

BILL NO: House Bill 413
TITLE: Sex trafficking; Minors engaged in prostitution, etc.
COMMITTEE: Courts of Justice; Subcommittee #1
DATE: February 2, 2022
POSITION: SUPPORT

Dear Chairperson Adams and Subcommittee Members:

Thank you for hearing testimony on House Bill 413 relating to the plight of child sex trafficking victims within the state.

Shared Hope International has been working in Virginia, across the country, and throughout the globe for over 20 years to guide and support appropriate responses to protect survivors, hold offenders to account, and ultimately prevent the crime entirely. 12 years ago we launched the State Report Card project to assess the status of state's laws and drive legislative progress. Since 2011, we have called on states to recognize any minor engaged in commercial sex as a victim of a sex trafficking, not a "prostitute" or "delinquent youth." We know that survivors of child sex trafficking have the best outcomes when they are met with protection, trauma-informed services, and a response that is appropriate for the horrific experiences they have endured—such a response cannot be rooted in juvenile justice practices and systems.

Despite Virginia's commitment to increasing effective responses to child, youth, and adult sex trafficking, including passing several particularly impactful pieces of legislation during the last few sessions, the state is lagging behind a majority of the country in providing one of the most foundational protections for child and youth survivors. [27 states and D.C.](#) have made clear that children engaged in commercial sex are victims of sex trafficking, no prostitution offenders. While Virginia state law clearly defines children who are bought and sold for sex as victims of sex trafficking, those same minors can be *and* are arrested and prosecuted for prostitution. HB 413 is not only critical for remedying this legal paradox, the legislation embraces a nationally-regarded promising practice for protecting children and preventing harm.

Amending the prostitution statutes to be inapplicable to minors recognizes that children *never* engage in commercial sex by choice; rather, a child does so out of coercion, force, fraud, fear, or survival. This is not consensual sex; money does not sanitize rape and treating the child as consensual actor not only misplaces criminality, it directly re-victimizes the child. Oftentimes, children entangled in a life that includes commercial sex carry years of trauma, generational vulnerabilities, and abuse on their backs. Other times, such children have trusted the wrong adult, been fed a false promise, or have fallen for an exploiter who later sold the child to someone all too willing to pay for the chance to rape him or her. Children with unsafe or unstable home environments may find the streets safer and, resultantly, sell sex in exchange for something to eat or a place to sleep. These are not choices; children living in such circumstances deserve, at a minimum, specialized services and long-term care, not the traumatizing impact of an arrest, detention and prosecution.

In addition to the non-criminalization protections created under Va. Code Ann. §§ 18.2-346 and 18.2-347, HB 413 provides two key provisions that will allow Virginia to respond both appropriately and effectively to children with lived experience:

- 1) Provides a bridge to services and a human trafficking assessment provided under § 63.2-1506.1 (created by HB 2597 in 2019); and
- 2) Clarifies that DSS has the authority, pursuant to § 63.2-1517, to take a minor into temporary protective custody, ensuring that the critical non-criminalization protections created by this bill do not compromise the safety of the child.

We are grateful for the Committee's dedication to this issue and respectfully ask for your support.

Sincerely,
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For questions or additional information:
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