

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; prohibiting a minor
2 who engages in any commercial sex act from being criminally
3 charged; specifying that a minor who engages in any
4 commercial sex act is a victim of human trafficking and is
5 an abused child; amending a definition; and providing for
6 an effective date.

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

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10 **Section 1.** W.S. 6-2-708(a) and (b), 6-4-101 and
11 14-3-202(a)(ii)(intro) are amended to read:

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13 **6-2-708. Victim defenses; vacating convictions.**

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1 (a) A victim of human trafficking is not criminally
2 liable for any commercial sex act or other criminal acts
3 committed as a direct result of, or incident to, being a
4 victim of human trafficking in violation of W.S. 6-2-702
5 through 6-2-707. A minor who engages in any commercial sex
6 act shall be considered a victim of human trafficking
7 regardless of whether the minor's offender is identified or
8 prosecuted and shall not be subject to an arrest or
9 prosecution under W.S. 6-4-101.

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11 (b) A victim of human trafficking who is a minor
12 shall be deemed an abused child under the Child Protection
13 Act, regardless of whether the perpetrator is the child's
14 parent or person responsible for the child's welfare, and a
15 child in need of supervision in accordance with the
16 Children in Need of Supervision Act or a neglected child in
17 accordance with the Child Protection Act.

18
19 **6-4-101. Prostitution; penalties.**

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21 Except as provided in W.S. 6-2-701 through 6-2-710, a
22 person, eighteen (18) years of age or older, who knowingly
23 or intentionally performs or permits, or offers or agrees

1 to perform or permit an act of sexual intrusion, as defined
2 by W.S. 6-2-301(a)(vii), for money or other property
3 commits prostitution which is a misdemeanor punishable by
4 imprisonment for not more than six (6) months, a fine of
5 not more than seven hundred fifty dollars (\$750.00), or
6 both.

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8 **14-3-202. Definitions.**

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

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12 (ii) "Abuse" means inflicting or causing
13 physical or mental injury, harm or imminent danger to the
14 physical or mental health or welfare of a child other than
15 by accidental means, including abandonment, unless the
16 abandonment is a relinquishment substantially in accordance
17 with W.S. 14-11-101 through 14-11-109, excessive or
18 unreasonable corporal punishment, malnutrition or
19 substantial risk thereof by reason of intentional or
20 unintentional neglect, the commission of a human
21 trafficking offense against a minor as prohibited by title
22 6, chapter 2, article 7 of the Wyoming statutes and the

1 commission or allowing the commission of a sexual offense
2 against a child as defined by law:

3

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

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6

(END)