



## Montana state facts

### **Criminalization of DMST**

1. Montana's trafficking of persons law makes sex trafficking a crime but requires proof of force, fraud or coercion in the commission, even when the victim is a minor, and includes a penalty enhancement applicable only when the victim is a minor under age 16.

### **Criminal Provisions Addressing Demand**

2. Montana Attorney General Steve Bullock was one of 51 Attorneys General who signed a letter to Backpage.com calling on the company to disclose its efforts to identify and delete advertisements that facilitate sex trafficking, specifically of minors.<sup>1</sup>
3. Due to a requirement for an "ongoing relationship" under the definition of "obtain," the state human trafficking law does not apply to most buyers of commercial sex acts with a minor.
4. Although the prostitution statute distinguishes between buying sex with minors versus buying sex with adults, it provides a heightened penalty for soliciting or engaging in prostitution with a minor under 12, leaving older minors unprotected.

### **Criminal Provisions for Traffickers**

5. Traffickers convicted under the human trafficking law face up to 15 years imprisonment and a possible fine of up to \$100,000. If convicted of promoting prostitution or using the Internet to employ a child under 16 to engage in sexual conduct, traffickers could face up to 100 years in prison.
6. In August 2011, Jennifer Johnson was charged with aggravated promotion of prostitution and faces 2 years to life in prison after trading a 13-year-old girl for sex on multiple occasions to support her drug habit. The girl told police she was raped once or twice a week in exchange for drugs.<sup>2</sup>
7. In September 2010, Missoula County Sheriff's Office arrested two men for running a prostitution ring on Craigslist that victimized five girls ages 16-19.<sup>3</sup> In December, four men

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<sup>1</sup> <http://www.tn.gov/attorneygeneral/cases/backpage/backpageletter.pdf>

<sup>2</sup> [http://www.dailyinterlake.com/news/local\\_montana/article\\_839755b6-d427-11e0-97ab-001cc4c002e0.html](http://www.dailyinterlake.com/news/local_montana/article_839755b6-d427-11e0-97ab-001cc4c002e0.html)

<sup>3</sup> [http://missoulian.com/news/local/article\\_e0bfe372-bd42-11df-9bce-001cc4c03286.html](http://missoulian.com/news/local/article_e0bfe372-bd42-11df-9bce-001cc4c03286.html)

from Missoula were each sentenced to just six months in jail and a \$585 fine for attempting to purchase sex with the girls.<sup>4</sup>

**Protective Provisions for Child Victims**

8. Although minors under 16 are considered incapable of consenting to sexual intercourse, prostitution laws are not limited in application to adults, do not define juveniles involved in prostitution as victims, and do not provide an affirmative defense for victims of trafficking.

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<sup>4</sup> [http://ravallirepublic.com/news/state-and-regional/article\\_842efe1a-0994-11e0-98a2-001cc4c002e0.html](http://ravallirepublic.com/news/state-and-regional/article_842efe1a-0994-11e0-98a2-001cc4c002e0.html)