



## Human Trafficking

In their continuing efforts to address human trafficking, the Indiana General Assembly combined elements of three bills into one law that helps victims get a fresh start after criminal convictions that they were forced or coerced to commit while they were being trafficked. The final bill, HEA1218 Juvenile Justice (McNamara W), contains portions of HB1533 Human Trafficking (McNamara W), SB166 Vacating Convictions of Trafficked Persons (Sandlin J), and SB280 Acts of Prostitution Committed by Children (Lanane T).

### Expunging and Vacating Criminal Convictions, Juvenile Delinquency & CHINS Adjudications

- **Adds a new section defining a “trafficked child” as a child who was a victim of human trafficking regardless of whether the person who trafficked the child was charged, tried, or convicted.**
  - This term also refers to a person who was trafficked as a child but is now an adult
- **A motion may be made to the juvenile court that adjudicated the trafficked child as delinquent to vacate the adjudication if the following can be proved by a preponderance of the evidence that:**
  - The child was being trafficked when they committed the delinquent act
  - The delinquent act did not result in bodily injury to another person
  - The child was coerced by or under the control of another person when they committed the delinquent act
- **A petition for expungement of records of a delinquent child or a child in need of services (CHINS) may be filed in juvenile court with the following information:**
  - Allegations and date of adjudication of the juvenile delinquency or CHINS adjudications
  - The court in which the delinquency or CHINS allegations or petitions were filed
  - The law enforcement agency that employs the charging officer, if known
  - Case number or court cause number
  - Date of birth of the petitioner
  - Petitioner’s Social Security Number
  - All delinquency or CHINS adjudications and criminal convictions occurring after the adjudication of the action sought to be expunged
  - All pending actions in juvenile court or criminal charges
- **Sets forth procedures and timelines for the filing of and action on petitions, including destruction of records and who has access to the records and databases**
- **An adult who committed a criminal offense while being trafficked is entitled to have the conviction vacated if they can prove by a preponderance of the evidence that:**
  - They were being trafficked at the time they committed the offense
  - The offense did not result in bodily injury to another person
  - They were coerced or under the control of another person when they committed the offense

### Juvenile Prostitution

- **Adds “juvenile prostitution” to the definition of a child who is a “victim of human or sexual trafficking”**
  - “Juvenile prostitution” means an act committed by a child less than 18 years of age that would be a crime of prostitution if committed by an adult
  - “Juvenile prostitution” is also added to the criminal code for persons who commit human trafficking offenses and under the section regarding promoting prostitution
- **“Juvenile prostitution victim” is defined as a child under the age of 18 years of age who engages in juvenile prostitution**