

MISSISSIPPI

REPORT CARD | 2019

Mississippi's human trafficking law makes it a crime to traffic a minor under 18 for sexual purposes without regard to force, fraud, or coercion, but a controlling third party must be identified. State law prohibits the criminalization of minors for the crime of prostitution and provides for a specialized service response.

Final Score

91

Final Grade

A



10

10

24.5

25

15

15

7.5

10

21.5

27.5

12.5

15

Criminalization of Domestic Minor Sex Trafficking

Mississippi's human trafficking law addresses sex trafficking and clearly defines a minor under the age of 18 used in a commercial sex act as a human trafficking victim without regard to the use of force, fraud, or coercion. Mississippi's commercial sexual exploitation of children (CSEC) laws include: "procuring services of a prostitute" "promoting prostitution," "enticing a child under 14" for prostitution, and "exploiting children" for the purpose of producing child sexual abuse material (CSAM). The prostitution statute refers to the human trafficking statute to ensure victims are not prosecuted for the crimes committed against them. Mississippi's racketeering law includes CSEC and trafficking offenses as predicate activity, and the criminal street gang law provides sentencing and financial penalty enhancements.

Criminal Provisions for Demand

The state human trafficking law can be applied to buyers who "cause or attempt to cause" a minor to engage in a commercial sex act in a few, limited circumstances. A buyer could also be charged with the CSEC offenses of "procuring services of a prostitute" and "enticing a child under 14." The prostitution law differentiates between soliciting sex with an adult versus a minor, providing heightened penalties for the latter. Buyers convicted of child sex trafficking face 20 years to life imprisonment and a fine between \$50,000-\$500,000, while convictions under the CSEC laws carry penalties range from 2-30 years imprisonment and fines up to \$500,000. "Use of computer for purpose of luring or inducing persons under 18 to engage in sexual contact" criminalizes the use of the Internet to commit sex crimes against a minor. The Human Trafficking Act expressly prohibits a mistake of age defense. The trafficking and CSEC laws do not stagger penalties based on the minor's age, ensuring the delivery of appropriate penalties for buyers of sex with older minors. Buyers are subject to asset forfeiture, civil judgments, and payment of mandatory restitution. Buyers are required to register as sex offenders for convictions of child sex trafficking and "procuring services of a prostitute" when the person procured is a minor.

Criminal Provisions for Traffickers

Traffickers prosecuted under the human trafficking law face 20 years to life imprisonment and a fine of \$50,000-\$500,000. "Promoting prostitution" is punishable by 5-30 years imprisonment and a fine of \$50,000-\$500,000. Enticing a child for commercial sex is punishable by up to 10 years imprisonment and a fine up to \$10,000. "Exploitation of children" for CSAM, which includes causing or soliciting a child to engage in sexual conduct for the purpose of creating CSAM, is punishable by 5-40 years imprisonment and a \$50,000-\$500,000 fine. Traffickers could also be in violation of trafficking enterprise and money laundering laws. "Use of computer for purpose of luring or inducing persons under 18 to engage in sexual contact" provides a means of prosecuting traffickers who use the Internet to recruit minors for illegal sex acts. Traffickers are subject to asset forfeiture and civil judgments; traffickers are also required to pay restitution when convicted of trafficking. Traffickers will be required to register as sex offenders for violations of sex trafficking, "enticing a child," creating CSAM, and "promoting prostitution." Grounds for terminating parental rights include human trafficking and certain CSEC convictions.

Criminal Provisions for Facilitators

Under Mississippi's human trafficking law, aiding or abetting human trafficking is punishable by 20 years to life imprisonment and a fine up to \$50,000–\$500,000, while financially benefiting from human trafficking is punishable by up to life imprisonment and a fine up to \$100,000. Facilitators could also be subject to racketeering, money laundering, and gang crime laws. Financial penalties are as high as \$1,000,000 for enterprises involved in

human trafficking, and the enterprise may be restrained from any future operation in Mississippi. Selling CSAM is punishable by 5–40 years imprisonment and a fine of \$50,000–\$500,000, and “promoting prostitution” is punishable by 5–30 years imprisonment and a fine of \$50,000–\$500,000. Facilitators convicted of human trafficking face asset forfeiture, mandatory restitution, and civil judgments. No Mississippi law addresses sex tourism.



Protective Provisions for the Child Victims

Not all commercially sexually exploited children are defined as juvenile sex trafficking victims because of third party control requirements. Sex trafficking and CSEC laws specifically prohibit a defense based on the willingness of the minor to engage in the commercial sex act. Mississippi law prohibits the criminalization of all minors for prostitution and of child sex trafficking victims for promoting prostitution and trafficking offenses. Further, state law mandates the referral of juvenile sex trafficking victims to child welfare and provides for a specialized response, which includes a multidisciplinary team approach. A child sex trafficking victim is included within the definition of “abused child” regardless of the child’s relationship to the offender. While CSEC victims would likely be eligible for crime victims’ compensation, several eligibility criteria may limit their ability to recover, including reduction if the victim is deemed responsible for the cause of the injury or did not cooperate with law enforcement and a requirement to file a claim within 3 years, with a possible extension of 1 year if good cause is shown. Certain victim-friendly trial procedures are

available in limited cases. Victims under 16 may be permitted to testify through closed-circuit television, and the “rape shield” law, which limits the trauma of cross-examination for testifying victims, may be applied to victims of human trafficking, but not CSEC victims. Mississippi law does not provide a mechanism for minors to vacate delinquency adjudications related to trafficking victimization, and juvenile records may only be sealed after a waiting period or destroyed at the court’s discretion. Restitution to victims of human trafficking is mandatory and may also be awarded to victims of CSEC crimes. Civil remedies are expressly provided for human trafficking victims, but not CSEC victims unless they are also victims of racketeering. Mississippi eliminates the statute of limitations for human trafficking and most CSEC crimes, including “promoting prostitution,” contributing to the delinquency of a minor, and exploiting children for CSAM, but not “procuring services of a prostitute” when the person solicited is a minor.



Criminal Justice Tools for Investigation and Prosecution

Mississippi law authorizes the Board on Law Enforcement Officer Standards and Training to establish law enforcement training, which must include the topic of human trafficking. Single party consent to audiotaping is permitted, but wiretapping is not allowed for human trafficking or CSEC investigations, denying law enforcement an important tool for investigations and evidence. Both the human trafficking and the “exploitation of children”

laws prohibit a defense based on the use of a law enforcement decoy posing as a minor for investigative purposes, but use of the Internet is not specifically authorized. Mississippi law mandates law enforcement agencies to develop and adhere to policies requiring reporting of all missing children in alignment with Federal law.



The Report Card is based on the Protected Innocence Challenge Legislative Framework, an analysis of state laws performed by Shared Hope International, and sets a national standard of protection against domestic minor sex trafficking. To access the Protected Innocence Challenge Legislative Framework Methodology, all state Report Cards, and foundational analysis and recommendations, please visit: www.sharedhope.org/reportcards.