGULATING INTERNATIONAL MARRIAGE BROKERS</b>	<b>F</b>
<b>REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM</b>	<b>F</b>

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

New York should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

New York should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

For more information and proposed legislative language for all five types of state laws, see the **Center’s Resource Guide for State Legislators: Model Provisions for State Anti-Trafficking Laws** at [www.centerwomenpolicy.org](http://www.centerwomenpolicy.org) or request a free printed copy at [cwps@centerwomenpolicy.org](mailto:cwps@centerwomenpolicy.org).

NORTH CAROLINA	
<b>CRIMINALIZATION</b>	<b>B-</b>
<b>VICTIM PROTECTION AND ASSISTANCE</b>	<b>F</b>
<b>STATEWIDE TASK FORCE/ASSESSMENT</b>	<b>F</b>

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

In 2006, North Carolina enacted a statute that establishes human trafficking for involuntary servitude or sexual servitude as a Class F felony and human trafficking of a minor (persons under the age of 18) for involuntary servitude or sexual servitude as a Class C felony. The law also creates a Class F felony for knowingly and willfully holding an adult in involuntary servitude or sexual servitude and a Class C felony for knowingly and willfully holding a minor in involuntary servitude or sexual servitude.

North Carolina uses the comprehensive language of “recruits, entices, harbors, transports, provides, or obtains” to encompass all the individuals who participate in the offense of trafficking. Furthermore, the statute provides broad definitions for “deception, coercion, or intimidation” that include all the elements traffickers use to “recruit” and control victims. While North Carolina provides enhanced penalties for the trafficking of a minor, it also should include other offenses such as kidnapping, sexual assault, and serious bodily injury.

To further strengthen its anti-trafficking law, North Carolina also should enact the following provisions:

- ◆ An affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors;
- ◆ Mandatory restitution to trafficking victims;
- ◆ Asset forfeiture by traffickers;
- ◆ Corporate liability for traffickers; and
- ◆ Mandatory training for local and state law enforcement.

**VICTIM PROTECTION AND ASSISTANCE**

North Carolina state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. North Carolina also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

<b>REGULATING INTERNATIONAL MARRIAGE BROKERS</b>	<b>F</b>
<b>REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM</b>	<b>F</b>

**STATEWIDE INTERAGENCY TASK FORCE**

North Carolina should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

North Carolina should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights,

in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

North Carolina should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

For more information and proposed legislative language for all five types of state laws, see the ***Center’s Resource Guide for State Legislators: Model Provisions for State Anti-Trafficking Laws*** at [www.centerwomenpolicy.org](http://www.centerwomenpolicy.org) or request a free printed copy at [cwps@centerwomenpolicy.org](mailto:cwps@centerwomenpolicy.org).

NORTH DAKOTA	
CRIMINALIZATION	F
VICTIM PROTECTION AND ASSISTANCE	F
STATEWIDE TASK FORCE/ASSESSMENT	F

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

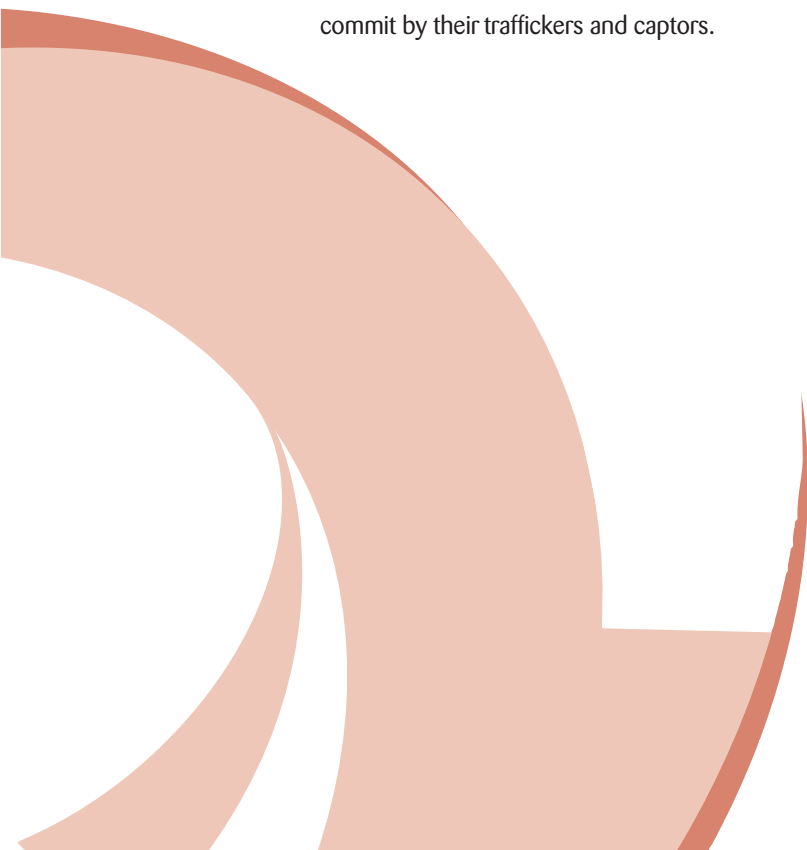
North Dakota should pass a criminalization statute that: creates the crime of trafficking in persons as a felony with enhanced penalties; includes measures for asset forfeiture and corporate liability for traffickers; requires training for local and state law enforcement; and, includes provisions for mandatory restitution to trafficking victims. The statute also should create an affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors.

**VICTIM PROTECTION AND ASSISTANCE**

North Dakota state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. North Dakota also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

North Dakota should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make



<b>REGULATING INTERNATIONAL MARRIAGE BROKERS</b>	<b>F</b>
<b>REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM</b>	<b>F</b>

informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

North Dakota should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties

for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

North Dakota should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

For more information and proposed legislative language for all five types of state laws, see the **Center’s Resource Guide for State Legislators: Model Provisions for State Anti-Trafficking Laws** at [www.centerwomenpolicy.org](http://www.centerwomenpolicy.org) or request a free printed copy at [cwps@centerwomenpolicy.org](mailto:cwps@centerwomenpolicy.org).

OHIO	
<b>CRIMINALIZATION</b>	<b>F</b>
<b>VICTIM PROTECTION AND ASSISTANCE</b>	<b>F</b>
<b>STATEWIDE TASK FORCE/ASSESSMENT</b>	<b>F</b>

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

Ohio should pass a criminalization statute that: creates the crime of trafficking in persons as a felony with enhanced penalties; includes measures for asset forfeiture and corporate liability for traffickers; requires training for local and state law enforcement; and, includes provisions for mandatory restitution to trafficking victims. The statute also should create an affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors.

**VICTIM PROTECTION AND ASSISTANCE**

Ohio state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other

professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Ohio also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

Ohio should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

<b>REGULATING INTERNATIONAL MARRIAGE BROKERS</b>	<b>F</b>
<b>REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM</b>	<b>F</b>

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Ohio should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Ohio should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

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OKLAHOMA	
CRIMINALIZATION	F
VICTIM PROTECTION AND ASSISTANCE	F
STATEWIDE TASK FORCE/ASSESSMENT	F

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

Oklahoma should pass a criminalization statute that: creates the crime of trafficking in persons as a felony with enhanced penalties; includes measures for asset forfeiture and corporate liability for traffickers; requires training for local and state law enforcement; and, includes provisions for mandatory restitution to trafficking victims. The statute also should create an affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors.

**VICTIM PROTECTION AND ASSISTANCE**

Oklahoma state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and

shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Oklahoma also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

Oklahoma should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads

<b>REGULATING INTERNATIONAL MARRIAGE BROKERS</b>	<b>F</b>
<b>REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM</b>	<b>F</b>

of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Oklahoma should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Oklahoma should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

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OREGON	
<b>CRIMINALIZATION</b>	<b>F</b>
<b>VICTIM PROTECTION AND ASSISTANCE</b>	<b>F</b>
<b>STATEWIDE TASK FORCE/ASSESSMENT</b>	<b>F</b>

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

Oregon should pass a criminalization statute that: creates the crime of trafficking in persons as a felony with enhanced penalties; includes measures for asset forfeiture and corporate liability for traffickers; requires training for local and state law enforcement; and, includes provisions for mandatory restitution to trafficking victims. The statute also should create an affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors.

**VICTIM PROTECTION AND ASSISTANCE**

Oregon state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other

professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Oregon also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

Oregon should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

<b>REGULATING INTERNATIONAL MARRIAGE BROKERS</b>	<b>F</b>
<b>REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM</b>	<b>F</b>

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Oregon should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Oregon should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

For more information and proposed legislative language for all five types of state laws, see the **Center’s Resource Guide for State Legislators: Model Provisions for State Anti-Trafficking Laws** at [www.centerwomenpolicy.org](http://www.centerwomenpolicy.org) or request a free printed copy at [cwps@centerwomenpolicy.org](mailto:cwps@centerwomenpolicy.org).

PENNSYLVANIA	
<b>CRIMINALIZATION</b>	<b>B</b>
<b>VICTIM PROTECTION AND ASSISTANCE</b>	<b>F</b>
<b>STATEWIDE TASK FORCE/ASSESSMENT</b>	<b>F</b>

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

In 2006, Pennsylvania passed a law that established a second degree felony for trafficking of persons for forced labor or services and a first degree felony for trafficking of persons under the age of 18 or if a person suffers bodily injury during the course of being trafficked. The law provides additional enhanced penalties for the offenses of kidnapping, rape, or “involuntary deviate sexual intercourse” and includes mandatory restitution to victims and asset forfeiture by traffickers.

The statute uses the comprehensive language of “recruits, entices, harbors, transports, provides, or obtains” to encompass all the individuals who participate in the offense of trafficking. Furthermore, the statute broadly defines trafficking for forced labor or services to encompass a wide range of methods traffickers use to “recruit” and control victims including: threats of bodily harm and physical restraint; abuse of the law or legal process; unlawful conduct with regards to immigration or governmental identification documents; and “criminal coercion of another person.” To ensure that the statute criminalizes all forms of trafficking, Pennsylvania should amend its law to include trafficking for “forced sexual exploitation.”

To further strengthen its anti-trafficking law, Pennsylvania also should enact the following provisions:

- ◆ An affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors;
- ◆ Corporate liability for traffickers; and
- ◆ Mandatory training for local and state law enforcement.

**VICTIM PROTECTION AND ASSISTANCE**

Pennsylvania state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Pennsylvania also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

<b>REGULATING INTERNATIONAL MARRIAGE BROKERS</b>	<b>F</b>
<b>REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM</b>	<b>F</b>

**STATEWIDE INTERAGENCY TASK FORCE**

Pennsylvania should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Pennsylvania should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly

and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Pennsylvania should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

**SPECIAL RECOGNITION:** Pennsylvania also criminalizes trafficking attempts.

For more information and proposed legislative language for all five types of state laws, see the **Center’s Resource Guide for State Legislators: Model Provisions for State Anti-Trafficking Laws** at [www.centerwomenpolicy.org](http://www.centerwomenpolicy.org) or request a free printed copy at [cwps@centerwomenpolicy.org](mailto:cwps@centerwomenpolicy.org).

<b>RHODE ISLAND</b>	
<b>CRIMINALIZATION</b>	<b>F</b>
<b>VICTIM PROTECTION AND ASSISTANCE</b>	<b>F</b>
<b>STATEWIDE TASK FORCE/ASSESSMENT</b>	<b>F</b>

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

Rhode Island should pass a criminalization statute that: creates the crime of trafficking in persons as a felony with enhanced penalties; includes measures for asset forfeiture and corporate liability for traffickers; requires training for local and state law enforcement; and, includes provisions for mandatory restitution to trafficking victims. The statute also should create an affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors.

**VICTIM PROTECTION AND ASSISTANCE**

Rhode Island state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental

health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Rhode Island also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

Rhode Island should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

<b>REGULATING INTERNATIONAL MARRIAGE BROKERS</b>	<b>F</b>
<b>REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM</b>	<b>F</b>

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Rhode Island should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Rhode Island should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

For more information and proposed legislative language for all five types of state laws, see the **Center’s Resource Guide for State Legislators: Model Provisions for State Anti-Trafficking Laws** at [www.centerwomenpolicy.org](http://www.centerwomenpolicy.org) or request a free printed copy at [cwps@centerwomenpolicy.org](mailto:cwps@centerwomenpolicy.org).

## SOUTH CAROLINA

<b>CRIMINALIZATION</b>	<b>C</b>
<b>VICTIM PROTECTION AND ASSISTANCE</b>	<b>F</b>
<b>STATEWIDE TASK FORCE/ASSESSMENT</b>	<b>F</b>

### ANALYSIS AND RECOMMENDATIONS

#### CRIMINALIZATION STATUTE

In 2006, South Carolina established trafficking in persons for forced labor or services as a felony punishable by imprisonment for not more than 15 years. The statute includes the comprehensive language of “recruits, entices, harbors, transports, provides or obtains” to encompass all the individuals who participate in the offense of trafficking. To include all the elements traffickers use to “recruit” and control their victims, South Carolina should include “force, fraud or coercion” in its statute, as opposed to its current language of “physical, financial, or other means of control.” To ensure that the statute criminalizes all forms of trafficking, South Carolina should amend the law to include trafficking for “forced sexual exploitation” to accompany its existing offense of trafficking for “forced labor or services.”

To further strengthen its anti-trafficking law, South Carolina also should enact the following provisions:

- ◆ Enhanced penalties for traffickers;
- ◆ An affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors;
- ◆ Mandatory restitution to trafficking victims;

- ◆ Asset forfeiture by traffickers;
- ◆ Corporate liability for traffickers; and
- ◆ Mandatory training for local and state law enforcement.

#### VICTIM PROTECTION AND ASSISTANCE

South Carolina state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. South Carolina also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

#### STATEWIDE INTERAGENCY TASK FORCE

South Carolina should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the

**REGULATING INTERNATIONAL MARRIAGE BROKERS**

F

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

F

adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

South Carolina should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties

for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

South Carolina should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

**SPECIAL RECOGNITION:** South Carolina also criminalizes trafficking attempts.

For more information and proposed legislative language for all five types of state laws, see the **Center’s Resource Guide for State Legislators: Model Provisions for State Anti-Trafficking Laws** at [www.centerwomenpolicy.org](http://www.centerwomenpolicy.org) or request a free printed copy at [cwps@centerwomenpolicy.org](mailto:cwps@centerwomenpolicy.org).

SOUTH DAKOTA	
CRIMINALIZATION	F
VICTIM PROTECTION AND ASSISTANCE	F
STATEWIDE TASK FORCE/ASSESSMENT	F

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

South Dakota should pass a criminalization statute that: creates the crime of trafficking in persons as a felony with enhanced penalties; includes measures for asset forfeiture and corporate liability for traffickers; requires training for local and state law enforcement; and, includes provisions for mandatory restitution to trafficking victims. The statute also should create an affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors.

**VICTIM PROTECTION AND ASSISTANCE**

South Dakota state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other professionals who are trained to work with abused and

traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. South Dakota also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

South Dakota should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

<b>REGULATING INTERNATIONAL MARRIAGE BROKERS</b>	<b>F</b>
<b>REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM</b>	<b>F</b>

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

South Dakota should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

South Dakota should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

For more information and proposed legislative language for all five types of state laws, see the **Center’s Resource Guide for State Legislators: Model Provisions for State Anti-Trafficking Laws** at [www.centerwomenpolicy.org](http://www.centerwomenpolicy.org) or request a free printed copy at [cwps@centerwomenpolicy.org](mailto:cwps@centerwomenpolicy.org).

TENNESSEE	
CRIMINALIZATION	F
VICTIM PROTECTION AND ASSISTANCE	F
STATEWIDE TASK FORCE/ASSESSMENT	F

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

Tennessee should pass a criminalization statute that: creates the crime of trafficking in persons as a felony with enhanced penalties; includes measures for asset forfeiture and corporate liability for traffickers; requires training for local and state law enforcement; and, includes provisions for mandatory restitution to trafficking victims. The statute also should create an affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors.

**VICTIM PROTECTION AND ASSISTANCE**

Tennessee state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other

professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Tennessee also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

Tennessee should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

<b>REGULATING INTERNATIONAL MARRIAGE BROKERS</b>	<b>F</b>
<b>REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM</b>	<b>F</b>

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Tennessee should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Tennessee should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

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TEXAS	
<b>CRIMINALIZATION</b>	<b>B-</b>
<b>VICTIM PROTECTION AND ASSISTANCE</b>	<b>F</b>
<b>STATEWIDE TASK FORCE/ASSESSMENT</b>	<b>F</b>

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

In 2003, Texas established the second degree felony of trafficking or transporting of persons for the purpose of forced labor or services for conduct such as prostitution. The statute also created the first degree felony for trafficking of persons younger than 14 at the time of the offense or if the commission of the offense results in the death of the person who is trafficked.

Texas uses the comprehensive language of “entices, recruits, harbors, transports, provides or obtains” to encompass all the individuals who participate in the offense of trafficking; the statute also uses the language of “deception, coercion, or force” to include a range of methods traffickers use to “recruit” and control victims. While Texas provides enhanced penalties for the death of a trafficked person and for trafficking of a minor, it also should include additional offenses such as kidnapping, sexual assault, and serious bodily injury.

To further strengthen its anti-trafficking law, Texas also should enact the following provisions:

- ◆ An affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors;

- ◆ Mandatory restitution to trafficking victims;
- ◆ Asset forfeiture by traffickers;
- ◆ Corporate liability for traffickers; and
- ◆ Mandatory training for local and state law enforcement.

**VICTIM PROTECTION AND ASSISTANCE**

Texas state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Texas also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

Texas should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make informed

**REGULATING INTERNATIONAL MARRIAGE BROKERS**

**A**

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

**F**

recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

In 2003, Texas became the second state to regulate international marriage brokers (IMBs) by requiring IMBs to provide to the women from other countries (“foreign recruits”), in their own language, basic information about their civil and legal rights and the criminal and marital histories of Texas residents (“clients”) seeking to meet women “foreign recruits.” Texas requires the IMBs to provide this information to the women “foreign recruits” within 30 days of receiving the information from the Texas “client.” The law creates a civil penalty – a fine of up to \$20,000 for each violation.

Texas is the only state that requires the IMBs to provide the “client’s” criminal and marital information, as well as basic information about women’s civil and legal rights – including how and where to get help once they are married and in the United States – without requiring the “foreign recruit” to request the

information. Texas therefore places the responsibility of providing this information solely upon the IMBs and their clients, thus relieving the burden on the “foreign recruit” to request the information and providing the women with the necessary information to make an informed decision about pursuing further contact with the “client.”

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Texas should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

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UTAH	
<b>CRIMINALIZATION</b>	<b>F</b>
<b>VICTIM PROTECTION AND ASSISTANCE</b>	<b>F</b>
<b>STATEWIDE TASK FORCE/ASSESSMENT</b>	<b>F</b>

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

Utah should pass a criminalization statute that: creates the crime of trafficking in persons as a felony with enhanced penalties; includes measures for asset forfeiture and corporate liability for traffickers; requires training for local and state law enforcement; and, includes provisions for mandatory restitution to trafficking victims. The statute also should create an affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors.

**VICTIM PROTECTION AND ASSISTANCE**

Utah state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other

professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Utah also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

Utah should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

<b>REGULATING INTERNATIONAL MARRIAGE BROKERS</b>	<b>F</b>
<b>REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM</b>	<b>F</b>

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Utah should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Utah should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

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VERMONT	
<b>CRIMINALIZATION</b>	<b>F</b>
<b>VICTIM PROTECTION AND ASSISTANCE</b>	<b>F</b>
<b>STATEWIDE TASK FORCE/ASSESSMENT</b>	<b>F</b>

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

Vermont should pass a criminalization statute that: creates the crime of trafficking in persons as a felony with enhanced penalties; includes measures for asset forfeiture and corporate liability for traffickers; requires training for local and state law enforcement; and, includes provisions for mandatory restitution to trafficking victims. The statute also should create an affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors.

**VICTIM PROTECTION AND ASSISTANCE**

Vermont state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and

job readiness programs. Vermont also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

Vermont should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Vermont should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history

<b>REGULATING INTERNATIONAL MARRIAGE BROKERS</b>	<b>F</b>
<b>REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM</b>	<b>F</b>

of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Vermont should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

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VIRGINIA	
CRIMINALIZATION	F
VICTIM PROTECTION AND ASSISTANCE	F
STATEWIDE TASK FORCE/ASSESSMENT	F

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

Virginia should pass a criminalization statute that: creates the crime of trafficking in persons as a felony with enhanced penalties; includes measures for asset forfeiture and corporate liability for traffickers; requires training for local and state law enforcement; and, includes provisions for mandatory restitution to trafficking victims. The statute also should create an affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors.

**VICTIM PROTECTION AND ASSISTANCE**

Virginia state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other

professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Virginia also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

Virginia should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

<b>REGULATING INTERNATIONAL MARRIAGE BROKERS</b>	<b>F</b>
<b>REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM</b>	<b>F</b>

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Virginia should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Virginia should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

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WASHINGTON	
<b>CRIMINALIZATION</b>	<b>B</b>
<b>VICTIM PROTECTION AND ASSISTANCE</b>	<b>C-</b>
<b>STATEWIDE TASK FORCE/ASSESSMENT</b>	<b>A</b>

**ANALYSIS AND RECOMMENDATIONS**

Washington was the first state to enact a criminalization statute (2003), create a statewide interagency task force (2002) and regulate international marriage brokers (2002). These initial ground-breaking efforts make Washington the standard-bearer for enacting comprehensive anti-trafficking legislation.

**CRIMINALIZATION STATUTE**

Washington’s criminalization statute establishes the Class A felony offenses of first and second degree trafficking for the purpose of forced labor or involuntary servitude. Under standard sentencing guidelines, a first degree offense carries a maximum punishment of 14 years in prison; in the second degree, the maximum sentence is nine years. Such factors as whether the victim was kidnapped or killed are considered in determining the severity of the charge. The law also includes asset forfeiture by traffickers.

Washington uses the comprehensive language of “recruits, harbors, transports, provides, or obtains” to encompass all the individuals who participate in the offense of trafficking; the statute also uses the language of “force, fraud, or coercion” to include all the elements traffickers use to “recruit” and control victims. Currently, Washington classifies trafficking for forced labor or services that involve a “finding of sexual motivation” as Class A felony offenses of the first degree. To ensure that the statute criminalizes all forms of sex trafficking, Washington should expand its offense to include trafficking for “forced sexual

exploitation.” While Washington provides enhanced penalties for kidnapping and the death of the trafficked person, it should include additional offenses such as serious bodily injury.

To further strengthen its anti-trafficking law, Washington also should enact the following provisions:

- ◆ An affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors;
- ◆ Mandatory restitution to trafficking victims;
- ◆ Corporate liability for traffickers; and
- ◆ Mandatory training for local and state law enforcement.

**VICTIM PROTECTION AND ASSISTANCE**

In 2005, Washington commissioned a work group to develop written protocols for the delivery of services to trafficked persons. The work group consisted of heads of key government agencies and nongovernmental organizations. This is the kind of mechanism that states can create to ensure that specific policies and procedures are in place to enable victims of trafficking to gain access to needed services. We recommend that Washington implement these protocols in a timely fashion so that such benefits as access to safe and secure housing and shelters, physical and mental health care services, legal and immigration assistance, translation services, and educational and job readiness programs can become more widely available to women and girls who are trafficked into the state. Washington also affords trafficking victims a private right of action.

**REGULATING INTERNATIONAL MARRIAGE BROKERS**

**C**

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

**A**

**STATEWIDE INTERAGENCY TASK FORCE**

In 2002, the legislature established the *Washington State Task Force Against the Trafficking of Persons*, the first such mandated task force in the nation. The law required the task force to measure and evaluate the progress of the state in trafficking prevention activities, identify available federal, state, and local programs that provide services to victims of trafficking, and make recommendations on methods to provide a coordinated system of support and assistance to victims of trafficking.

Task force members included the heads of key government agencies and representatives from law enforcement, the health care community, and nongovernmental organizations that provide services to victims of trafficking. Washington’s task force ascertained the nature and extent of trafficking in the state, assessed the adequacy of available services for victims, and made informed recommendations for legislative, policy and programmatic initiatives.

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

In 2002, Washington became the first state to regulate international marriage brokers (IMBs) by requiring them to notify the women from other countries (“foreign recruits”), in their native language, that state background checks and personal histories of Washington residents (“clients”) seeking to meet women “foreign recruits” were available upon request. While this is an excellent start, it puts the responsibility on the women “foreign recruits” to request the information.

Washington should strengthen its existing law by requiring IMBs to provide women “foreign recruits” with the criminal and marital histories of the “client,” as well as basic information about women’s civil and legal rights in the United States. Furthermore, IMBs should be required to disseminate this information to “recruits,” in their own language, without first requiring a request. This lifts the burden of requesting the information from the women “recruits” and provides them with the necessary information to make an informed decision about pursuing further contact with the “client.”

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

In 2006, Washington passed a law to regulate travel service providers that facilitate sex tourism by establishing a Class C felony for entities that knowingly sell or offer to sell travel services that include or facilitate travel for the purpose of engaging in prostitution. The law authorizes the revocation of travel agency registration for engaging in these acts. Washington’s law is an excellent example of a comprehensive approach to regulating travel service providers that facilitate sex tourism by creating both a criminal offense and providing civil penalties.

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WEST VIRGINIA	
CRIMINALIZATION	F
VICTIM PROTECTION AND ASSISTANCE	F
STATEWIDE TASK FORCE/ASSESSMENT	F

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

West Virginia should pass a criminalization statute that: creates the crime of trafficking in persons as a felony with enhanced penalties; includes measures for asset forfeiture and corporate liability for traffickers; requires training for local and state law enforcement; and, includes provisions for mandatory restitution to trafficking victims. The statute also should create an affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors.

**VICTIM PROTECTION AND ASSISTANCE**

West Virginia state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and

shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. West Virginia also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

West Virginia should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental

<b>REGULATING INTERNATIONAL MARRIAGE BROKERS</b>	<b>F</b>
<b>REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM</b>	<b>F</b>

organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

West Virginia should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of

women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

West Virginia should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

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WISCONSIN	
CRIMINALIZATION	F
VICTIM PROTECTION AND ASSISTANCE	F
STATEWIDE TASK FORCE/ASSESSMENT	F

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

Wisconsin should pass a criminalization statute that: creates the crime of trafficking in persons as a felony with enhanced penalties; includes measures for asset forfeiture and corporate liability for traffickers; requires training for local and state law enforcement; and, includes provisions for mandatory restitution to trafficking victims. The statute also should create an affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors.

**VICTIM PROTECTION AND ASSISTANCE**

Wisconsin state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Wisconsin also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

Wisconsin should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make



**REGULATING INTERNATIONAL MARRIAGE BROKERS**

**F**

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

**F**

informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Wisconsin should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly

and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Wisconsin should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

For more information and proposed legislative language for all five types of state laws, see the **Center’s Resource Guide for State Legislators: Model Provisions for State Anti-Trafficking Laws** at [www.centerwomenpolicy.org](http://www.centerwomenpolicy.org) or request a free printed copy at [cwps@centerwomenpolicy.org](mailto:cwps@centerwomenpolicy.org).

WYOMING	
CRIMINALIZATION	F
VICTIM PROTECTION AND ASSISTANCE	F
STATEWIDE TASK FORCE/ASSESSMENT	F

**ANALYSIS AND RECOMMENDATIONS**

**CRIMINALIZATION STATUTE**

Wyoming should pass a criminalization statute that: creates the crime of trafficking in persons as a felony with enhanced penalties; includes measures for asset forfeiture and corporate liability for traffickers; requires training for local and state law enforcement; and, includes provisions for mandatory restitution to trafficking victims. The statute also should create an affirmative defense for trafficked persons so that they are not prosecuted for crimes they were forced to commit by their traffickers and captors.

**VICTIM PROTECTION AND ASSISTANCE**

Wyoming state law should provide for appropriate protection and assistance to victims of trafficking to ensure their safety and facilitate their physical and emotional recovery. Victim protections and benefits should include: access to safe and secure housing and shelters appropriate for women and girls who have been abused and traumatized; physical and mental

health care services delivered by medical and other professionals who are trained to work with abused and traumatized women and girls; legal and immigration assistance; translation services; and, educational and job readiness programs. Wyoming also should provide victims with a private right of action and should ensure that trafficking victims have access to needed services.

**STATEWIDE INTERAGENCY TASK FORCE**

Wyoming should create a statewide interagency task force or study commission, by statute, with a mandate to ascertain the nature and extent of trafficking of persons into the state, assess the adequacy of available services for victims, and make informed recommendations for legislative, policy and programmatic initiatives. The statute should provide that members of the task force shall include the heads of key government agencies and nongovernmental organizations, including those with expertise in providing services and advocacy for women and girls from various communities and for refugee and immigrant communities.

<b>REGULATING INTERNATIONAL MARRIAGE BROKERS</b>	<b>F</b>
<b>REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM</b>	<b>F</b>

**REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)**

Wyoming should enact legislation to regulate international marriage brokers (IMBs) that operate in the state. The statute could help protect women from domestic violence and trafficking by requiring IMBs to disseminate the criminal and marital history of the American client to women from other countries (“foreign recruits”) in their own language. The legislation also should require IMBs to provide women with basic information about their civil and legal rights, in their own language, including how and where to get help once they are married and living in the United States. IMBs must provide these services responsibly and the statute should include appropriate penalties for IMBs that do not protect the rights and interests of women “foreign recruits.” The law should provide for civil penalties for violations of these provisions.

**REGULATING TRAVEL SERVICE PROVIDERS THAT FACILITATE SEX TOURISM**

Wyoming should enact legislation to regulate travel service providers that facilitate sex tourism. The statute should amend the relevant state code that regulates travel agencies to add a provision that requires the suspension and/or revocation of the agency’s license or registration if the agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

For more information and proposed legislative language for all five types of state laws, see the **Center’s Resource Guide for State Legislators: Model Provisions for State Anti-Trafficking Laws** at [www.centerwomenpolicy.org](http://www.centerwomenpolicy.org) or request a free printed copy at [cwps@centerwomenpolicy.org](mailto:cwps@centerwomenpolicy.org).

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