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WEST VIRGINIA

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 8.5 points.
- Trafficking and CSEC laws address all perpetrators, including traffickers, buyers, and facilitators.
- Mandates victim restitution for child sex trafficking and CSEC offenses.
- Human trafficking victims may seek crime victim compensation and are exempted from reporting requirements that could limit their access to victim benefits.

SAFE HARBOR STATUS:

State law protects some, but not all minors, from being criminalized for prostitution offenses; minors who are not identified as child sex trafficking victims may still be subjected to arrest and prosecution for their own victimization.

Issue		Grade	Score	Summary
	1. Criminal Provisions	B	$\frac{15}{17.5}$	Policy goals accomplished related to buyer accountability under the trafficking law, buyer and trafficker accountability under state CSEC laws, mistake of age defenses, decoy defenses, and business entity liability under the trafficking law. Gap remains related to financial penalties.
	2. Identification of and Response to Victims	F	$\frac{6.5}{27.5}$	Policy goal accomplished related to child abuse definitions. Gaps remain related to third party control, foreign national victims, screening through child welfare and the juvenile justice system, non-criminalization for prostitution offenses, expanded non-criminalization, juvenile court jurisdiction, and non-caregiver trafficking cases.
	3. Continuum of Care	F	$\frac{4}{15}$	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 restitution. Gaps remain related to civil orders of protection, crime victims' compensation, vacatur, civil remedies, and statutes of limitation.
	5. Tools for a Victim-Centered Criminal Justice Response	F	$\frac{3}{10}$	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	$\frac{1}{15}$	Gaps remain in all areas, including training for child welfare, juvenile justice agencies, law enforcement, prosecutors, and school personnel and well as prevention education in schools.
EXTRA CREDIT	Youth		0	N/A
	Child Labor Trafficking		2	Protections related to child abuse definitions and restitution are extended to child labor trafficking victims.

OVERALL GRADE
TIER III

F 40