



NORTH CAROLINA

Legal System	Constitution	Bill of Rights	Form of Government
Common Law Statutory Law	Written	Yes	Republic

A. Criminal Statutes

1. Human Trafficking and Related Offenses

a. N.C. Gen. Stat. Ann. § 14-43.11 (2017) – Human Trafficking

i. Summary

A person commits the crime of:

human trafficking when that person

- (i) knowingly or in reckless disregard of the consequences of the action recruits, entices, harbors, transports, provides, or obtains by any means another person with the intent that the other person be held in involuntary servitude or sexual servitude or
- (ii) willfully or in reckless disregard of the consequences of the action causes a minor to be held in involuntary servitude or sexual servitude.

N.C. Gen. Stat. Ann. § 14-43.11(a).

“Evidence of failure to deliver benefits or perform services standing alone” is insufficient to support a conviction. N.C. Gen. Stat. Ann. § 14-43.11(c). Neither mistake of age nor consent of a minor is a defense to prosecution. N.C. Gen. Stat. Ann. § 14-43.11(d).

ii. Sentencing

The crime of human trafficking is a Class C felony, which carries a prison sentence of 44 to 182 months, if the victim of the offense is an adult. If the victim is a minor, the crime is a Class B2 felony, which carries a prison sentence of 94 to 393 months. N.C. Gen. Stat. Ann. §§ 14-43.11(b), 15A-1340.17. Each violation of the statute is a separate offense that does not merge with any other offense. N.C. Gen. Stat. Ann. § 14-43.11(c).

iii. Statute of Limitations

There is no statute of limitations for felony crimes in North Carolina.

b. N.C. Gen. Stat. Ann. § 14-43.12 (2013) – Labor Trafficking

i. Summary

A person commits the crime of “involuntary servitude when that person knowingly and willfully or in reckless disregard of the consequences of the action holds another in involuntary servitude.” N.C. Gen. Stat. Ann. § 14-43.12(a). “Involuntary servitude” is defined as “the performance of labor, whether or not for compensation, or whether or not for the satisfaction of a debt ... by deception, coercion, or intimidation using violence or the threat of violence or by any other means of coercion or intimidation.” N.C. Gen. Stat. Ann. § 14-43.10(3).

“Evidence of failure to deliver benefits or perform services standing alone” is insufficient to support a conviction. N.C. Gen. Stat. Ann. § 14-43.12(c). Neither mistake of age nor consent of a minor is a defense to prosecution. N.C. Gen. Stat. Ann. § 14-43.12(c1).

“If any person reports a violation of this section, which violation arises out of any contract for labor, to any party to the contract, the party shall immediately report the violation to the sheriff of the county in which the violation is alleged to have occurred for appropriate action.” N.C. Gen. Stat. Ann. § 14-43.12(e).

ii. Sentencing

The crime of involuntary servitude is a Class F felony, which carries a prison sentence of 10 to 41 months, if the victim of the offense is an adult. If the victim is a minor, the crime is a Class C felony, which carries a prison sentence of 44 to 182 months. N.C. Gen. Stat. Ann. §§ 14-43.12(b), 15A-1340.17. Each violation of the statute is a separate offense that does not merge with any other offense. N.C. Gen. Stat. Ann. § 14-43.12(c).

A violation of the reporting obligation under N.C. Gen. Stat. Ann. § 14-43.12(e) is a Class 1 misdemeanor. N.C. Gen. Stat. Ann. § 14-43.12(e).

iii. Statute of Limitations

There is no statute of limitations for felony crimes in North Carolina. A misdemeanor generally must be charged within two years of the commission of the crime. N.C. Gen. Stat. Ann. § 15-1.

c. N.C. Gen. Stat. Ann. § 14-43.13 (2019) – Sexual Servitude

i. Summary

A person commits the crime “of sexual servitude when that person knowingly or in reckless disregard of the consequences of the action subjects, maintains, or obtains another for purposes of sexual servitude.” N.C. Gen. Stat. Ann. § 14-43.13(a). Sexual servitude is defined as (a) “any sexual activity ... for which anything of value is directly or indirectly given, promised to, or received by any person, which conduct is induced or obtained from a person under the age of 18 years,” or (b) “any sexual activity ... that is performed or provided by any person, which conduct is induced or obtained by coercion or deception or which conduct is induced or obtained from a person under the age of 18 years.” N.C. Gen. Stat. Ann. § 14-43.10(a)(5).

“Evidence of failure to deliver benefits or perform services standing alone” is insufficient to support a conviction for sexual servitude. N.C. Gen. Stat. Ann. § 14-43.13(c). Neither mistake of age nor consent of a minor is a defense to such a prosecution. N.C. Gen. Stat. Ann. § 14-43.13(b1).

ii. Sentencing

The crime of sexual servitude is a Class D felony if the victim of the offense is an adult, and the crime carries a prison sentence of 38 to 160 months. If the victim is a minor, the defendant commits a Class C felony and may be sentenced to imprisonment for 44 to 182 months. N.C. Gen. Stat. Ann. §§ 14-43.13(b), 15A-1340.17. Each violation of the statute is a separate offense that does not merge with any other offense. N.C. Gen. Stat. Ann. § 14-43.13(c).

iii. Statute of Limitations

There is no statute of limitations for felony crimes in North Carolina.

d. N.C. Gen. Stat. Ann. § 14-43.14 (2012) – Unlawful Sale, Surrender, or Purchase of a Minor**i. Summary**

A person commits an unlawful sale, surrender, or purchase of a minor when that person:

acting with willful or reckless disregard for the life or safety of a minor, participates in any of the following: the acceptance, solicitation, offer, payment, or transfer of any compensation, in money, property, or other thing of value, at any time, by any person in connection with the unlawful acquisition or transfer of the physical custody of a minor, except as ordered by the court.

N.C. Gen. Stat. Ann. § 14-43.14(a). A violation of this section is a lesser included offense of the crime of human trafficking. N.C. Gen. Stat. Ann. § 14-43.14(d).

ii. Sentencing

The crime of an unlawful sale, surrender, or purchase of a minor is a Class F felony, which carries a prison sentence of 10 to 41 months and a minimum fine of USD 5,000. Each subsequent violation is a Class F felony and carries a minimum fine of USD 10,000. N.C. Gen. Stat. Ann. §§ 14-43.14(b), 15A-1340.17.

The sentencing court shall consider whether a person convicted of the unlawful sale, surrender, or purchase of a minor is a danger to the community and whether requiring the convicted person to register as a sex offender would further the purposes of the sex offender registry statute. N.C. Gen. Stat. Ann. § 14-43.14(e). If so, then the court shall order registration. N.C. Gen. Stat. Ann. 14-43.14(e).

iii. Statute of Limitations

There is no statute of limitations for felony crimes in North Carolina.

e. N.C. Gen. Stat. Ann. § 14-43.16(a) – Affirmative Defense

It is an affirmative defense to a prosecution for human trafficking, involuntary servitude, sexual servitude, or the unlawful sale, surrender, or purchase of a minor that the person charged was a victim at the time of the offense and was coerced or deceived into committing the offense as a direct result of the person's status as a victim. N.C. Gen. Stat. Ann. § 14-43.16(a).

f. N.C. Gen. Stat. Ann. § 14-43.20(a) – Restitution

Restitution for a victim is mandatory upon conviction of human trafficking, labor trafficking, or sexual servitude. N.C. Gen. Stat. Ann. § 14-43.20(a). The minimum amount of restitution owed is the "amount equal to the value of the victim's labor as guaranteed under the Minimum Wage Law and overtime provisions of the Fair Labor Standards Act." N.C. Gen. Stat. Ann. § 14-43.20(a). The court may also order the defendant to pay:

any other amount of loss identified, including the gross income or value to the defendant of the victim's labor or services and any costs reasonably certain to be incurred by or on behalf of the victim for medical care, psychological treatment, temporary housing, transportation, funeral services, and any other services designed to assist a victim recover.

N.C. Gen. Stat. Ann. § 14-43.20(a).

g. N.C. Gen. Stat. Ann. § 14-43.20 (2018) – Forfeiture

A person who commits human trafficking, labor trafficking, or sexual servitude shall forfeit to the state any money or any other property or interest in property acquired by the offense, including any profits, gain, remuneration, or

compensation directly or indirectly collected by or accruing to any offender. N.C. Gen. Stat. Ann. §§ 14-43.20(e), 14-2.3. A District Attorney or the Attorney General of North Carolina must bring any lawsuit to recover that property within three years from the date of conviction for the offense. N.C. Gen. Stat. Ann. § 14-2.3.

h. N.C. Gen. Stat. Ann. § 7B-101 (2019) – Abused Children and Trafficking

North Carolina’s child protection statutes include victims of human trafficking, involuntary servitude, and sexual servitude within the definition of “abused” children.

i. N.C. Gen. Stat. Ann. §§ 15B-2 et seq. (2017) – Crime Victims Compensation Act

Eligible claimants under North Carolina’s Crime Victims Compensation Act, when certain requirements are met, include trafficking victims as well as “[a] person who was convicted of a first offense [for prostitution] and whose participation in the offense was a result of having been a trafficking victim.” A claimant may not be the offender or an accomplice of the offender who committed the criminally injurious conduct. N.C. Gen. Stat. Ann. § 15B-2.

j. N.C. Gen. Stat. Ann. § 14-43.11(d) – Public Benefits and Services for Non-Legal Resident Victims

North Carolina’s human trafficking statute also provides that victims of human trafficking who are not legal residents are eligible for the public benefits and services of all state agencies so long as the victim would otherwise be eligible for the benefit. Such eligibility terminates when “the victim’s eligibility to remain in the United States is terminated under federal law.” N.C. Gen. Stat. Ann. § 14-43.11(d).

k. N.C. Gen. Stat. Ann. § 14-204 (2013); N.C. Gen. Stat. Ann. § 14-205.1 (2018) – Immunity from Prosecution for Minors

If it is determined that a person suspected of or charged with prostitution is a minor, that person “shall be immune from prosecution ... and shall instead be taken into temporary protective custody as an undisciplined juvenile.” N.C. Gen. Stat. Ann. § 14-204(c). A law enforcement officer who takes a minor into custody pursuant to this section shall immediately report an allegation of a violation of the human trafficking or sexual servitude laws to the Department of Social Services in the county where the minor resides or is found, which shall commence an initial investigation into child abuse or child neglect within 24 hours. N.C. Gen. Stat. Ann. § 14-204(c). Similar protections exist for a minor charged with or suspected of solicitation of a prostitute under N.C. Gen. Stat. Ann. § 14-205.1(b).

l. N.C. Gen. Stat. Ann. § 15A-1416.1 (2019) – Vacatur of Nonviolent Offense Conviction

If a person has: (1) been convicted of a nonviolent offense; and (2) the participation in the offense was a result of having been a victim of human trafficking under N.C. Gen. Stat. Ann. § 14-43.11, sexual servitude under N.C. Gen. Stat. Ann. § 14-43.13, or the federal Trafficking Victims Protection Act (22 U.S.C. § 7102(13)), then such person may file a motion to vacate the nonviolent offense conviction at any time following the conviction. N.C. Gen. Stat. Ann. §§ 15A-1415(b)(10), 15A-1416.1.

The motion to vacate must state why the facts giving rise to the motion were not raised before the trial court and:

shall be made with due diligence after the defendant has ceased to be a victim of such trafficking or has sought services for victims of such offenses, subject to reasonable concerns for the safety of the defendant, family members of the defendant, or other victims of such trafficking that may be jeopardized by the bringing of such motion or for other reasons consistent with the purpose of this section.

N.C. Gen. Stat. Ann. § 15A-1416.1(a).

The court may grant the motion if it finds that the person demonstrated that the violation was a result of having been a victim of human trafficking or sexual servitude. N.C. Gen. Stat. Ann. § 15A-1416.1(b).

m. N.C. Gen. Stat. Ann. § 15A-145.9 (2019) – Expunctions of Certain Offenses Committed by Human Trafficking Victims

With limited exceptions, a person who has been convicted of a nonviolent offense may file a petition in the court of the county where the person was convicted for expunction of the nonviolent offense from the person’s criminal record. The petition will be granted if the court finds that the person was coerced or deceived into committing the offense as a direct result of having been a trafficking victim. N.C. Gen. Stat. Ann. § 15A-145.9(b).

n. N.C. Gen. Stat. Ann. § 15A-830.5 (2019) – Victim’s Rights

Victims of crimes shall be treated with dignity and respect by the criminal justice system and are guaranteed certain rights to ensure proper treatment. It is the responsibility of the investigating law enforcement agency to provide these rights in writing to the victim. N.C. Gen. Stat. Ann. § 15A-831 (2019).

2. Online Child Sexual Exploitation and Child Pornography Offenses

N.C. Gen. Stat. Ann. § 14-190.16 – First Degree Sexual Exploitation of a Minor

N.C. Gen. Stat. Ann. § 14-190.17 – Second Degree Sexual Exploitation of a Minor

N.C. Gen. Stat. Ann. § 14-190.17A – Third Degree Sexual Exploitation of a Minor

N.C. Gen. Stat. Ann. § 14-202.3 – Solicitation of Child by Computer or Certain Other Electronic Devices to Commit an Unlawful Sex Act

N.C. Gen. Stat. Ann. § 14-190.6 – Employing or Permitting Minor to Assist in Offense Under Article [Obscene Literature and Exhibitions]

3. N.C. Gen. Stat. Ann. § 14-208.7 (2014) – Sex Offender Registry

State residents who have “reportable convictions,” including human trafficking and sexual servitude, are required to register and maintain that registration for 30 years. N.C. Gen. Stat. Ann. §§ 14-208.6, 14-208.7.

B. Civil Liability Statutes

1. N.C. Gen. Stat. Ann. § 14-43.18 (2019) – Civil Lawsuits

a. Summary

A victim of human trafficking under N.C. Gen. Stat. Ann. § 14-43.11, involuntary servitude under N.C. Gen. Stat. Ann. § 14-43.12, or sexual servitude under N.C. Gen. Stat. Ann. § 14-43.13 may bring a civil lawsuit against a person who violates these provisions or a person who knowingly benefits, financially or by receiving anything of value, from participation in a venture which that person knew or should have known violates these provisions. N.C. Gen. Stat. Ann. § 14-43.18(a).

b. Damages and Other Relief

The victim may seek and the court may award any or all of several types of relief:

- (1) an injunction to enjoin continued violations;
- (2) compensatory damages, including the greater of
 - (i) the gross income or value to the defendant of the victim’s labor; or

- (ii) the value of the victim’s labor as guaranteed under the Minimum Wage Law and overtime provisions of the Fair Labor Standards Act;
- (3) any costs reasonably incurred by the victim for medical care, psychological treatment, temporary housing, transportation, funeral services, and any other services designed to assist a victim recover from any injuries or loss resulting from a violation; and
- (4) general damages for economic loss.

N.C. Gen. Stat. Ann. § 14-43.18(b).

The court may also award the plaintiff’s reasonable costs and expenses, including attorney’s fees, of bringing a lawsuit pursuant to this section. If the court determines that the plaintiff’s lawsuit is frivolous, it may award to the defendant and assess against the plaintiff the reasonable costs and expenses, including attorney’s fees, of the defendant in defending the lawsuit. N.C. Gen. Stat. Ann. § 14-43.18(c).

c. Statute of Limitations

A civil lawsuit under this section must be commenced no later than 10 years after the claim arose, or 10 years after the victim reaches 18 years of age if the victim was a minor at the time of the alleged offense. N.C. Gen. Stat. Ann. § 14-43.18(e).

Any civil lawsuit under this provision shall be stayed while a criminal proceeding is pending, including investigation and prosecution and continuing until final adjudication, arising out of the same occurrence in which the plaintiff is the victim. N.C. Gen. Stat. Ann. § 14-43.18(d).

2. N.C. Gen. Stat. Ann. § 14-190.5A (2017) – Civil Lawsuits for Disclosure of Private Images

a. Summary

A victim may bring a civil lawsuit against any person if:

- (1) The person knowingly discloses an image of another person with the intent to do either of the following:
 - a. Coerce, harass, intimidate, demean, humiliate, or cause financial loss to the depicted person.
 - b. Cause others to coerce, harass, intimidate, demean, humiliate, or cause financial loss to the depicted person.
- (2) The depicted person is identifiable from the disclosed image itself or information offered in connection with the image.
- (3) The depicted person’s intimate parts are exposed or the depicted person is engaged in sexual conduct in the disclosed image.
- (4) The person discloses the image without the affirmative consent of the depicted person.
- (5) The person obtained the image without consent of the depicted person or under circumstances such that the person knew or should have known that the depicted person expected the images to remain private.

N.C. Gen. Stat. Ann. § 14-1905A(g).

b. Damages

In addition to a court order to destroy the disclosed image, the victim may recover actual damages (computed at USD 1,000 per day for each day of the violation or USD 10,000, whichever is higher), punitive damages, and reasonable attorney's fees and costs. N.C. Gen. Stat. Ann. § 14-1905A(g)(1)–(3).

c. Statute of Limitations

A lawsuit under this statute must be brought no later than one year after the initial discovery of the disclosure, and it may not be brought more than seven years from the most recent disclosure of the private image. N.C. Gen. Stat. Ann. § 14-1905A(g).

C. Additional Statutes Specific to Human Trafficking**1. N.C. Gen. Stat. Ann. § 95-25.22 (1991) – Wage and Hour Act**

An aggrieved employee may bring a civil lawsuit to recover unpaid wages, including minimum wages and overtime wages. N.C. Gen. Stat. Ann. § 95-25.22(a)–(b). A prevailing employee is entitled to recover interest on the amount due, as well as liquidated damages if the employer's conduct was not in good faith. N.C. Gen. Stat. Ann. § 95-25.22(a)–(a1). Additionally, the court may award costs and attorney's fees to successful plaintiffs. N.C. Gen. Stat. Ann. § 95-25.22(d).

More information is available at: <https://www.labor.nc.gov/workplace-rights/employee-rights-regarding-time-worked-and-wages-earned/how-file-wage-complaint>.

2. N.C. Gen. Stat. Ann. § 7A-354 (2019) – North Carolina Human Trafficking Commission

North Carolina established a commission to create programs to counter human trafficking, to facilitate research on human trafficking, and to inform law enforcement personnel about human trafficking.

3. N.C. Gen. Stat. Ann. § 15C-3 (2007) – Address Confidentiality Program

A victim of human trafficking may apply to use a confidential address.

4. N.C. Gen. Stat. Ann. §§ 14-202.13, 18B-1003, 19-8.4, 90-632.19, 131E-84.1, 143B-348, 143B-431.3 (2018) – Human Trafficking Public Awareness Sign

Certain businesses and locations (adult establishments, permittees, nuisances where obscene or lewd matter is involved, massage and bodywork establishments, hospital emergency rooms or departments, JobLink or centers under its authority offering employment or training services, transportation centers, rest areas, and welcome centers) must prominently display a public awareness sign created by the North Carolina Human Trafficking Commission that contains the National Human Trafficking Resource Center hotline information.

5. N.C. Gen. Stat. Ann. § 115C-375.20 (2019) – Child Sexual Abuse and Sex Trafficking Training Program for School Personnel

Each local board of education must adopt a child sexual abuse and sex trafficking training program.

D. Significant Cases

No significant cases regarding North Carolina's human trafficking statutes were found.

E. Academic Research/Papers

Kelly Twedell, *Collaborative Efforts Produce Success: Supporting Survivors and Prosecuting Traffickers*, 71 S.C. L. Rev. 675 (2020).

F. Resources

Charlotte Mecklenburg Human Trafficking Task Force:

<https://www.justice.gov/usao-wdnc/human-trafficking/task-force>

Eastern North Carolina Stop Human Trafficking:

<https://encstophumantrafficking.org>

National Human Trafficking Hotline (North Carolina):

<https://humantraffickinghotline.org/state/north-carolina>

North Carolina Coalition Against Human Trafficking:

<https://www.nccaht.org/>

North Carolina Human Trafficking Commission:

<https://www.nccourts.gov/commissions/human-trafficking-commission>

Project No Rest:

<https://www.projectnorest.org/>

Shared Hope International, North Carolina Report Card (2019):

https://sharedhope.org/PICframe9/reportcards/PIC_RC_2019_NC.pdf

Shared Hope International, North Carolina Analysis and Recommendations (2019):

https://sharedhope.org/PICframe9/analysis/PIC_AR_2019_NC.pdf

North Carolina Department of Administration:

<https://ncadmin.nc.gov/advocacy/women/human-trafficking/what-human-trafficking#human-trafficking-laws>

U.S. Department of Health & Human Services, *North Carolina: Efforts to Combat Trafficking* (2017):

https://nhttac.acf.hhs.gov/sites/default/files/2019-06/north_carolina_profile_efforts_to_combat_human_trafficking.pdf

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