

RHODE ISLAND

REPORT CARD | 2017







Rhode Island law criminalizes child sex trafficking without requiring proof of force, fraud, or coercion, and two offenses within the trafficking article reach buyers of sex with minors. Penalties are substantial, and convicted offenders are required to register as sex offenders. Last, Rhode Island law prohibits the criminalization of minors for prostitution offenses.

Final Score

78.5

Final Grade

C

					
10	21	12.5	5	18	12
10	25	15	10	27.5	15

Criminalization of Domestic Minor Sex Trafficking

Rhode Island law criminalizes child sex trafficking without requiring proof of force, fraud, or coercion. Commercial sexual exploitation of children (CSEC) laws include: “exploitation for commercial or immoral purpose,” “employment of children for unlawful purposes,” and “indecent solicitation of a child.” The immunity and affirmative defense laws found within the trafficking chapter acknowledge the intersection of prostitution with trafficking victimization. The racketeering law includes violations of Rhode Island’s CSEC offenses as predicate activity; however, Rhode Island’s trafficking offenses are not included.

Criminal Provisions for Demand

Two offenses found within the trafficking chapter specifically apply to buyers of sex with minors; however, the core trafficking offense is inapplicable as it requires conduct by a trafficker or controlling third party. “Patronizing a minor for commercial sexual activity” is punishable by up to 10 years imprisonment and a \$20,000 fine, while “patronizing a victim of sexual servitude” is punishable by up to 20 years imprisonment and a \$20,000 fine if the victim is a minor. The CSEC law of “indecent solicitation of a child” criminalizes buying sex with a minor, distinguishing between the solicitation of an adult versus a minor; a violation is punishable by at least 5 years imprisonment. Further, this offense includes soliciting a minor through any means, including the Internet, to engage in prostitution. Rhode Island’s buyer-applicable trafficking and CSEC laws are silent regarding the availability of a mistake of age defense. Penalties under state trafficking and CSEC laws are sufficiently high and are not staggered based on the age of the minor victim. Financial penalties include fines, asset forfeiture, and discretionary restitution. Possessing images of child sexual exploitation (ICSE) is prohibited, but penalties do not reflect the seriousness of the offense. Buyers convicted under Rhode Island’s trafficking, CSEC, and ICSE offenses must register as sex offenders.

Criminal Provisions for Traffickers

Traffickers face prosecution under state trafficking, CSEC, money laundering, and racketeering laws. “Trafficking an individual” and “sexual servitude” are felonies punishable by imprisonment up to 50 years and a \$40,000 fine. The CSEC offense of “exploitation for commercial purposes” through prostitution is punishable by up to 20 years imprisonment and a \$20,000 fine. Producing ICSE is punishable by up to 15 years imprisonment and a \$15,000 fine, while permitting a child to be used in ICSE is punishable by up to 10 years imprisonment and a \$10,000 fine. “Indecent solicitation of a child” criminalizes soliciting a minor by any means, including the Internet, to engage in prostitution; a violation is punishable by at least 5 years imprisonment. Financial penalties include fines, asset forfeiture, and mandatory restitution. Traffickers convicted of trafficking, CSEC, and ICSE offenses must register as sex offenders. Rhode Island law does not expressly allow for the termination of parental rights based on convictions of sex trafficking of a minor or CSEC offenses, meaning traffickers may seek to exploit their parental rights as a form of control.

Criminal Provisions for Facilitators

Rhode Island's trafficking offenses do not expressly prohibit benefiting financially from trafficking offenses. To the extent that the "trafficking an individual" and "sexual servitude" laws apply to facilitators, a violation of either is punishable by up to 50 years imprisonment and a \$40,000 fine. Financial penalties include fines, asset forfeiture, and mandatory restitution. Distributing ICSE under "exploitation for commercial or immoral purpose" is

punishable by up to 10 years imprisonment and a \$10,000 fine, while transporting or delivering ICSE under "child pornography prohibited" is punishable by up to 15 years imprisonment and a \$5,000 fine. No laws in Rhode Island make sex tourism a crime, providing a soft environment for businesses selling travel based on commercial sex acts.



Protective Provisions for the Child Victims

Not all commercially sexually exploited children will be identified as child sex trafficking victims under Rhode Island's core sex trafficking offense as it requires action by a trafficker or controlling third party. However, Rhode Island's sexual servitude offense prohibits a defense based on the willingness of the minor to engage in the commercial sex act. Although the prostitution law is age neutral, Rhode Island's immunity of a minor law prohibits the criminalization of minors for prostitution offenses. Further, juvenile sex trafficking victims are presumed to be abused or neglected and, thus, provided with services, but services are not required to be specialized to their needs. For purposes of child welfare intervention, however, the definition of "abused and neglected child" does not include child sex trafficking and requires that the perpetrator of abuse be a parent or a "person responsible for child's welfare," which is narrowly defined and limits child welfare's ability to intervene in non-familial trafficking cases. Crime victims' compensation is specifically available to

child sex trafficking victims, but ineligibility criteria may reduce or eliminate an award; barriers to receiving an award include a requirement to report the crime within 10 days and to file a claim within 3 years of injury, which may be waived if the victim was under 18 or if good cause is shown. A claim may also be denied if the victim fails to cooperate with law enforcement or if the victim's conduct contributed to the injury. Child sex trafficking victims are provided with several victim-friendly procedures and protections during the trial process, including "rape shield" protections and information confidentiality. Rhode Island law does not provide a mechanism for minors to vacate delinquency adjudications related to trafficking victimization, but juvenile records may be sealed without a waiting period. Civil actions and mandatory restitution are available. Civil and criminal statutes of limitations based on certain trafficking-related conduct are lengthened to 10 years.



Criminal Justice Tools for Investigation and Prosecution

The council on human trafficking is authorized to establish law enforcement training on human trafficking. Single party consent to audiotaping is permitted, but wiretapping is not allowed in investigations for sex trafficking of a minor or CSEC investigations. The CSEC offense of "indecent solicitation of a child" implicitly

prohibits a defense to prosecution based on the use of a law enforcement decoy posing as a minor and authorizes use of the Internet to investigate CSEC. Rhode Island has established a missing children's information center and requires the reporting of missing, but not located, 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.