

**TO:** Senator John Coghill, Chair, and Honorable Members of the Senate Judiciary Committee

**FROM:** Marci Hamilton, Founder & CEO, CHILD USA; Professor, University of Pennsylvania, and Kathryn Robb, Executive Director, CHILD USAAdvocacy

**RE:** Alaska SB 189: An act relating to sex trafficking; establishing the crime of patron of a victim of sex trafficking; relating to the crime of human trafficking; relating to sentencing for sex trafficking and patron of a victim of sex trafficking; establishing the process for vacatur of judgment for a conviction of prostitution; and providing for an effective date.

**DATE:** March 4, 2022

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Dear Senator John Coghill, Chair, and Honorable Members of the Senate Judiciary Committee,

Thank you for allowing us to submit testimony in support of SB 189, which will amend the trafficking statutes, create a crime of patronizing sex, eliminate the statute of limitations for trafficking of children and adults, and create a vacatur process for prosecution charges. This legislation will not only bring long overdue justice to survivors, but it will also greatly reduce the present danger to children in Alaska today by better framing the law to match the needs to victims.

By way of introduction, Professor Marci Hamilton is a First Amendment constitutional scholar at the University of Pennsylvania who has led the national movement to reform statutes of limitations to reflect the science of delayed disclosure of childhood sexual abuse and who founded CHILD USA, a national nonprofit think tank devoted to ending child abuse and neglect. Kathryn Robb is the Executive Director of CHILD USAAdvocacy, an advocacy organization dedicated to protecting children’s civil liberties and keeping children safe from abuse and neglect. Kathryn is also an outspoken survivor of child sex abuse.

**I. Research on Trauma and Delayed Disclosure Supports Reform for Trafficking**

**A. There is a Nationwide Epidemic of CSA and Trafficking Causing Lifelong Damage to Victims**

Currently, more than 10% of children are sexually abused, with at least one in five girls and one in thirteen boys sexually abused before they turn 18.<sup>1</sup> Child sexual abuse (“CSA”), including sex trafficking, is a social problem that occurs in all social groups and institutions, including familial, religious, educational, medical, and athletic. Importantly, the National Center for Mission and Exploited Children estimates that 1 out of 6 children reported missing is “likely [a victim] of child sex trafficking” based on case information.<sup>2</sup>

The trauma stemming from CSA is complex and individualized, and it impacts victims throughout their lifetimes:<sup>3</sup>



- Childhood trauma, including CSA and trafficking, can have **devastating impacts on a child's brain**,<sup>4</sup> including disrupted neurodevelopment; impaired social, emotional, and cognitive development; psychiatric and physical disease, such as post-traumatic stress disorder (PTSD)<sup>5</sup>; and disability.<sup>6</sup>
- CSA victims suffer an **increased risk of suicide**—in one study, female CSA survivors were two to four times more likely to attempt suicide, and male CSA survivors were four to 11 times more likely to attempt suicide.<sup>7</sup>
- CSA leads to an increased risk of **negative outcomes across the lifespan**, such as alcohol problems, illicit drug use, depression, marriage issues, and family problems.<sup>8</sup>

## B. CSA Victims Commonly Delay Disclosure of Their Abuse for Decades

Many victims of CSA suffer in silence for decades before they talk to anyone about their traumatic experiences. As children, CSA victims often fear the negative repercussions of disclosure, such as disruptions in family stability, loss of relationships, or involvement with the authorities.<sup>9</sup> Additionally, CSA survivors may struggle to disclose because of trauma and psychological barriers such as shame and self-blame, as well as social factors like gender-based stereotypes or the stigma surrounding victimization.<sup>10</sup> This impact is especially severe for victims of sex trafficking. Further, many injuries resulting from CSA do not manifest until survivors are well into adulthood. These manifestations may coincide with difficulties in functioning and a further delay in disclosure of abuse.



Moreover, disclosure of CSA, including trafficking, to the authorities for criminal prosecution or an attorney in pursuit of civil justice is a difficult and emotionally complex process, which involves

the survivor knowing that he or she was abused, being willing to identify publicly as an abuse survivor, and deciding to act against their abuser. In light of these barriers to disclosure, it is not surprising that:

- In a study of survivors of abuse in Boy Scouts of America, **51%** of survivors disclosed their abuse for the first time at **age 50 or older**.
- **One-third** of CSA survivors **never report** their abuse to anyone.

For both children and adults, disclosure of CSA trauma is a process and not a discrete event in which a victim comes to terms with their abuse.<sup>11</sup> To effectively protect children from abuse, CSA laws must reflect this reality.

SB 189 clarifies the existing crime for first degree sex trafficking, specifying that a person under age 20 need only show they were recruited or enticed into trafficking, instead of showing they were forced. This standard is more stringent than the federal standard, which requires only a showing that a victim under the age of 18 participated in a commercial sex act to qualify as a victim. However, SB 189 still acknowledges the influence and grooming inherent in so many trafficking circumstances that do not use force in the traditional sense.

## **II. SB 189 Serves the Public Good by Taking Steps to Prevent Further Abuse and Shift the Cost of Abuse from the Victims to Those who Perpetrated the Trafficking**

Historically, a wall of ignorance and secrecy has been constructed around trafficking and CSA, which has been reinforced by short statutes of limitations (“SOLs”) that kept victims out of the legal system. Short SOLs for CSA play into the hands of the perpetrators and the institutions that cover up for them; they disable victims’ voices and empowerment and leave future children vulnerable to preventable sexual assault. There are three compelling public purposes served by reforming child sexual abuse and trafficking SOLs, which are explained in the graphic below:

## HOW STATUTE OF LIMITATIONS REFORM HELPS EVERYONE



**Identifies Hidden Child Predators and the Institutions that Endanger Children**

to the public, shielding other children from future abuse.



**Shifts the Cost of Abuse**

from the victims and taxpayers to those who caused it.



**Prevents Further Abuse**

by educating the public about the prevalence, signs, and impact of child sex abuse so that it can be prevented in the future.



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Thankfully, Alaska has eliminated the criminal SOL for first degree and second degree trafficking, although the public policy benefits for SOL reform apply to similar other provisions in SB 189.

CSA and child sex trafficking generate staggering costs that impact the nation's health care, education, criminal justice, and welfare systems. The estimated lifetime cost to society of child sexual abuse cases occurring in the US in 2015 is \$9.3 billion, and the average cost of non-fatal per female victim was estimated at \$282,734. Average cost estimates per victim include, in part, \$14,357 in child medical costs, \$9,882 in adult medical costs, \$223,581 in lost productivity, \$8,333 in child welfare costs, \$2,434 in costs associated with crime, and \$3,760 in special education costs. Costs associated with suicide deaths are estimated at \$20,387 for female victims.<sup>12</sup> These costs do not account for the relational and emotional tolls inflicted on victims throughout their lives.

SB 189 creates a vacature process for victims of trafficking to get a conviction for prostitution removed from their record. The vacature process will help victims remove one of the many taxing obstacles, criminal records, from their paths forward, while rebuilding their trust in a system that formerly punished them for their abuse.

Trafficking reform that results in public identification of perpetrators educates the public about the dangers of CSA and trafficking and how to prevent it. When predators and institutions are exposed, particularly high-profile ones like Larry Nassar, Jeffrey Epstein, the Boy Scouts of America, and the Catholic Church, the media publish investigations and documentaries that enlighten the public about the insidious ways child molesters operate to sexually assault and traffic children and the institutional failures that enabled their abuse.<sup>13</sup> By shedding light on the problem, parents and other guardians are better able to identify abusers and responsible institutions, while the public is empowered to recognize grooming and abusive behavior. Indeed, CSA and trafficking publicity creates more social awareness to help keep kids safe.

By criminalizing patronizing sex from a person under age 20, the Alaska Legislature is holding accountable those who create a demand for sex trafficking in the first place. This action acknowledges a responsibility individuals have to not purchase children for sexual acts, while communicating that Alaska will not tolerate sex trafficking. CHILD USA encourages the Alaskan Legislature to add this new crime to the list of crimes for which there is no SOL, to make it even more effective. By shining a light on traffickers and those who purchase sex trafficked children, Alaska will learn more about how trafficking happens and how to prevent it.

### III. Conclusion

Once again, we commend you for supporting this legislation, which is needed to validate adult survivors of trafficking and protect Alaska's children from preventable sex trafficking. Creating the crime of patronizing sex trafficking is a positive step for Alaska's children and families. For more information about statute of limitations reform, visit [childusa.org/sol/](http://childusa.org/sol/) or email [info@childusa.org](mailto:info@childusa.org). Please do not hesitate to contact us if you have questions regarding SOL reform or if we can be of assistance in any way on other child protection issues.

Sincerely,



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<sup>1</sup> G. Moody, et. al., *Establishing the international prevalence of self-reported child maltreatment: a systematic review by maltreatment type and gender*, 18(1164) BMC PUBLIC HEALTH (2018) (finding a 20.4% prevalence rate of CSA among North American girls); M. Stoltenborgh, et. al., *A Global Perspective on Child Sexual Abuse: Meta-Analysis of Prevalence Around the World*, 16(2) CHILD MALTREATMENT 79 (2011) (finding a 20.1% prevalence rate of CSA among North American girls); N. Pereda, et. al., *The prevalence of child sexual abuse in community and student samples: A meta-analysis*, 29 CLINICAL PSYCH. REV. 328, 334 (2009) (finding a 7.5% and 25.3% prevalence rate of CSA among North American boys and girls respectively).

<sup>2</sup> K. Tate Chambers, Ed., *Human Trafficking*, 65 U.S. ATTORNEY'S BULLETIN, 33 (Nov. 2017), available at <https://www.justice.gov/usao/page/file/1008856/download>.

<sup>3</sup> B. A. van der Kolk, *The Body Keeps the Score: Memory & the Evolving Psychobiology of Posttraumatic Stress*, 1(5) HARVARD REV. OF PSYCHIATRY 253-65 (1994); see also Hoskell, L. & Randall, M., *The Impact of Trauma on Adult Sexual Assault Victims*, JUSTICE CANADA (2019), [https://www.justice.gc.ca/eng/rp-pr/jr/trauma/trauma\\_eng.pdf](https://www.justice.gc.ca/eng/rp-pr/jr/trauma/trauma_eng.pdf).

<sup>4</sup>As explained by the Center for Disease Control, “Adverse Childhood Experiences” (“ACEs”), like CSA, “have a tremendous impact on future violence victimization and perpetration, and lifelong health and opportunity.” Vincent J. Felitti et al., *Relationship of Childhood Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults: The Adverse Childhood Experiences (ACE) Study*, 14(4) AM. J. PREV. MED. 245 (1998); S.R. Dube et al., *Childhood Abuse, Household Dysfunction, and the Risk of Attempted Suicide Throughout the Life Span: Findings from the Adverse Childhood Experiences Study*, 286 JAMA 24, 3089 (Dec. 2001).

<sup>5</sup>Josie Spataro et al., *Impact of Child Sexual Abuse on Mental Health: Prospective Study in Males and Females*, 184 Br. J. Psychiatry 416 (2004).

<sup>6</sup>See Felitti, at 245–58; see also R. Anda, et al., *The Enduring Effects of Abuse and Related Adverse Experiences in Childhood*, 256 EUR. ARCH PSYCHIATRY CLIN. NEUROSCIENCE 174, 175 (Nov. 2005) (“Numerous studies have established that childhood stressors such as abuse or witnessing domestic violence can lead to a variety of negative health outcomes and behaviors, such as substance abuse, suicide attempts, and depressive disorders”); M. Merricka, et al., *Unpacking the impact of adverse childhood experiences on adult mental health*, 69 CHILD ABUSE & NEGLECT 10 (July 2017); see also Sachs-Ericsson, et al., *A Review of Childhood Abuse, Health, and Pain-Related Problems: The Role of Psychiatric Disorders and Current Life Stress*, 10(2) J. TRAUMA & DISSOCIATION 170, 171 (2009) (adult survivors are thirty percent more likely to develop serious medical conditions such as cancer, diabetes, high blood pressure, stroke, and heart disease); T.L. Simpson, et al., *Concomitance between childhood sexual and physical abuse and substance use problems: A review*, 22 CLINICAL PSYCHOL. REV. 27 (2002) (adult survivors of CSA are nearly three times as likely to report substance abuse problems than their non-survivor peers).

<sup>7</sup>Beth E. Molnar et al., *Psychopathology, Childhood Sexual Abuse and other Childhood Adversities: Relative Links to Subsequent Suicidal Behaviour in the US*, 31 PSYCHOL. MED. 965 (2001).

<sup>8</sup>Shanta R. Dube et al., *Long-Term Consequences of Childhood Sexual Abuse by Gender of Victim*, 28 AM. J. PREV. MED. 430, 434 (2005).

<sup>9</sup>Delphine Collin-Vézina et al., *A Preliminary Mapping of Individual, Relational, and Social Factors that Impede Disclosure of Childhood Sexual Abuse*, 43 CHILD ABUSE NEGL. 123 (2015).

<sup>10</sup>Ramona Alaggia et al., *Facilitators and Barriers to Child Sexual Abuse (CSA) Disclosures: A Research Update (2000-2016)*, 20 TRAUMA VIOLENCE ABUSE 260, 279 (2019).

<sup>11</sup>Often, this happens in the context of therapy; sometimes it is triggered many years after the abuse by an event the victim associates with the abuse; other times it happens gradually or over time as a victim recovers their memory. Hoskell, at 24.

<sup>12</sup>Elizabeth J. Letourneau et al., *The Economic Burden of Child Sexual Abuse in the United States*, 79 CHILD ABUSE NEGL. 413 (2018).

<sup>13</sup>E.g., Netflix’s *Jeffrey Epstein: Filthy Rich*; HBO’s *At the Heart of Gold: Inside the USA Gymnastics Scandal*.