



# State Attorneys General Powers and Responsibilities

Edited by  
Emily Myers  
National Association of Attorneys General



FOURTH EDITION  
NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Courtesy Chapter

Published by  
National Association of Attorneys General  
1850 M Street, NW, 12th Floor  
Washington, DC 20036  
(202) 326-6000

Copyright © 2018, National Association of Attorneys General  
All Rights Reserved

State Attorneys General Powers and Responsibilities  
Fourth Edition

Library of Congress Control Number: 2018960580

ISBN 978-1-946357-00-7  
ISBN 978-1-946357-01-4 (Softcover)

# **State Attorneys General Powers and Responsibilities**

Fourth Edition

Courtesy Chapter

Edited By  
Emily Myers

National Association of Attorneys General

Courtesy Chapter

*This book is dedicated to Attorneys General  
and the men and women who work for them in the  
56 jurisdictions. They continue to make an important  
contribution to state government and the American legal  
system. Without them, there would be no book to write.*

Courtesy Chapter

Courtesy Chapter

# Acknowledgments

The editor would like to acknowledge the many individuals who contributed to the preparation of this book.

This book builds on previous editions, which were edited by Lynne Ross. We gratefully acknowledge her hard work and dedication to this project in its early years.

This book is a collaborative effort, in which different authors with expertise in each substantive area contribute their time and talent. The principal authors are noted on each chapter, but we would like to thank them again here for their hard work and dedication. Many thanks to the following authors:

Caitlin Calder  
Bob Carlson  
Chris Coppin  
Karen Cordry  
Adam Eisenstein  
Amie Ely  
Micheline N. Fairbank  
Denise Fjordbeck  
Ed Hamrick  
Michael Hering  
David Jacobs  
Zachary T. Knepper  
Hedda Litwin  
Stephen R. McAllister

Judith McKee  
A. Valerie Mirko  
Ann Mines-Bailey  
Salini Nandipati  
Joe Panesko  
Chalia Stallings-Ala'ilima  
Dan Schweitzer  
Abigail Stempson  
Clive Strong  
Marjorie Tharp  
Sean Towles  
Chris Toth  
Barbara Zelner

Courtesy Chapter



## Fighting Human Trafficking

*Judith McKee, former Chief Editor, National Attorneys General Research and Training Institute*

One of the great civil rights issues of the twenty-first century is tackling the exploitation of individuals through sex and labor trafficking. According to a 2016 report from the International Labor Organization, there was an estimated 24.9 million victims trapped in modern-day slavery.<sup>1</sup> Human trafficking has been called the fastest growing crime and the third largest crime worldwide.<sup>2</sup> In 2000, Congress passed the Trafficking Victims Protection Act (TVPA) and has repeatedly reauthorized it. In that legislation, a human trafficking victim is defined as a person induced to perform labor or a commercial sex act through force, fraud, or coercion except that a person under 18 victimized by sex trafficking is, per se, a victim of trafficking without the necessity to show force, fraud, or coercion. Under the TVPA, there is no requirement to show physical transport from one locale to another.

Washington was the first state to criminalize human trafficking in 2003, and all 50 states and the territories have now passed laws that criminalize human trafficking. Despite these laws, however, a 2008 report<sup>3</sup> by researchers, conducted under a grant from the Department of Justice, found that between 73 and 77 percent of local, county, and state law enforcement perceived human trafficking as rare or non-existent in their local communities.<sup>4</sup> Furthermore, of the state agencies which brought charges after an investigation into human trafficking, nearly

---

1 INT'L LABOUR ORG., GLOBAL ESTIMATES OF MODERN SLAVERY (2016).

2 Robbie Couch, *Human Trafficking Still Globe's Fastest-Growing Crime Despite Increased Awareness*, HUFFINGTON POST, Jan. 7, 2015.

3 Amy Farrell, Jack McDevitt & Stephanie Fahy, *Understanding and Improving Law Enforcement Responses to Human Trafficking*, (Northeastern U. Inst. On Race and Justice 2008),

4 *Id.* at ii.

65% did not bring charges under the state human trafficking law but, instead, under long-existing laws against prostitution.<sup>5</sup> It was thus obvious that local law enforcement, including prosecutors, were not using all available statutory authority to combat trafficking.

As states began to address human trafficking through legislation, attorneys general focused increased attention on the issue. In 2011, intent upon raising awareness of this crime at the state and local level among both law enforcement and the citizenry, then-Washington Attorney General Rob McKenna, serving as President of the National Association of Attorneys General, chose to focus on human trafficking as his presidential initiative. Called “Pillars of Hope,” the initiative had four major objectives to help stem this fast-growing crime: Gather more data that will track state arrests and prosecutions; raise awareness to reduce demand; promote strong state statutes and forceful state prosecutions; and mobilize communities to increase care for victims.

After the NAAG Presidential Initiative Summit in 2012, a Leadership Council, made up of the then attorneys general from California, Illinois, Indiana, Maine, Massachusetts, Michigan, New Mexico, Oregon, and Texas, joined in fleshing out the Pillars of Hope Campaign. These attorneys general also formed the core of what has become NAAG’s Human Trafficking Committee. Two regional NAAG meetings, in 2011 and 2014, have also been held concentrating on anti-human trafficking efforts.

Attorneys general have worked with their state legislatures to improve and strengthen state laws against both sex trafficking and labor trafficking. For example, the attorney general of Georgia actively supported a bill that would, among other things, broaden the definition of human trafficking to include the behaviors of “patronizing” and “soliciting” and increase penalties for trafficking of individuals for sexual servitude.<sup>6</sup> The attorney general of Kansas proposed legislation, passed unanimously by the state legislature, which included provisions making it a crime to sell travel services knowing the travel involves sex tourism and to make it easier for trafficked minors to qualify for crime victims’ assistance.<sup>7</sup> Montana’s attorney general supported a bill that updated Montana’s human trafficking laws by establishing comprehensive definitions and penalties for human trafficking

---

<sup>5</sup> *Id.* at 70.

<sup>6</sup> Press Release, Office of the Attorney General of Georgia, “Attorney General Chris Carr Supports Proposal to Strengthen Human Trafficking Laws,” (Feb. 14, 2017).

<sup>7</sup> Press Release, Office of the Attorney General of Kansas, “AG Derek Schmidt Praises Passage of Bill to Strengthen Kansas Response to Human Trafficking,” (May 11, 2017).

crimes.<sup>8</sup> The Nebraska attorney general supported legislation that would increase penalties for pandering and for consumers of sex trafficking, seeking to reduce both supply and demand.<sup>9</sup> In Utah, the attorney general supported a bill that protected adopted children from “rehoming,” which the attorney general believed could transfer children into the hands of human traffickers.<sup>10</sup>

Other improvements in human trafficking laws supported by attorneys general include safe harbor provisions for children and those victimized by traffickers;<sup>11</sup> signage laws;<sup>12</sup> increased penalties for traffickers;<sup>13</sup> requiring those found guilty of sex trafficking to be placed in a state’s sex offender registry;<sup>14</sup> appointment of state-wide grand juries to consider human trafficking cases;<sup>15</sup> including human trafficking in the state’s general nuisance statute<sup>16</sup> authorizing wiretaps in connection with the investigation of human trafficking;<sup>17</sup> requiring transparency in state retailers and manufacturers concerning efforts to eradicate human trafficking within their supply chain;<sup>18</sup> formation of human trafficking study groups and task forces;<sup>19</sup> requiring training for law enforcement, emergency

---

8 Press Release, Office of the Attorney General of Montana, “Governor Signs AG Fox’s Bill Strengthening Montana’s Human Trafficking Laws Today,” (Apr. 24, 2016).

9 Press Release, Office of the Attorney General of Nebraska, “AG Peterson Announced 2015 Legislative Package: Human Trafficking and Drugs,” (Jan. 15, 2015).

10 Press Release, Office of the Attorney General of Utah, “Attorney General Reyes Testifies in Support of HB199,” (Feb. 16, 2017). *See also*, Anna-Lisa Gayle, *Indiana Attorney General Hails New Human Trafficking Laws*, WLKY.com (May 21, 2015); Press Release, Office of the Attorney General of South Carolina, “Wilson Joins Solicitors and Legislators in Tackling Human Trafficking,” (Aug. 1, 2013); Press Release, Office of the Attorney General of South Dakota, “Attorney General Marty Jackley’s 2016 Legislative Package,” (Jan. 6, 2016); Press Release, Office of the Washington Attorney General, “AG Proposal to Protect Human Trafficking Victims Passes Senate,” (Feb. 8, 2017).

11 *See, e.g.*, MICH. COMP. LAWS ANN. § 750.401C; Press Release, Office of the Michigan Attorney General, “Schuette Praises House for Unanimous Passage of Victim-Centered Human Trafficking Bills,” (Dec. 5, 2013).

12 Signage laws take different forms. In Virginia, the attorney general used a variety of funds to erect billboards throughout the state to raise awareness and stickers were posted at rest stops advertising the National Human Trafficking Hotline number. VA. CODE ANN. § 40.1-11.3 Florida passed legislation requiring public awareness signs in English and Spanish to be posted at various businesses. *See* FLA. STAT. § 787.29.

13 *See, e.g.*, NEB. REV. STAT. § 28-831.

14 *See, e.g.*, KAN. STAT. ANN. § 22-4902(e)(I).

15 *See* S.C. CODE ANN. § 14-7-1610(H).

16 *See* IND. CODE § 35-45-1-5(4) and (5).

17 *See, e.g.*, MD. CODE ANN., CTS. & JUD. PROC. § 20-402(D)(2)(ii)(O); *See also* COLO. REV. STAT. § 16-15-102.

18 *See* CAL. CIV. CODE § 1714.43.

19 These task forces take various forms. In Florida, for instance, the Statewide Council on

workers, those with commercial drivers' licenses, and others in the community;<sup>20</sup> funding grants to provide assistance to survivors;<sup>21</sup> denying bail to those accused of sex trafficking;<sup>22</sup> and expungement of criminal records for victims whose crimes occurred because of their victimization.<sup>23</sup>

Training has been a focal point for many attorneys general. California, Florida, Michigan, South Carolina, Utah, Virginia, and Texas, and West Virginia are among the states whose attorneys general offices have participated in developing training for law enforcement agencies and emergency workers to help them identify victims of trafficking and to train them in the victim-centered focus of human trafficking laws. Other offices have invited the National Attorneys General Training & Research Institute (NAGTRI) to bring training to prosecutors and law enforcement in their states.<sup>24</sup> State task forces on human trafficking are frequently led by attorneys general, including those in Arkansas, Florida, Kansas, Ohio, Oklahoma, Michigan, and Wisconsin.

Another initiative that attorneys general have undertaken is a focus on anti-human trafficking efforts during large sporting and other events taking place in their jurisdictions.<sup>25</sup> Events such as the Sturgis Rally in South Dakota, the Detroit Auto Show in Michigan, the Super Bowl, most recently in Texas, the Final Four Basketball tournament in Indiana, the Kentucky Derby, and major golfing events in Georgia, South Carolina, and Washington are often accompanied by an uptick of sex trafficking. Attorneys general have mobilized law enforcement to initiate investigations into possible sex trafficking at these events and have encouraged community engagement. These initiatives have led to locating both adult and child victims of sex trafficking.

Most attorneys general also include information for constituents about human trafficking on their websites. For instance, the Texas attorney general's website includes a human trafficking prevention manual and a manual for educators. The Mississippi attorney general's office has a brochure available on its

---

Human Trafficking is a policy body, led by the attorney general, who makes recommendations regarding services for victims, on apprehending and prosecuting traffickers, and working with the Department of Children and Families. *See* FLA. STAT. § 16.617.

20 *See, e.g.*, KAN. STAT. § 8-2,157; ARK. CODE § 27-23-108.

21 *See* OHIO REV. CODE ANN. § 109.92.

22 HB 1260, GEN. ASSEMBLY (Va. 2018).

23 *See, e.g.*, KY. REV. STAT. ANN. § 529.160; MICH. COMP. LAWS § 750.451c.

24 To date, NAGTRI has conducted training in almost half the states for attorneys general offices and local prosecutors and law enforcement.

25 *See* NAT'L ASS'N OF ATTYS. GEN., CONFERENCES, CONCERTS, CONVENTIONS & SPORTING EVENTS, LEADING A HUMAN TRAFFICKING AWARENESS CAMPAIGN (2015).

website and the Florida attorney general's website includes a tip sheet for parents. Many websites, including Kansas' and North Dakota's, feature the human trafficking hotline. The Washington attorney general has included resources for victims on its website.

Several offices, including Texas<sup>26</sup> have created human trafficking units within their offices. Other offices, such as Georgia and Nebraska, have brought in experienced prosecutors to focus on investigation and prosecution of human trafficking. Although states vary in assigning responsibility for prosecuting these crimes, a number of attorneys general have concurrent jurisdiction with local prosecutors in human trafficking cases and nearly all attorneys general have the authority to prosecute human trafficking crimes if requested by local prosecutors. Attorneys general from Alabama, Colorado, Florida, Georgia, Massachusetts, Michigan, New Mexico, Nevada, Rhode Island, Texas, and Utah have successfully prosecuted both sex trafficking and labor trafficking in their states.<sup>27</sup>

Attorneys general have also used the "bully pulpit" to increase awareness of human trafficking among their constituents. These efforts have frequently occurred during Human Trafficking Awareness Month in January. Offices such as Indiana and Ohio have taken the lead in developing reports on the extent of the problem in their states. Addressing labor trafficking, the California attorney general issued a report on the extent of human trafficking within the global supply chain. Recognizing the transnational aspect of this crime, attorneys general from Arizona, California, Colorado, Florida, Nevada, New Mexico, Rhode Island, and Utah have met with their counterparts in Mexico to discuss assisting one another in a partnership to counter both sex and labor trafficking. Finally, attorneys general have joined in amicus briefs in cases brought against websites that advertise

---

26 The Texas AG's task force, called the Human Trafficking and Transnational/Organized Crime Section (HTTOC), was established, pursuant to House Bill 11, in 2016. The section has three prosecutors, a victim advocate, a crime analyst, and four investigators. The section address matters related to human trafficking, including border security and organized crime. *See* TEX. GOV'T CODE ANN. § 402.035.

27 *See, e.g.*, Press Release, Office of the Colorado Attorney General, "Colorado Attorney General Announces Pimp and John Arrested in Sex-Trafficking Bust," (April 7, 2015); Press Release, Office of the Attorney General of Georgia, "Man Pleads Guilty Human Trafficking," (Oct. 26, 2016); Press Release, Office of the Massachusetts Attorney General, "Two Men Indicted for Trafficking Multiple Victims for Sex Including Minors on Cape Cod, in Boston (June 19, 2018)); Press Release, Department of Attorney General, "Schuette: Lansing Woman Convicted of Conducting a Criminal Enterprise for Sex Trafficking Minors," (Jan. 5, 2018), Press Release, Office of the Attorney General of Texas, "AG Paxton's Office Teams Up with Local, Federal Law Enforcement to Arrest 13 People Involved in Organized Crime and Prostitution in Texas (May 22, 2018), Press Release, Office of the Attorney General of Utah "Quinlen Atkinson Sentenced for Human Trafficking," (Dec. 20, 2017).

sexual services by underage children<sup>28</sup> and signed letters of support to Congress regarding bills that would strengthen the rights of trafficking victims.<sup>29</sup>

Courtesy Chapter

---

28 Twenty-one state attorneys general filed an amicus brief in the Supreme Court case of *Doe v. Backpage.com*. No. 16A49, cert. dev. 137S. Ct. 622 (2017) The brief argued that the Communications Decency Act does not shield website operators from liability when their advertisements use language designed to attract sex traffickers.

29 In August 2017, 50 attorneys general signed a NAAG letter to congressional leadership calling for an amendment to the Communications Decency Act so state and local governments can criminally investigate and prosecute online classified ad sites that promote prostitution and child sex trafficking. Letter from NAAG to Senator Wicker, Senator Schatz, Representative Blackburn and Representative Doyle (Aug. 16, 2017). In October 2014, 53 state and territorial attorneys general signed a letter to the U.S. Senate Judiciary Committee leadership, urging them to pass the Stop Advertising Victims of Exploitation Act (SAVE Act, S. 2536) that would help prevent children from being sold for sex via the Internet. Letter from NAAG to Senators Leahy and Grassley, Oct. 20, 2014.