



## Virginia State Facts

### Criminalization of DMST

1. Virginia does not have a specific human trafficking law. Instead, traffickers may be charged with abduction with intent to extort money or for immoral purpose, a Class 2 felony punishable by a sentence of 20 years to life imprisonment.

### Criminal Provisions Addressing Demand

2. The definition of abduction does not apply to buyers of commercial sex with minors and the crime of taking indecent liberties with a child does not include provisions specifically criminalizing the purchase of sex acts with a minor. In the absence of commercial sexual exploitation of children (CSEC) laws, buyers might be prosecuted for solicitation of prostitution even when the person prostituted is a minor, and subject to only a Class 1 misdemeanor.
3. Virginia Attorney General Kenneth T. Cuccinelli, II was one of 48 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>

### Criminal Provisions for Traffickers

4. Federal prosecutors have secured a number of serious sex trafficking convictions in Virginia. In July 2011, Cooper Kweme pleaded guilty to federal charges of sex trafficking, transportation of a minor for prostitution, and production of child pornography in Arlington. Kweme faces a mandatory minimum of 10 years and a maximum of life in prison for the sex trafficking and transportation of a minor for prostitution charges and a mandatory minimum of 15 years and a maximum of 30 years in prison for the production of child pornography charge.<sup>2</sup>
5. Northern Virginia has seen a rise in gang involvement in child sex trafficking. On July 28, 2011, Jose Ciro Juarez-Santamaria, a Salvadoran national and MS-13 gang leader, was convicted in federal court of conspiracy, sex trafficking, and transportation of a minor for prostitution. An investigation by ICE Homeland Security Investigations (HSI) found that Juarez-Santamaria prostituted a 12-year-old female throughout Northern Virginia, Maryland, and Washington, D.C. He faces a mandatory minimum term of 15 years in prison and a maximum penalty of life in prison.<sup>3</sup>

### Protective Provisions for Child Victims

6. From 2005-2009, the Virginia Crime Commission reported seven juvenile arrests for prostitution and four arrests for assisting or promoting; these children are victims of domestic minor sex trafficking misidentified and punished for a crime committed against them.
7. There is no complete or specific mechanism for directing a commercially sexually exploited child to a child protection response process, although certain procedures permit emergency custody through a determination of abuse by child protective services.<sup>4</sup>

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

<sup>2</sup> <http://www.fbi.gov/washingtondc/press-releases/2011/montgomery-county-man-pleads-guilty-to-sex-trafficking-of-juvenile>.

<sup>3</sup> <http://www.justice.gov/usao/vae/news/2011/07/20110728santamarianr.html>.

<sup>4</sup> Domestic Minor Sex Trafficking Assessment—Virginia (Shared Hope International: 2011).