

STATE ADVOCACY

FACT SHEET: SAFE HARBOR LAWS

NCJW has identified three priority areas of focus for state anti-trafficking advocacy: (1) National Trafficking Hotline Posting Laws, (2) Safe Harbor Laws, and (3) Vacatur Laws. While there are many areas of need for survivors of trafficking, ensuring states have these laws on the books is a great first step. To learn what anti-trafficking laws exist in your state, visit the [US State Guide](#) used by the American Bar Association. **This fact sheet highlights Safe Harbor Laws.**

What is a Safe Harbor Law?

A complete Safe Harbor Law (1) prevents minors (any child under 18) from being prosecuted for prostitution and (2) directs juvenile sex trafficking victims to non-punitive specialized services.

Why is this Law Necessary?

Sex traffickers often target runaway and homeless youth, as well as children who have been abused or neglected. When minors are forced to engage in commercial sex, it places them at risk for prosecution under prostitution laws. Safe Harbor laws ensure that trafficked children are treated as victims, not criminals, and provide access to medical care, safe housing, remedial education, and counseling services.

What is the Impact of Safe Harbor Laws?

When child trafficking victims are convicted of prostitution, they are often transferred from the control of a trafficker to the control of the criminal justice system. Safe Harbor Laws protect child victims of sex trafficking from unjust criminalization. Further, because Safe Harbor Laws redirect arrested minors from juvenile delinquency proceedings to child protection proceedings, they give sexually exploited children access to specialized services. Safe Harbor Laws also promote the use of safe houses rather than juvenile detention for child survivors of sex trafficking.

Which states have passed Safe Harbor Laws?**States that Direct Juvenile Sex Trafficking Victims to Specialized Services**

Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Mexico, New York, North Carolina, Ohio, Oklahoma, Texas

States that Protect Minors from Criminalization for Prostitution

Connecticut, District of Columbia, Illinois, Kentucky, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, North Carolina, North Dakota, South Carolina, Tennessee, Vermont

Note: Even if your state has passed one or both of these provisions, there may still be room for improvement.

What Can I Do?

1. Learn more about the legislation in your state. Visit [Shared Hope International's Protect Innocence Challenge](#) to find your state's report card (see specifically "Protective Provisions for Child Victims.") See also Shared Hope International's state law survey charts "[Prohibiting Criminalization of Juvenile Sex Trafficking Victims](#)" and "[Protective System Responses for Juvenile Sex Trafficking Victims](#)."
2. Work with your state lawmakers and partners to introduce or strengthen Safe Harbor Laws. Template legislation from the Uniform Law Commission and Polaris is [available here](#).

For questions, contact Leanne Gale at leanne@ncjwdc.org.