

## STATE ADVOCACY

### FACT SHEET: VACATUR 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 [VS. State Guide](#) used by the American Bar Association. **This fact sheet highlights Vacatur Laws.**

#### **What is a Vacatur Law?**

Vacatur Laws recognize that trafficking victims are not responsible for the criminal activity in which they have been forced to engage. They permit courts to vacate — legally rendering null and void — convictions for prostitution related offenses and other nonviolent crimes that victims of trafficking have been forced to commit.

#### **Why are Vacatur Laws important?**

Victims of sex trafficking are often prosecuted and convicted of crimes including prostitution and other related criminal activity. Because trafficking victims are coerced into criminal activity by their traffickers, they are not responsible for the crimes committed; however, the legal systems in most states do not pardon victims of sex trafficking for these convictions.

#### **What is the impact of Vacatur Laws?**

Vacatur Laws can help survivors of sex trafficking rebuild their lives. A criminal record creates a very real barrier for individuals seeking employment, education, housing, loans, and a host of other services. In addition, the stigma of having criminal convictions hinders the ability of sex trafficking survivors to reintegrate into their communities. Even if a trafficking victim is able to escape their trafficker, they are never truly free as their criminal record follows them wherever they go. A clean record enables survivors to have a second chance in life.

#### **Which states have enacted Vacatur Laws?**

18 states have enacted full Vacatur Laws: Connecticut, Delaware, Florida, Hawaii, Illinois, Maryland, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, Vermont, Pennsylvania, Washington, and Wyoming. Ten additional states have enacted partial Vacatur Laws that need to be strengthened: Arkansas, Colorado, Georgia, Iowa, Kentucky, Louisiana, New Mexico, Ohio, Oklahoma, and West Virginia.

#### **What Can I Do?**

1. Learn more about the legislation in your state. Visit the [VS. State Guide](#), used by the American Bar Association, to see if your state has a Vacatur Law and determine what it says.
2. Work with your state lawmakers and coalition partners to introduce a Vacatur Law or strengthen the legislation that already exists in your state. Template legislation from Polaris and the Uniform Law Commission is available [here](#).

*For questions, contact Leanne Gale at [leanne@ncjwdc.org](mailto:leanne@ncjwdc.org).*