

LEGISLATIVE FACT SHEET
SAFE HARBOR AMENDMENTS

H.B. 254 - Sponsor: Representative Jennifer Seelig

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Why is this Legislation Needed?

- Based on the inherent vulnerability of a child, and the coercive influence that may be affecting the child's decision to engage in commercial sex, the proposed amendment requires children who commit their first commercial sex act to receive services through a dependency referral rather than a delinquency petition, ensuring the identification of children victimization early in the process and allow existing DCFS services to be utilized immediately and/or as necessary.
- To provide immunity for those child victims who, at the time of being trafficked are committing commercial sexual offenses, taking into account that if at the time of the encounter, it is not clear that the child is being trafficked.
- In both circumstances of an act of a child committing a commercial sex act and/or child human trafficking, discretion to file a delinquency petition will be left to law enforcement and prosecution for any subsequent encounter with the child.
- Currently, there exists no alternate statutory guidance regarding children engaged in commercial sex, in lieu of charging the child with prostitution in a delinquency setting.

What does this Legislation do?

- Amends U.C.A. §76-10-1302, prostitution statute, provides that before a delinquency proceeding for prostitution can be filed, the child must have been referred to Division of Child and Family Services on at least one prior occasion for an alleged act of prostitution.
- Will require DCFS to keep a referral category for child prostitution, and to keep the record for law enforcement purposes. DCFS is willing to implement mechanism necessary to assist with granting immunity to child engaging in first commercial sex act.

Who supports this Legislation?

- Utah Attorney General's Office
- Utah Trafficking in Persons Task Force
- Backyard Broadcast