

include children under the age of sixteen used in prostitution by a person twenty-one or older.³⁴³ Massachusetts expanded its definition of “children in need of services” to include “sexually exploited children,” which it defined as **victims** under its trafficking statute or **victims** under 22 U.S.C. § 7105.³⁴⁴ Massachusetts also enacted a protective provision for minor **victims**.³⁴⁵ Louisiana expanded its definition of “child in need of care” to include trafficking **victims**,³⁴⁶ and Maryland expanded its definition of “sexual abuse” to include “**human** trafficking” and “[a]llowing or encouraging a child to engage in ... [p]rostitution,” which allows trafficking **victims** to fall under the definition of “child in need of services.”³⁴⁷ Bills passed by the legislatures of Alaska and South Carolina created trafficking task forces charged with looking at **victim** services.³⁴⁸ Tennessee passed a law directing the Department of Health Services to “establish a plan *691 for the delivery of services to **victims** of **human** trafficking,” which includes **victim** identification; “[i]dent[if]y[ing] community-based services for **victims** of **human** trafficking”; and “[c]oordinat [ing] delivery of services and information concerning health care, mental health care, legal services, housing, job training, education and **victim's** compensation funds.”³⁴⁹

Other important **victims'** rights provisions include Louisiana adding an **affirmative defense** to the prostitution statute for child **sex** trafficking **victims**,³⁵⁰ South Dakota and Tennessee offering an **affirmative defense** under their prostitution statutes for trafficking **victims**,³⁵¹ and Washington providing an **affirmative defense** to its prostitution statute for persons who are trafficking **victims** under Washington or federal law or **victims** of promoting prostitution.³⁵² South Carolina also enacted an **affirmative defense** stating that:

In a prosecution of a person who is a **victim** of trafficking in persons, it is an **affirmative defense** that he was under duress or coerced into committing the offenses for which he is subject to prosecution, if the offenses were committed as a direct result of, or incidental or related to, trafficking.³⁵³

Massachusetts's comprehensive trafficking law also included an **affirmative defense**.³⁵⁴

Several states also enacted provisions permitting convictions for prostitution to be vacated if the defendant is a trafficking **victim** or allowing expunction of prostitution offenses if the defendant is a child trafficking **victim**.³⁵⁵ With respect to **victim** compensation, *692 Louisiana modified its restriction on offenders or accessories obtaining funds by adding that the “ineligibility shall not apply if the claimant is a **victim** of **human** trafficking or trafficking of children for sexual purposes.”³⁵⁶ Ohio also amended its **victim** compensation statute to make clear that “[n]othing in [the] section shall be construed to prohibit an award to a claimant whose claim is based on the claimant's being a **victim** of a violation of [compulsory involuntary servitude] if the claimant was less than eighteen years of age when the criminally injurious conduct occurred.”³⁵⁷

The Wisconsin, South Carolina, and Massachusetts legislatures expanded their child-friendly court procedures for trafficking **victims**. Wisconsin expanded its rape shield law to include the offenses of child enticement, soliciting a child for prostitution, and sexual intercourse with a child sixteen years old or older in the list of offenses for which “any evidence concerning the complaining witness's prior sexual conduct or opinions of the witness's prior sexual conduct and reputation as to prior sexual conduct shall not be admitted into evidence” except in certain situations.³⁵⁸ South Carolina included in its trafficking law the following protections:

Evidence of the following facts or conditions do not constitute a **defense** in a prosecution for a violation of this article, nor does the evidence preclude a finding of a violation: (1) the **victim's** sexual history or history of commercial sexual activity, the specific instances of *693 the **victim's** sexual conduct, opinion evidence of the **victim's** sexual conduct, and reputation evidence of the **victim's** sexual conduct; (2) the **victim's** connection by blood or marriage to a defendant in the case or to anyone involved in the **victim's** trafficking; (3) the implied or express consent of a **victim** to acts which violate the provisions of this section