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SOUTH DAKOTA

2023 Report Card

TIER III

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.
- Business entities can be held criminally liable for conduct that violates the trafficking law.
- Crime victims' compensation laws provide victims of child sex trafficking with an exception to ineligibility for contributory conduct, promoting survivors' access to this resource.
- Allows child and youth victims of sex or labor trafficking to hold their exploiters accountable through civil processes.

SAFE HARBOR STATUS:

One of 21 states that fail to prohibit the criminalization of minors for prostitution offenses, thus allowing commercially sexually exploited minors to be subjected to juvenile justice processes as a result of their own victimization.

Issue		Grade	Score	Summary
	1. Criminal Provisions	C	$\frac{12.5}{17.5}$	Policy goals accomplished related to buyer accountability under the trafficking law, trafficker accountability under state CSEC laws, mistake of age defenses, decoy defenses, and business entity liability under the trafficking law. Gaps remain related to buyer accountability under state CSEC laws and financial penalties.
	2. Identification of and Response to Victims	F	$\frac{3.5}{27.5}$	Policy goal accomplished related to third party control. Gaps remain related to foreign national victims, screening through child welfare and the juvenile justice system, non-criminalization for prostitution offenses, expanded non-criminalization, juvenile court jurisdiction, child abuse definitions, and non-caregiver trafficking cases.
	3. Continuum of Care	F	$\frac{3}{15}$	Gaps remain in all areas, including community-based services, MDT responses, services through child welfare and the juvenile justice system, extended foster care services, and appropriations.
	4. Access to Justice for Trafficking Survivors	F	$\frac{8.5}{15}$	Policy goal accomplished related to civil remedies. Gaps remain related to civil orders of protection, crime victims' compensation, vacatur, restitution, and statutes of limitation.
	5. Tools for a Victim-Centered Criminal Justice Response	D	$\frac{6}{10}$	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	$\frac{0}{15}$	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	18+	Youth	1	Protection related to civil remedies is extended to sex trafficked youth.
	CLT	Child Labor Trafficking	1	Protection related to civil remedies is extended to child labor trafficking victims.

OVERALL GRADE
TIER III

F 35.5