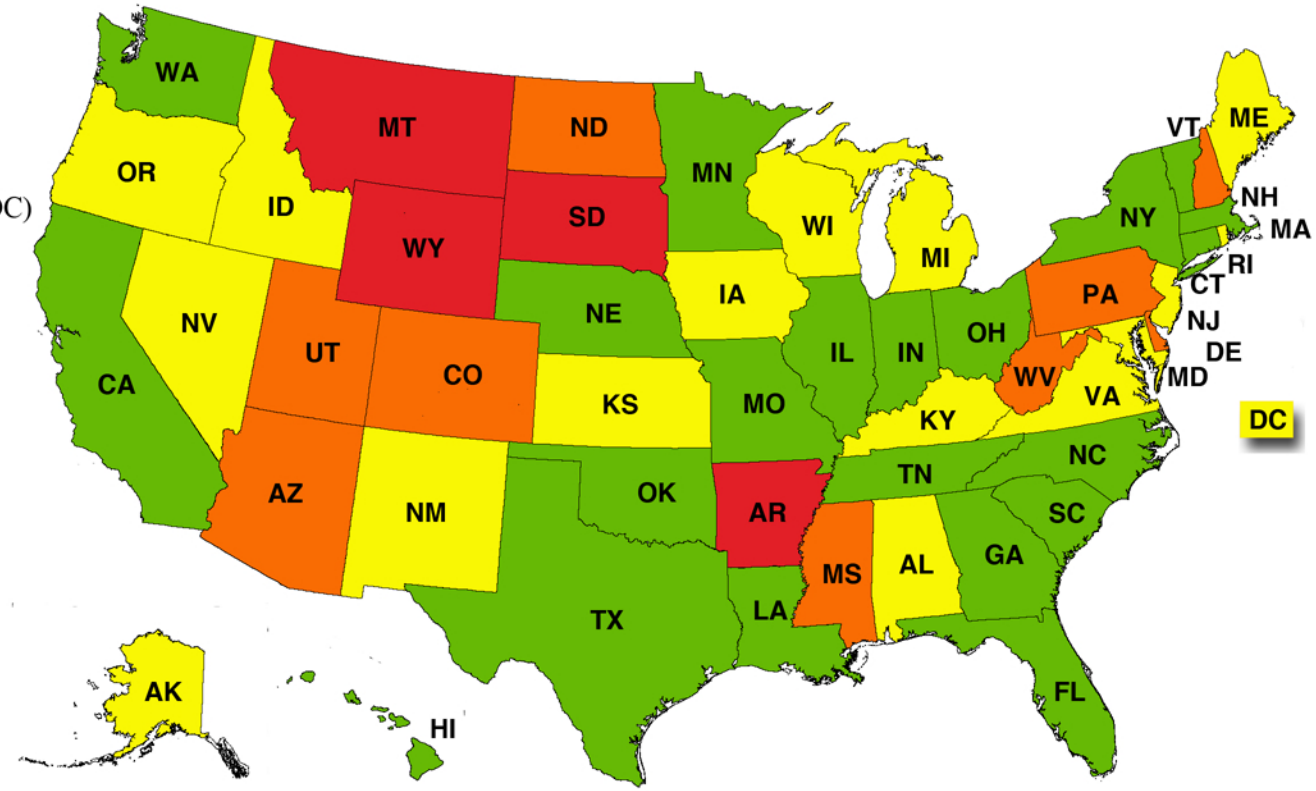
HOW DOES YOUR STATE RATE ON HUMAN TRAFFICKING LAWS IN 2012?

POLARIS PROJECT
FOR A WORLD WITHOUT SLAVERY

Polaris Project has rated all 50 states and the District of Columbia based on ten categories of laws that are critical to a basic legal framework that combats human trafficking, punishes traffickers and supports survivors. (See page 2 for category descriptions.)

Tier 1 (7+ points): State has passed significant laws to combat human trafficking, and should continue to take steps to improve and implement its laws.
Tier 2 (5-6): State has passed numerous laws to combat human trafficking, and should take more steps to improve and implement its laws.
Tier 3 (3-4): State has made nominal efforts to pass laws to combat human trafficking, and should take major steps to improve and implement its laws.
Tier 4 (0-2): These "Faltering Four" states have not made minimal efforts to enact a basic legal framework to combat human trafficking, and should actively work to improve their laws.

- Tier One (21 States)
- Tier Two (16 States & DC)
- Tier Three (9 States)
- Tier Four (4 States)



MOST IMPROVED

Massachusetts
South Carolina
West Virginia
Ohio

FALTERING FOUR

Wyoming
Arkansas
Montana
South Dakota

For more information, please go to www.polarisproject.org/2012stateratings, or contact Policy@polarisproject.org.

P.O. Box 53315 | Washington, DC 20009 | Tel: 202-745-1001 | www.PolarisProject.org

2012 STATE RATINGS CATEGORY DESCRIPTIONS

POLARIS PROJECT
FOR A WORLD WITHOUT SLAVERY

1. Sex Trafficking: A statute that criminalizes sex trafficking and includes elements of inducing another through force, fraud, or coercion to engage in a commercial sex act. Some states have related laws in the prostitution code and were given credit if they had the same criminal elements.

2. Labor Trafficking: A statute that creates the crime of labor trafficking or trafficking in persons, in which a person is compelled through force, fraud or coercion into providing labor or services.

3. (a) Asset Forfeiture for Human Trafficking: A statute that provides for the forfeiture of assets used in the course of the crime or acquired with proceeds from the crime of human trafficking.

3. (b) Investigative Tools for Law Enforcement: A statute that amends existing Racketeering (RICO) statutes to include the crime of human trafficking or authorizes the use of wiretapping by law enforcement in human trafficking investigations.

4. (a) Training on Human Trafficking for Law Enforcement: A statute that mandates or encourages law enforcement to be trained in human trafficking issues and the law.

4. (b) Human Trafficking Commission or Task Force: A statute that creates, establishes or encourages a task force, commission or advisory committee dedicated to addressing human trafficking.

5. Posting a Human Trafficking Hotline: A statute that mandates or encourages the public posting of a human trafficking hotline, such as the National Human Trafficking Resource Center hotline or a state human trafficking hotline.

6. Safe Harbor; Protecting Trafficked Minors: A statute that recognizes sex trafficked individuals under 18 as victims of a crime in need of protection and services by granting immunity from prosecution or diverting the child from juvenile delinquency proceedings; and instead directing them to child welfare services. In order to receive full credit, the state must have provisions that relate to both immunity or diversion and services for the child.

7. Lower Burden of Proof for Sex Trafficking of Minors: A statute that ensures that the elements of force, fraud or coercion are not required for a trafficker to be prosecuted for the sex trafficking of a minor. This statute must be under the sex trafficking section in order for the state to receive credit.

8. Victim Assistance: A statute that provides assistance, mandates the creation of a victim services plan, or funds programs to help victims of human trafficking. Victim services and protection may include counseling, job assistance, housing, continuing education, legal services, and/or a human trafficking caseworker privilege.

9. Access to Civil Damages: A statute that provides victims of human trafficking with the ability to seek civil damages from their traffickers.

10. Vacating Convictions for Sex Trafficking Victims: A statute that permits victims to have convictions for prostitution that were committed as a result of being trafficked vacated from their criminal records.

2012 State Ratings Chart: Key Human Trafficking Provisions
Based on Statutes as of July 31, 2012

State	1. Sex Trafficking Provision	2. Labor Trafficking Provision	3. Asset Forfeiture And/Or Investigative Tools (2)	4. Training Requirement And/Or Human Trafficking Task Force (2)	5. Post HT Hotline	6. Safe Harbor; Protecting Trafficked Minors	7. Lower Burden of Proof for Sex Trafficking of Minors	8. Victim Assistance	9. Access to Civil Damages	10. Vacating Convictions For Sex Trafficking Victims	PENALTY - Failure To Enact Basic Anti-Trafficking Provisions	Total
AK	X	X	AF	TF	-	-	X	-	-	-	-	5
AL	X	X	AF	-	X	-	X	-	X	-	-	6
AR	X	X	-	-	-	-	-	-	-	-	-	2
AZ	X	X	IT	-	-	-	X	-	-	-	-	4
CA	X	X	X(2)	TR	-	*	*	X	X	-	-	7
CO	-	X	X(2)	-	-	-	-	-	X	-	-1	3
CT	X	X	X(2)	X(2)	-	X(.5)	-	X	X	-	-	8.5
DC	X	X	AF	-	-	-	X	X	X	-	-	6
DE	X	X	IT	-	-	-	X	-	-	-	-	4
FL	X	X	X(2)	TR	-	X(.5)	X	X	X	-	-	8.5
GA	X	X	X(2)	X(2)	-	-	X	X	-	-	-	8
HI	X	X	X(2)	-	-	-	X	-	X	X	-	7
IA	X	X	AF	TR	-	-	X	X	-	-	-	6
ID	X	X	IT	TR	-	-	X	-	-	-	-	5
IL	X	X	X(2)	-	-	X	X	X	X	X	-	9
IN	X	X	X(2)	TR	-	-	*	X	X	-	-	7
KS	X	X	AF	-	-	-	X	X	-	-	-	5
KY	X	X	IT	-	-	-	X	X	-	-	-	5
LA	X	X	X(2)	TF	X	-	X	-	-	*	-	7
MA	X	X	X(2)	X(2)	-	X	X	X	X	-	-	10
MD	X	X	IT	-	X	-	X	-	-	X	-	6
ME	X	X	AF	-	-	-	X	-	X	-	-	5
MI	X	X	X(2)	-	-	*	X	-	-	-	-	5
MN	X	X	X(2)	TR	X	X	X	X	X	-	-	10
MO	X	X	AF	TR	-	-	X	X	X	-	-	7
MS	X	X	-	-	-	-	X	-	-	-	-	3
MT	X	X	-	-	-	-	-	-	-	-	-	2
NC	X	X	X(2)	X(2)	-	-	X	X	-	-	-	8
ND	X	X	IT	-	-	-	X	-	-	-	-	4
NE	X	X	IT	X(2)	X	-	X	-	-	-	-	7

State	Sex Trafficking	Labor Trafficking	Asset Forfeiture And/Or Investigative Tools	Training Requirement And/Or Human Trafficking Task Force	Post HT Hotline	Safe Harbor; Protecting Trafficked Minors	Lower Burden of Proof for Sex Trafficking of Minors	Victim Assistance	Access to Civil Damages	Vacating Convictions For Sex Trafficking Victims	PENALTY - Failure To Enact Basic Anti-Trafficking Provisions	Out of 12
NH	X	X	AF	-	-	-	-	-	-	-	-	3
NJ	X	X	X(2)	-	-	X	-	X	-	-	-	6
NM	X	X	-	X(2)	-	-	X	X	-	-	-	6
NV	X	X	AF	TR	-	-	X	-	-	X	-	6
NY	X	X	IT	X(2)	-	X	-	X	-	X	-	8
OH	X	X	X(2)	TR	X	X	-	X	X	*	-	9
OK	X	X	X(2)	-	X	-	X	X	X	-	-	8
OR	X	X	X(2)	-	-	-	X	X	-	*	-	6
PA	-	X	X(2)	TF	-	-	-	-	-	-	-1	3
RI	X	X	X(2)	TF	-	-	X	-	-	-	-	6
SC	X	X	AF	X(2)	-	-	X	X	X	-	-	8
SD	X	X	-	-	-	-	-	-	-	-	-	2
TN	X	X	AF	-	X	X(.5)	X	X	X	-	-	7.5
TX	X	X	X(2)	X(2)	X	-	X	X	X	-	-	10
UT	X	X	IT	TF	-	-	-	-	-	-	-	4
VA	X	X	IT	TR	X	-	-	X	-	-	-	6
VT	X	X	*	TF	X	X	X	X	X	X	-	9
WA	X	X	X(2)	TR	X	X	X	X	X	X	-	11
WI	X	X	IT	-	-	-	X	-	X	-	-	5
WV	X	X	-	TR	-	-	X	-	-	-	-	4
WY	-	*	-	-	-	-	-	-	-	-	-2	-2
Total	**48**	**50**	**32/31**	**21/15**	**12**	**11**	**36**	**26**	**21**	**7**	**-**	**-**

SCORING and KEY: Each "X" is worth one point, out of a total of twelve points that span ten categories. Categories three and four have two sub-parts, which are each worth one point. Where a state only received credit for one of the two-part category, the initials of the sub-part it received credit for appear (i.e. AF = asset forfeiture). Category six is the only category in which a state can be awarded either a half or full point. An asterisk recognizes that a state has passed a law in the category, but that it did not receive the full point because it did not meet the requirements of the category description.

SUMMARY RESULTS

-2: WY
0: -
1: -
2: SD, MT, AR
3: CO, MS, NH, PA
4: AZ, DE, ND, UT, WV
5: AK, ID, KS, KY, ME, MI, WI
6: AL, DC, IA, MD, NJ, NM, NV, OR, RI, VA
7: CA, HI, IN, LA, MO, NE
8: GA, NC, NY, OK, SC, TN
9: CT, FL, IL, OH, VT
10: MA, MN, TX
11. WA

FALTERING FOUR: AR, MT, SD, WY

MOST IMPROVED: MA, OH, SC, WV

States that have failed to enact any laws against human trafficking: WYOMING

POLARIS PROJECT

FOR A WORLD WITHOUT SLAVERY

State Ratings 2012
Methodology

The Polaris Project annual state ratings process tracks the presence or absence of 10 categories of state statutes that Polaris Project believes are critical to a comprehensive anti-trafficking legal framework. It is important to note that these 10 categories are not exhaustive of all the important legislation that helps combat human trafficking in a given state. Moreover, the ratings do not assess the effectiveness or implementation of these laws, nor the anti-trafficking efforts of task forces, law enforcement, prosecutors, judges, service providers, and advocates in the state. The purpose of the annual state ratings process is to document laws on the books, to motivate legislators and policy advocates, and to focus the attention of states on the statutes that still need to be enacted in order to achieve a strong anti-trafficking legal framework.

It is important to note that the State Ratings process is quantitative by nature and does not aim to engage in a qualitative analysis of a state's laws. For each category, we track whether a state has the specified statute, and whether or not it specifically includes human trafficking. One limited exception to this is the first two categories that track the presence or absence of a sex or labor trafficking statute. Since a state may lose credit for not having a basic human trafficking law in place, we looked more qualitatively at these categories to determine whether or not the basic criminal elements of force, fraud, or coercion were required to induce or compel another into labor or services or commercial sex acts.

The following bolded headings are included in each state report and have the meaning provided herein.

Rating System: Tier One, Tier Two, Tier Three, Tier Four

Tier 1: States in this tier have passed significant laws to combat human trafficking, and should continue to take steps to improve and implement its laws.
Tier 2: States in this tier have passed numerous laws that combat human trafficking, and should take more steps to improve and implement its laws.
Tier 3: States in this tier have made nominal efforts to pass laws to combat human trafficking, and should take major steps to improve and implement its laws.
Tier 4: States in this bottom tier, have not made minimal efforts to enact a basic legal framework to combat human trafficking, and should actively work to improve their laws.

Washington, DC | New Jersey
P.O. Box 53315 Washington, DC 20009
Tel: 202-745-1001 | Fax: 202-745-1119 | www.PolarisProject.org

States were rated in Tier One (green) if the cumulative total was 7 or more conditions met. States were rated in Tier Two (yellow) if the cumulative total was 5-6 conditions met. States were rated in Tier 3 (orange) if the cumulative total was 3-4 conditions met. States were rated in Tier Four (red) if the cumulative total was -2-2 conditions met. The "Faltering Four" category consists of all the states in Tier Four.

Total Points: -2 to 12 points are available based on the following breakdown:

(1) Sex trafficking earns 1 point for the presence or -1 for the absence of this statute.
(2) Labor trafficking earns 1 point for the presence or -1 for the absence of this statute.
(3) Asset forfeiture and/or Investigative tools earns 0-2 points as follows:
    a. Asset forfeiture earns 1 point for the presence of this statute.
    b. Investigative tools earns 1 point for the presence of this statute.
(4) Training on human trafficking and/or Human trafficking task force earns 0-2 points as follows:
    a. Training on human trafficking earns 1 point for the presence of this statute.
    b. Human trafficking task force earns 1 point for the presence of this statute.
(5) Posting of a human trafficking hotline earns 1 point for the presence of this statute.
(6) Safe harbor earns 1 point for the presence of this statute; however, in order to earn full credit the state must have both of the following provisions in place:
    a. Immunity from prosecution or the establishment of a Diversion Program to shield children from prosecution is worth ½ of a point.
    b. Services for children who are granted immunity or diverted from the juvenile justice system to the child welfare system is worth ½ of a point.
(7) Lower burden of proof for the sex trafficking of minors earns 1 point for the presence of this statute.
(8) Victim assistance earns 1 point for the presence of this statute.
(9) Access to civil damages earns 1 point for the presence of this statute.
(10) Vacating convictions for sex trafficking victims earns 1 point for the presence of this statute.

An asterisk indicates that a state has passed a law that partially covers the category, but did not receive any points because it did not meet the requirements of the category description. The asterisk is meant to signify recognition of the state's efforts to pass the law required to receive credit.

Credited Categories: [1-10] Each state report details the categories they received credit for.
Categories Still Needed: [1-10] Each state report details the categories they did not receive credit for.
Category By Category Break-Down: Each state report provides the statute and language for each category that was given credit.

Category 1: Sex Trafficking Statute
A state was given 1 point for this category when the following was present:

Washington, DC | New Jersey
P.O. Box 53315 Washington, DC 20009
Tel: 202-745-1001 | Fax: 202-745-1119 | www.PolarisProject.org

1) A statute that criminalizes sex trafficking and includes elements of inducing or compelling another through force, fraud, or coercion to engage in a commercial sex act or engage in prostitution; and
2) The crime was included as a felony-level offense.

One point was deducted if a state did not have a sex trafficking statute.

In some limited instances, states with related laws, but without a statute with the title of "human trafficking," or "sex trafficking" were given credit if the above elements were satisfied. Examples of such states include: Hawaii and Virginia. The recognition of credit in this category absent a specific statute labeled "sex trafficking" is grounded in our experience working with local and state prosecutors who have come to rely on established case law in their state where existing statutes criminalizes conduct that would constitute sex trafficking.

Category 2: Labor Trafficking Statute
A state was given 1 point for this category when the following element(s) were present:

1) A statute that creates the crime of labor trafficking or trafficking in persons, in which a person is compelled or induced through force, fraud or coercion into providing labor or services and if
2) There were criminal penalties associated (felony vs. misdemeanor).

One point was deducted when a state did not have a labor trafficking statute.

In some limited instances, states without a statute with the title of "human trafficking," or "labor trafficking" were given credit if the above elements were satisfied. Example of such state include: Virginia. The recognition of credit in this category absent a specific statute labeled "labor trafficking" is grounded in our experience working with local and state prosecutors who have come to rely on established case law in their state where existing statutes criminalizes conduct that would constitute labor trafficking.

NOTE: In the 2012 State Ratings Map, if a state received credit for having a basic labor or sex trafficking statute, the statute it received credit for informed the rest of our ratings process. In other words, whichever statute criminalized using force, fraud, or coercion to compel labor or services or commercial sex acts, was the statute we used in determining whether a state would receive credit in the other categories. These two categories were also the only categories where we conducted a more in-depth qualitative analysis to determine whether the basic elements of human trafficking were in place. For all other categories, we only examined whether the statute was in place and whether it specifically included human trafficking.

Category 3(a): Asset Forfeiture
A state was given 1 point for this category when the state had a statute that provides for the forfeiture of assets used in the course of the crime or acquired with proceeds from the crime of human trafficking.

Washington, DC | New Jersey
P.O. Box 53315 Washington, DC 20009
Tel: 202-745-1001 | Fax: 202-745-1119 | www.PolarisProject.org

Category 3(b): Investigative Tools
A state was given 1 point for this category when the state had a statute that amends existing Racketeering (RICO) statutes to include the crime of human trafficking or authorizes the use of wiretapping by law enforcement in human trafficking investigations. In order to receive full credit for this category, a state's law had to specifically list human trafficking in its predicate offense category. In some instances, states were given credit where their statute adopted all of the crimes listed under the federal RICO law.

Category 4(a): Training for Law Enforcement
A state was given 1 point for this category when the state had a statute that mandates or encourages law enforcement to be trained in human trafficking issues and the law. This included authorizing language in existing law enforcement training statutes, legislative resolutions, and duties imposed upon state human trafficking Task Forces.

Category 4(b): Human Trafficking Task Force
A state was given 1 point for this category when the state had a statute that creates, establishes or encourages a task force, commission or advisory committee dedicated to addressing human trafficking. If a human trafficking task force expired, the state was not given credit for this category. In some instances, states that had been given credit last year for this category did not receive credit this year because the sunset provision in the authorizing statute had expired. Where a state passed a resolution or other statute ordering a study commission on human trafficking, but did not include a sunset provision, the state received credit up to 3 years after the enactment or passage of the resolution or bill, but not after.

Category 5: Posting of a Human Trafficking Hotline
A state was given 1 point for this category when the state had a statute that mandates or encourages the public posting of a human trafficking hotline, such as the National Human Trafficking Resource Center hotline or a state human trafficking hotline.

Category 6: Safe Harbor; Protecting Trafficked Minors
A state was given 1 point for this category when the state had a statute that dictates that minor victims of sex trafficking or commercial sexual exploitation cannot be prosecuted for prostitution, and instead are diverted to the child protection system and/or victim service programs rather than criminal/juvenile detention programs. The "safe harbor" laws currently enacted in eleven states each provide different levels of protection. Despite this fact, the laws were reviewed on the basis of: (1) whether the law granted immunity from prosecution or created a diversion program for sexually exploited children and (2) whether the law created service programs for sexually exploited children or allowed the state to provide services under existing CHINS/PINS statutes.

Category 7: Lower Burden of Proof for Sex Trafficking of Minors
A state was given 1 point for this category when the state had a statute that ensures that the elements of force, fraud or coercion are not required for a trafficker to be prosecuted for the sex trafficking of a minor. In order to receive credit for this category, the lower standard of proof must appear in the statute that has been recognized above as the state's sex trafficking statute or be labeled as a crime against the person appearing outside of the state's general prostitution statutes.

Washington, DC | New Jersey
P.O. Box 53315 Washington, DC 20009
Tel: 202-745-1001 | Fax: 202-745-1119 | www.PolarisProject.org

Category 8: Victim Assistance
A state was given 1 point for this category when the state had a statute that provides assistance, mandates the creation of a victim services plan, or funds programs to help victims of human trafficking. Victim services and protection may include counseling, job assistance, housing, continuing education, legal services, and/or a human trafficking caseworker privilege. While many states have victim assistance plans for crime victims, unless victims of human trafficking crimes were explicitly included, the state was not given credit. In addition, states did not receive credit for this category if they only gave victims of human trafficking access to the general state victim's compensation fund.

Category 9: Access to Civil Damages
A state was given 1 point for this category when the state had a statute that specifically provides victims of human trafficking with the ability to seek civil damages from their traffickers.

Category 10: Vacating Convictions for Sex Trafficking Victims
A state was given 1 point for this category when the state had a statute that permits victims to have convictions for prostitution that were committed as a result of being trafficked vacated from their criminal records. Since expungement differs significantly from vacatur, in that the latter is a formal recognition of 'factual innocence,' a state only received credit for the vacating of convictions. States that have enacted laws relating to 'expungement' were recognized for having taken steps in the right direction, but were not given any points for this category.

For questions about the Polaris Project Annual State Ratings, please contact the Polaris Project Policy Program at policy@polarisproject.org. For guidelines and examples of bill language, please consult Polaris Project's Model Provisions of Comprehensive State Legislation to Combat Human Trafficking and Commentary available on our website (www.polarisproject.org). If you need technical assistance in enacting laws to fill in the gaps, please contact the Polaris Project Policy Program at policy@polarisproject.org.

Washington, DC | New Jersey
P.O. Box 53315 Washington, DC 20009
Tel: 202-745-1001 | Fax: 202-745-1119 | www.PolarisProject.org