SAFE HARBOR FOR TRAFFICKING VICTIMS:

CRIME VICTIMS - NOT CRIMINALS

Changes in Michigan law have adopted a victim-centered approach to sex trafficking victims.

The legislature had adopted Safe Harbor provisions which shield both minor and adult victims of sex trafficking from criminal liability for the prostitution related crimes they commit at the hands of their trafficker.

MINOR SEX TRAFFICKING

**Children under 18 are minors for purposes of trafficking*

- Minors under 16 are fully immune from prostitution charges[1]
- Minors 16-17 involved in prostitution presumed trafficking victim[2]
  - Law enforcement prohibited from charging unless they have extraordinary proof (beyond a reasonable doubt) no other person was involved in the prostitution of the minor
- Law Enforcement must refer prostituted minors to CPS for investigation[3]
- CPS investigation must include determination of whether the child "**dependent**" and danger of harm.[4]
- **Dependency** jurisdiction in the family court applies to minors alleged to have committed a commercial sexual act.[5]
- **Dependency** jurisdiction allows court to provide minors services without holding the minor or their parents responsible
  - If a 16 or 17 year old minor who is provided services under dependency jurisdiction fails to "substantially comply" with court-ordered services, law enforcement COULD, but is not required to, charge that 16 or 17 year old with prostitution. This is an unlikely possibility due to the Family Court's focus on rehabilitation services.[6]

[1]MCL 750. 448, MCL 750.449; **[2]** MCL 750.451(6) ; **[3]** MCL 750.451(7); **[4]** MCL 750.451(8); **[5]** MCL 712A.2(b)(3)(C); **[6]** MCL 750.451(6)

ADULT SEX TRAFFICKING

Special Deferral of Prostitution Proceedings

- If prostitution committed as direct result of human trafficking.
- Victim proves more likely than not
- Under court supervision
- Avoids conviction for prostitution

MCL 750.541C

MINORS AND ADULTS

Clears past prostitution convictions they were forced to commit by their traffickers[7]

[7] ADULTS: MCL 780.621; MINORS: MCL 712A.18e

If you are a victim of human trafficking or have identified someone you think may need help, contact the National Human Trafficking Resource Center at: 888-373-7888, or text 233733.

The national, toll-free hotline, is available to answer calls, texts, and chats from anywhere in the country, 24-hours a day, 7-days a week, every day of the year. **All calls are confidential.**

CALL NOW

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