

*D.C. criminalizes child sex trafficking without regard to force, fraud, or coercion. Minors under 18 are not criminally liable under the prostitution law, and juvenile sex trafficking victims must be referred to specialized services and receive a behavioral health assessment. However, laws designed to combat the growing use of the Internet to commit sex trafficking offenses are not provided.*

Final Score

73

Final Grade

C



7.5

10

17

25

9.5

15

7.5

10

22.5

27.5

9

15

## Criminalization of Domestic Minor Sex Trafficking

D.C.'s "sex trafficking of children" law criminalizes child sex trafficking without regard to use of force, fraud, or coercion. Commercial sexual exploitation of children (CSEC) laws include: "abducting or enticing child from his or her home for purposes of prostitution; harboring such child," "pandering; inducing or compelling an individual to engage in prostitution," and "procuring; receiving money or other valuable thing for arranging assignation." The prostitution law does not refer to the sex trafficking of children statute to acknowledge the intersection of prostitution with trafficking victimization. Although D.C. has not enacted a racketeering statute, the gang crimes law is broad enough to include any felony as predicate activity.

## Criminal Provisions for Demand

"Sex trafficking of children" applies to buyers of commercial sex acts with minors following federal precedent through the term "obtain." D.C.'s pandering offense appears broad enough to apply to buyers. A conviction under either law is punishable by up to 20 years imprisonment and a \$50,000 fine. Solicitation laws do not differentiate buying sex with an adult from buying sex with a minor. No statute specifically criminalizes using the Internet to purchase sex with a minor, but two statutes—"enticing a child or minor" and "arranging for sexual contact with a real or fictitious child"—might apply even though neither specifically address electronic communications. D.C.'s buyer-applicable offenses do not expressly prohibit a mistake of age defense. Buyers convicted of sex trafficking are subject to asset seizure and forfeiture, as well discretionary victim restitution. Possessing a sexual performance by a minor carries penalties comparable to those for similar federal offenses. Buyers convicted of "pandering; inducing or compelling an individual to engage in prostitution" are required to register as sex offenders; however, registration is not required for a conviction under "sex trafficking of children."

## Criminal Provisions for Traffickers

"Sex trafficking of children", "abducting or enticing child from his or her home for purpose of prostitution; harboring such child," "pandering; inducing or compelling an individual to engage in prostitution," and "procuring; receiving money or other valuable thing for arranging assignation" are punishable by up to 20 years imprisonment and a \$50,000 fine. Creating or distributing a sexual performance by a minor carries penalties comparable to those for similar federal offenses. No statute specifically criminalizes using the Internet to sell commercial sex acts with a minor, but two statutes—"enticing a child or minor" and "arranging for sexual contact with a real or fictitious child"—might apply even though neither specifically address electronic communications. Traffickers face mandatory criminal asset forfeiture for trafficking or discretionary civil asset forfeiture for prostitution and pandering offenses, and restitution may be ordered at the discretion of the court. Sex offender registration is required for many trafficker-applicable CSEC offenses, but registration is not required for a conviction under "sex trafficking of children." Child sex trafficking and CSEC offenses are not included as grounds for terminating parental rights.



## Criminal Provisions for Facilitators

Facilitators are subject to prosecution under a separate statute for benefitting financially from human trafficking; a conviction is punishable by up to 20 years imprisonment and a \$50,000 fine. “Procuring for third persons” and “operating house of prostitution” are punishable by up to 5 years imprisonment and a \$12,500 fine. Though not mandatory, a court may order a facilitator to pay restitution, and facilitators are subject to manda-

tory criminal asset forfeiture for trafficking offenses. No laws in D.C. make sex tourism a crime. Knowingly promoting a sexual performance by a minor, defined to include manufacturing, issuing, selling, distributing, circulating, or disseminating these performances, is punishable by up to 10 years imprisonment and a \$25,000 fine.



## Protective Provisions for the Child Victims

All commercially sexually exploited children are identifiable as victims of sex trafficking. “Sex trafficking of children” and D.C.’s CSEC offenses do not expressly prohibit a defense based on the minor’s willingness to engage in the commercial sex act. Minors are not criminally liable under the prostitution law, and child sex trafficking victims may access specialized services. When encountering a juvenile sex trafficking victim, law enforcement must refer the victim to organizations that provide specialized services as well as make a report to child welfare, which must conduct a specialized behavioral health assessment. For purposes of child welfare intervention, the definition of abuse includes child sex trafficking regardless of the child’s relationship to the perpetrator of the abuse. Victims of most CSEC offenses are eligible for crime victims’ compensation, but some

eligibility criteria could hamper their ability to recover, including the requirement to report the crime to law enforcement within seven days and file a claim within one year, unless good cause is shown. Victim-friendly criminal justice procedures are available in CSEC cases, including the “rape shield” law, which limits traumatizing cross-examination of testifying victims in sex trafficking cases. D.C. law does not provide a mechanism for minors to vacate delinquency adjudications related to trafficking victimization, but juvenile records may be sealed after a waiting period. Civil remedies against trafficking offenders and facilitators are expressly allowed for victims. A court may order a convicted offender to pay criminal restitution to a CSEC victim. The criminal and civil statute of limitations are extended for sex trafficking and CSEC offenses.



## Criminal Justice Tools for Investigation and Prosecution

Training on human trafficking is required for law enforcement officers, social workers, and case workers. D.C. law allows single party consent for audiotaping, but wiretapping is not available as an investigative tool in sex trafficking cases. D.C.’s trafficking and CSEC laws do not prohibit a defense based on the use of a law enforcement decoy posing as a minor during an investi-

gation; however, decoys may be used to investigate violations of “arranging for sexual contact with a real or fictitious child,” a non-CSEC offense. No law specifically addresses the use of the Internet to investigate buyers and traffickers. Law enforcement must promptly report missing, but not located, children to the National Center for Missing and Exploited Children.

*The Report Card is based on the Protected Innocence Challenge Legislative Framework, an analysis of state laws performed by Shared Hope International, and sets a national standard of protection against domestic minor sex trafficking. To access the Protected Innocence Challenge Legislative Framework Methodology, all state Report Cards, and foundational analysis and recommendations, please visit: [www.sharedhope.org/reportcards](http://www.sharedhope.org/reportcards).*