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Miller, State Attorneys General Ask Congress to Affirm State and Local Authority to Fight Online Sex Trafficking

Attorneys general request simple change to Communications Decency Act

DES MOINES – Attorney General Tom Miller this week joined a group of 50 state and territorial attorneys general in urging Congress to affirm that all law enforcement agencies retain their traditional authority to fight sex trafficking.

In a letter to House and Senate committee leaders, the attorneys general asked Congress to amend the Communications Decency Act (CDA) to clarify that states, localities and territories retain authority to investigate and prosecute facilitators of child sex trafficking wherever they operate, including online. The simple word addition to the CDA proposed in the letter, according to attorneys general, would help ensure that citizens and children are effectively protected in all courts nationwide.

“Federal enforcement alone has proved insufficient to stem the growth in online promotion of child sex trafficking. Those on the front lines of the battle against the sexual exploitation of children – state and local law enforcement – must have clear authority to investigate and prosecute facilitators of these and other horrible crimes,” the attorneys general wrote.

Congress enacted the CDA to protect children from indecent material online, and not to place facilitators of child sex trafficking outside the reach of law enforcement. However, according to the attorneys general, those who profit from prostitution and crimes against children use the CDA as a shield. In some cases, courts have interpreted certain provisions of the CDA to provide immunity from state prosecution to online classified ad sites, such as Backpage.com, which promote and profit from human trafficking.

“It is both ironic and tragic that the CDA, which was intended to protect children from indecent material on the Internet, is now used as a shield by those who profit from prostitution and crimes against children,” the attorneys general added.