



January 29, 2015

Representative Kimberly Dudik  
Montana House of Representatives  
P.O. Box 200400  
Helena, MT 59620-0400

Re: February 2, 2015 House Judiciary Committee Hearing on House Bill 89

Dear Representative Dudik,

I am writing to commend your leadership in introducing House Bill 89, which as amended ensures that Montana's legislative framework for combatting domestic minor sex trafficking remains at the forefront of the fight and continues to serve as a model for other states. Shared Hope International annually releases a Protected Innocence Challenge Report Card for every state, including Montana. The report card grades the framework of laws addressing the crime of domestic minor sex trafficking and the protections afforded to its victims. We are delighted that House Bill 89, as amended, addresses three critical areas of law outlined in the Protected Innocence Legislative Framework—Criminalization of Domestic Minor Sex Trafficking, Criminalization of Demand and Protective Provisions for Child Victims.

As amended, HB 89 will contribute to the strength of the legislative fabric that protects Montana's children in several key ways:

- **HB 89** will address demand for sex trafficking by including buying sex with a minor as prohibited conduct under the new trafficking laws. HB 89 ensures that buyers face substantial penalties and clarifies that buyers of sex with minors are sex trafficking offenders, while ensuring that the most traumatized sex trafficked youth can access justice even if they are unwilling or unable to give up their trafficker.
- **HB 89** ensures that child sex trafficking victims are treated as victims, not criminals. This bill reconciles the treatment of commercially sexually exploited children with the definition of a victim under the child sex trafficking law by making minors immune from prosecution for prostitution and non-violent offenses related to their victimization. HB 89 also requires that a sex trafficked child be presumed to be a youth in need of care, laying the groundwork for a protective response that connects juvenile sex trafficking victims with services rather than punishment.
- **HB 89** ensures victims' access to resources needed to fund their restoration. Since child sex trafficking victims often do not self-identify as victims until many years into their restoration process, and the nature of their victimization can involve them in illegal conduct, HB 89 would ensure that child sex trafficking victims cannot be denied compensation due to the nature of their victimization.
- **HB 89** protects domestic minor trafficking victims who testify at trial from re-traumatizing cross-examination by extending the protection of the rape shield law to victims testifying in sex trafficking prosecutions.
- **HB 89** requires defendants convicted of sexual servitude and patronizing a victim of sexual servitude to register as a sex offender.

- **HB 89** ensures that defendants convicted of sex trafficking face mandatory asset forfeiture and directs forfeited assets to the crime victims compensation account.

With the amended version of HB 89, Montana's legislative framework is positioned to be an example of the standard necessary to protect children from sex trafficking. HB 89 directly addresses the link between deterring demand and protecting trafficking victims and Shared Hope International is pleased to see Montana leading the way. HB 89 takes a victim-centered approach to raising the stakes for those who exploit children and reinforces the pioneering role that Montana has taken in combatting the crime of child sex trafficking.

I and Shared Hope International commend your leadership in combating child sex trafficking and fully support this important bill as amended.

Sincerely,

A handwritten signature in cursive script that reads "Linda Smith".

Linda Smith (U.S. Congress 1995-99, State Senate/House 1983-94)  
Founder and President, Shared Hope International