

Policy Goal

Buyers of commercial sex acts with a minor can be prosecuted under commercial sexual exploitation of children (CSEC) laws.

Anti-demand provisions are critical. Too often, buyers who demand commercial sex acts with children are not prosecuted using CSEC laws because these laws are insufficiently broad to include the criminal purchase despite the critical role that buyers play in the trafficking transaction. In the absence of provisions to address the buyer under CSEC laws, law enforcement and prosecutors are left with viewing the crime of buying commercial sex acts with a minor as prostitution or a general sex offense like rape or sexual abuse. The tremendous disparity between the penalties for the vice crime of prostitution and the serious crime of child rape or sexual abuse results in buyers of sex acts with a child being penalized in hugely varying degrees depending upon how they are charged. It also leads to some buyers being registered as sex offenders while others are sent home with a citation for prostitution. State laws on commercial sexual abuse of a minor, child prostitution, commercial sexual exploitation of a minor, etc. that expressly include the crime of buying sex with a minor establish consistency and criminal deterrence.

EXAMPLES OF LEGISLATIVE SOLUTIONS

The following CSEC laws expressly make the purchase of commercial sex with a minor a separate and specific crime.

ALABAMA

Ala. Code § 13A-12-121.1 (Engaging in an act of prostitution with a minor) states, “(a) No person shall commit an act of prostitution . . . with a minor. (b) No person shall solicit, compel, or coerce any minor to have sexual intercourse or participate in any natural or unnatural sexual act, deviate sexual intercourse, or sexual contact for monetary consideration or other thing of marketable value. (c) No person shall agree to engage in sexual intercourse, or sexual contact with a minor or participate in the act for monetary consideration or other thing of marketable value and give or accept monetary consideration or other thing of value in furtherance of the agreement. (d) No person shall knowingly do any of the following: (1) Cause or aid a minor to commit or engage in prostitution. (2) Procure or solicit a minor for prostitution”

COLORADO

Colo. Rev. Stat. § 18-7-406(1) (Patronizing a prostituted child) states, “Any person who performs any of the following with a child not his spouse commits patronizing a prostituted child: (a) Engages in an act which is prostitution of a child or by a child [under the age of 18] . . . or (b) Enters or remains in a place of prostitution with intent to engage in an act which is prostitution of a child or by a child”

IDAHO

Under Idaho Code Ann. § 18-5610 (Utilizing a person under eighteen years of age for prostitution), “Every person who exchanges or offers to exchange anything of value for sexual conduct or sexual contact with a person under the age of eighteen (18) years shall be guilty of a felony.” For purposes of this section, “‘anything of value’ includes, but is not limited to, a fee, food, shelter, clothing, medical care or membership in a criminal gang” Idaho Code Ann. § 18-5610(2)(c).

MAINE

Me. Rev. Stat. Ann. tit., 17-A, § 855(1)(A) (Patronizing prostitution of minor) states, “A person is guilty of patronizing prostitution of a minor if . . . in return for another’s prostitution, gives or agrees to give a pecuniary benefit either to the person whose prostitution is sought or to a 3rd person and the person whose prostitution is sought has not in fact attained 18 years of age.”

MONTANA

Mont. Code Ann. § 45-5-601(3)(a) (Prostitution) provides, “If the person patronized was a child and the patron was 18 years of age or older at the time of the offense, whether or not the patron was aware of the child’s age, the patron offender: (i) shall be punished by imprisonment in a state prison for a term of 100 years . . . ; (ii) may be fined an amount not to exceed \$50,000; and (iii) shall be ordered to enroll in and successfully complete the educational phase and the cognitive and behavioral phase of a sexual offender treatment program provided or approved by the department of corrections.”

SOUTH CAROLINA

Under S.C. Code Ann. § 16-15-425(A) (Participating in prostitution of a minor defined), “An individual commits the offense of participating in the prostitution of a minor if he is not a minor and he patronizes a minor prostitute,” which includes “(1) soliciting or requesting a minor to participate in prostitution; (2) paying or agreeing to pay a minor, either directly or through the minor’s agent, to participate in prostitution; or (3) paying a minor, or the minor’s agent, for having participated in prostitution, pursuant to a prior agreement.”

WASHINGTON

Wash. Rev. Code Ann. § 9.68A.100(1) (Commercial sexual abuse of a minor) states, “A person is guilty of commercial sexual abuse of a minor if: (a) He or she provides anything of value to a minor or a third person as compensation for a minor having engaged in sexual conduct with him or her; (b) He or she provides or agrees to provide anything of value to a minor or a third person pursuant to an understanding that in return therefore such minor will engage in sexual conduct with him or her; or (c) He or she solicits, offers, or requests to engage in sexual conduct with a minor in return for anything of value.”