

HOUSE BILL NO. HB0210

Minor sex traffic victims-liability.

Sponsored by: Representative(s) Bear, Andrew, Barlow, Brown, Burt, Connolly, Duncan, Fortner, Hallinan, Haroldson, Jennings, Knapp, Laursen, Neiman and Ottman and Senator(s) Biteman, French and McKeown

A BILL

for

1 AN ACT relating to human trafficking; specifying
 2 requirements for arrest and conviction of minors engaged in
 3 commercial sex acts; providing that a minor charged as a
 4 result of engaging in a commercial sex act is rebuttably
 5 presumed to be a victim of human sex trafficking; providing
 6 that a minor who engages in any commercial sex act is a
 7 neglected child in need of supervision; amending a
 8 definition; and providing for an effective date.

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10 *Be It Enacted by the Legislature of the State of Wyoming:*

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12 **Section 1.** W.S. 6-2-708(a) and (b) and
 13 14-3-202(a)(ii)(intro) are amended to read:

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1 **6-2-708. Victim defenses; vacating convictions.**

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3 (a) A victim of human trafficking is not criminally
4 liable for any commercial sex act or other criminal acts
5 committed as a direct result of, or incident to, being a
6 victim of human trafficking in violation of W.S. 6-2-702
7 through 6-2-707. A minor who engages in a commercial sex
8 act:

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10 (i) Shall not be subject to arrest or
11 prosecution for violating W.S. 6-4-101 or other criminal
12 acts as a result of engaging in the commercial sex act
13 unless there is probable cause to believe that the minor
14 was not subject to coercion and was not providing forced
15 services when engaging in the act;

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17 (ii) Shall be rebuttably presumed to be a victim
18 of human trafficking in any criminal charge as a result of
19 engaging in the commercial sex act, regardless of whether
20 any other person is identified or prosecuted as a result of
21 engaging in the commercial sex act. The presumption shall
22 be overcome only by establishing beyond a reasonable doubt
23 that the minor was not subject to coercion and was not

1 providing forced services when engaging in the commercial
2 sex act.

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4 (b) A victim of human trafficking who is a minor
5 shall be deemed a neglected child under the Child
6 Protection Act, regardless of whether the perpetrator is
7 the child's parent or person responsible for the child's
8 welfare, and a child in need of supervision in accordance
9 with the Children in Need of Supervision Act. ~~or a~~
10 ~~neglected child in accordance with the Child Protection~~
11 ~~Act.~~

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13 **14-3-202. Definitions.**

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15 (a) As used in W.S. 14-3-201 through 14-3-216:

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17 (ii) "Abuse" means inflicting or causing
18 physical or mental injury, harm or imminent danger to the
19 physical or mental health or welfare of a child other than
20 by accidental means, including abandonment, unless the
21 abandonment is a relinquishment substantially in accordance
22 with W.S. 14-11-101 through 14-11-109, excessive or
23 unreasonable corporal punishment, malnutrition or

1 substantial risk thereof by reason of intentional or
2 unintentional neglect, the commission of a human
3 trafficking offense against a minor as prohibited by title
4 6, chapter 2, article 7 of the Wyoming statutes and the
5 commission or allowing the commission of a sexual offense
6 against a child as defined by law:

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8 **Section 2.** This act is effective July 1, 2021.

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(END)