# NORTH CAROLINA REPORT CARD | 2017



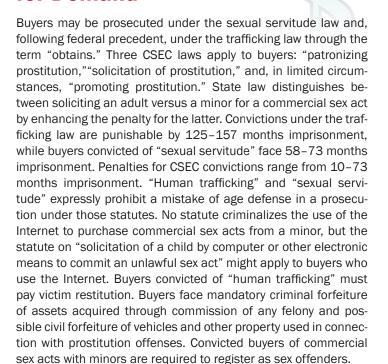
North Carolina criminalizes child sex trafficking without requiring use of force, fraud, or coercion; however, benefitting financially is not included as prohibited conduct under the trafficking law. Minors do not face prosecution under the prostitution law, and North Carolina law authorizes law enforcement training on child sex trafficking.

Final Score	00		2			P
Final Grade	10	23 25	13 15	4.5	20 27.5	14.5

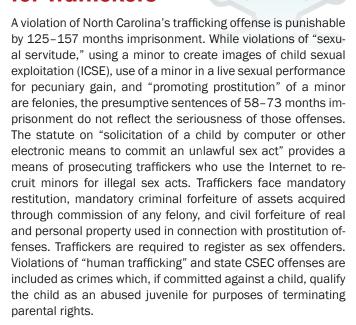
### **Criminalization of Domestic Minor Sex Trafficking**

North Carolina's "human trafficking" law criminalizes child sex trafficking without requiring use of force, fraud, or coercion. The state commercial sexual exploitation (CSEC) laws include: "solicitation of prostitution," "patronizing a prostitute," "promoting prostitution," "sexual exploitation of a minor" in the first, second, and third degree, and "employing or permitting a minor to assist in an offense under Article." The prostitution statutes refer to the "human trafficking" and "sexual servitude" statutes to acknowledge the intersection of prostitution with trafficking victimization. North Carolina's continuing criminal enterprise statute, which includes any felony as a predicate act, could be used to prosecute sex trafficking crimes committed in concert by five or more persons.

# **Criminal Provisions** for Demand



# **Criminal Provisions for Traffickers**



#### **Criminal Provisions for Facilitators**

The "human trafficking" law does not include the crime of assisting, enabling, or financially benefitting from human trafficking. However, the CSEC offense of "promoting prostitution" of a minor is a felony that applies to facilitators and carries a presumptive sentence of 58–73 months imprisonment. A facilitator is subject to mandatory criminal forfeiture of assets acquired through commission of any felony, civil forfeiture of real and personal proper-

ty used in connection with prostitution offenses, and some facilitators are subject to mandatory restitution. Facilitating a minor to engage in sexual conduct for ICSE is a felony punishable with a presumptive sentence of 58–73 months imprisonment. Distributing, transporting, or exhibiting ICSE is a felony punishable by a presumptive sentence of 20–25 months. No laws in North Carolina address sex tourism.

#### **Protective Provisions for the Child Victims**

All commercially sexually exploited children are defined as juvenile sex trafficking victims. The "human trafficking" and "solicitation of a child by computer" laws expressly prohibit a defense based on the willingness of the minor to engage in the commercial sex act. Minors do not face prosecution under the prostitution law, and law enforcement must file a report of suspected child abuse, enabling many victims to avoid a punitive response and to access services; however, provision of specialized services is not statutorily mandated. For purposes of child welfare intervention, child sex trafficking and commercial sexual exploitation are included within the definition of abuse. However, the definition of "custodian" and "caretaker" may present barriers to child welfare intervention in non-familial trafficking cases. While CSEC victims would likely be eligible for state crime victims' compensation, several eligibility criteria may limit their ability to recover, including requirements to cooperate with law enforcement, to report the crime to law enforcement within 72 hours unless good cause is shown, and to file a claim for compensation within 2 years. Victim-friendly court procedures such as the "rape shield" law, which limits traumatizing cross-examination of testifying victims, are not available to CSEC victims, and the ability to testify via closed circuit television is limited to children under 16. North Carolina law does not provide a mechanism for minors to vacate delinquency adjudications related to trafficking victimization, and juvenile records may only be expunged after a waiting period. A court must order an offender of human trafficking and CSEC offenses to pay CSEC victims restitution, and a victim may pursue civil remedies against an offender. North Carolina does not have a statute of limitations for felonies and, thus, allows a CSEC felony to be brought at any time. Additionally, the statute of limitations for CSEC victims pursuing a civil cause of action does not begin to run until the victim reaches 18.

### **Criminal Justice Tools for Investigation and Prosecution**

The North Carolina Justice Academy is authorized to develop a protocol and training materials on human trafficking, which is made available to law enforcement. Single party consent to audiotaping is permitted. Wiretapping is allowed in CSEC and sex trafficking investigations. No law expressly prohibits an offender from raising a defense based on the use of a law enforcement decoy posing as a minor in the investigation of prostitution or sex trafficking cases, but law enforcement may utilize the Internet

to investigate buyers and traffickers relying on the crime of "solicitation of a child by computer," which includes communicating with a person the offender believes is under 16 to meet with the offender or another person to commit an unlawful sex act. North Carolina established a statewide reporting and response system for lost, missing, or runaway children, and failure to report a missing child is a crime.

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.