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NORTH DAKOTA

2023 Report Card

TIER II

GRADES ARE BASED SOLELY ON AN ANALYSIS OF STATE STATUTES. While we recognize the critical importance of non-legislative responses to propel progress, grading on statutory law provides a clear mechanism for evaluating policy goals across all states while ensuring that survivor-centered reforms are an enduring part of states' responses.

STATE HIGHLIGHTS:

- Between 2021-2023, raised score by 7 points.
- The trafficking law expressly applies to the conduct of buyers of sex with children and prohibits mistake of age as a defense to liability.
- The state legislature appropriated funds to support the development and provision of specialized, community-based services and care to survivors of human trafficking, which could include child and youth survivors of sex trafficking.
- Allows trafficking victims to seek ex parte civil orders of protection against their exploiters.
- Allows child and youth victims of sex or labor trafficking to hold their exploiters accountable through civil processes.

SAFE HARBOR STATUS:

One of 30 states that statutorily prohibit the criminalization of minors for prostitution.

Issue		Grade	Score	Summary
	1. Criminal Provisions	D	$\frac{12}{17.5}$	Policy goals accomplished related to buyer accountability under the trafficking law, mistake of age defenses, decoy defenses, and business entity liability under the trafficking law. Gaps remain related to buyer and trafficker accountability under state CSEC laws and financial penalties.
	2. Identification of and Response to Victims	F	$\frac{10.5}{27.5}$	Policy goals accomplished related to third party control, foreign national victims, and non-criminalization for prostitution offenses. Gaps remain related to screening through child welfare and the juvenile justice system, expanded non-criminalization, juvenile court jurisdiction, child abuse definitions, and non-caregiver trafficking cases.
	3. Continuum of Care	F	$\frac{5.5}{15}$	Policy goal accomplished related to appropriations. Gaps remain related to community-based services, MDT responses, services through child welfare and the juvenile justice system, and extended foster care services.
	4. Access to Justice for Trafficking Survivors	C	$\frac{11.5}{15}$	Policy goals accomplished related to civil orders of protection, restitution, and civil remedies. Gaps remain related to crime victims' compensation, vacatur, and statutes of limitation.
	5. Tools for a Victim-Centered Criminal Justice Response	F	$\frac{4}{10}$	Gaps remain in all areas, including hearsay exceptions, alternatives to live, in-court testimony, victim-witness supports, and privileged communications.
	6. Prevention and Training	F	$\frac{4}{15}$	Gaps remain in all areas, including training for child welfare, juvenile justice agencies, law enforcement, prosecutors, and school personnel as well as prevention education in schools.
EXTRA CREDIT	Youth		2	Protections related to appropriations and civil remedies are extended to sex trafficked youth.
	Child Labor Trafficking		4	Protections related to appropriations, civil orders of protection, restitution, and civil remedies are extended to child labor trafficking victims.

OVERALL GRADE
TIER II

F 53.5