

## National State Law Survey: Base Penalties for Offenses Involving Older Minors

State <sup>1</sup>	Relevant law <sup>2</sup>	Trafficking or CSEC law applies to buyers	Base penalty under trafficking and/or CSEC law protects all minors under 18	Penalty is enhanced for younger minors	Base penalty is sufficient for all minor victims <sup>3</sup>
Alabama	Ala. Code § 13A-6-152 (Human trafficking in the first degree) and § 13A-12-121.1 (Engaging in an act of prostitution with a minor)	Yes (both)	Yes (both)	No (both)	<b>Yes:</b> Trafficking—Class A felony (10–99yrs or life) _____ <b>Yes:</b> CSEC—Class B felony (2–20yrs)
Alaska	Alaska Stat. § 11.66.100 (Prostitution)	Yes (CSEC)	Yes	No	<b>No:</b> CSEC—Class C felony (0–2yrs)
Arizona	Ariz. Rev. Stat. Ann. § 13-3212 (Child sex trafficking; classification; increased punishment; definition)	Yes (trafficking)	Yes	Yes	<b>No:</b> Trafficking—Under 15 = Class 2 felony (13–27yrs); age 15–17 if age was known or should have been known = Class 2 felony (7–21yrs); otherwise age 15–17 = Class 6 felony (.33–2yrs)
Arkansas	Ark. Code Ann. § 5-18-103 (Trafficking of persons) and § 5-27-305 (Transportation of minors for prohibited sexual conduct)	Yes (both)	Yes (both)	No (both)	<b>Yes:</b> Trafficking—Class Y felony (10–40yrs or life) _____ <b>Yes:</b> CSEC = Class A felony (6–30yrs)

<sup>1</sup> Evaluations of state laws are based on legislation enacted as of August 1, 2018. For related policy goals, background information, and select statute highlights, please visit [http://sharedhope.org/wp-content/uploads/2015/11/Issue\\_Briefs/Issue\\_Briefs\\_2.7.pdf](http://sharedhope.org/wp-content/uploads/2015/11/Issue_Briefs/Issue_Briefs_2.7.pdf).

California	Cal. Penal Code § 647 (Disorderly conduct; restrictions on probation)	Yes (CSEC)	Yes	No	<b>No:</b> CSEC—Misdemeanor (2 days–1yr)
Colorado	Colo. Rev. Stat. Ann. § 18-3-504 (Human trafficking of a minor for sexual servitude) and § 18-7-406 (Patronizing a prostituted child)	Yes (both)	Yes (both)	No (both)	<b>Yes:</b> Trafficking—Class 2 felony (8–24yrs) <hr/> <b>Yes:</b> CSEC—Class 3 felony (4–12yrs)
Connecticut	Conn. Gen. Stat § 53a-90a (Enticing a minor. Penalties)	Yes (CSEC)	Yes	Yes	<b>No:</b> CSEC—Under 13 = Class B felony (5–20yrs); age 13–17 = Class D felony (1–5yrs)
Delaware	Del. Code Ann. tit. 11, § 787 (Trafficking an individual, forced labor and sexual servitude)	Yes (trafficking)	Yes	No	<b>Yes:</b> Trafficking—Class C felony (max. 15yrs)
DC	D.C. Code § 22-1834 (Sex trafficking of children) and § 22-2705 (Pandering; inducing or compelling an individual to engage in prostitution)	Yes (both)	Yes (both)	No (both)	<b>Yes:</b> Trafficking = Max. 20yrs <hr/> <b>Yes:</b> CSEC = Max. 20yrs
Florida	Fla. Stat. Ann. § 787.06 (Human trafficking) and § 800.04 (Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age)	Yes (both)	Yes (trafficking) <hr/> No (CSEC—under 16)	No (trafficking) <hr/> Yes <sup>4</sup> (CSEC)	<b>Yes:</b> Trafficking—Life felony (max. life) <hr/> <b>No:</b> CSEC—Under 16 only = Second degree felony (max. 15yrs)

<sup>2</sup> The relevant laws column generally includes only the trafficking and/or CSEC law with the greatest penalty or offenses that stagger penalties; accordingly, not all buyer-applicable trafficking and/or CSEC laws are examined.

<sup>3</sup> A base penalty is sufficient if a maximum sentence of 10 or more years may be imposed. This requirement aligns with the minimum sentences provided under the federal sex trafficking law, 18 U.S.C. § 1591.

<sup>4</sup> Because Fla. Stat. Ann. § 800.04(4)(b) (Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age) only applies to CSEC crimes against children under 16, buyers whose victims are 16 and 17 face a substantially lower penalty under Fla. Stat. Ann. § 796.07(2)(f) or (i) (Prohibiting prostitution and related acts), which do not distinguish between soliciting a minor versus an adult for commercial sex acts.

Georgia	Ga. Code Ann. § 16-5-46 (Trafficking of persons for labor or sexual servitude) and § 16-6-12 (Pandering)	Yes (both)	Yes (both)	Yes (trafficking) <hr/> Yes (CSEC)	<b>Yes:</b> Trafficking—(c)(1), (2)—Felony (10–20yrs); (c)(3)—Under 16 = Felony (10–20yrs); age 16+ = Felony (5–20yrs) <hr/> <b>Yes:</b> CSEC—Under 16 = Felony (10–30yrs); age 16–17 = Felony (5–20yrs)
Hawaii	Haw. Rev. Stat. Ann. § 712-1209.1 (Solicitation of a minor for prostitution)	Yes (CSEC)	Yes	No	<b>No:</b> CSEC—Class C felony (max. 5yrs)
Idaho	Idaho Code Ann. § 18-8602 (Human trafficking definition) and § 18-5610 (Utilizing a person under eighteen years of age for prostitution)	Yes (both)	Yes (both)	No (both)	<b>Yes:</b> Trafficking—Felony (max. 25yrs) <hr/> <b>Yes:</b> CSEC—Felony (2 yrs–life)
Illinois	720 Ill. Comp. Stat. Ann. 5/10-9 (Trafficking in persons, involuntary servitude, and related offenses) and 5/11-18.1 (Patronizing a minor engaged in prostitution)	Yes (both)	Yes (both)	Yes (trafficking) <hr/> No (CSEC)	<b>Yes:</b> Trafficking—Under 17 = Class X felony (6–30yrs); age 17 = Class 1 felony (4–15yrs) <hr/> <b>No:</b> CSEC—Class 3 felony (2–5yrs)
Indiana	Ind. Code Ann. § 35-42-3.5-1.4 (Human trafficking)	Yes (trafficking)	Yes (age-neutral)	No	<b>No:</b> Trafficking—Level 5 felony (1–6yrs)
Iowa	Iowa Code § 710A.2 (Human trafficking) and § 710A.2A24 (Solicitation of commercial sexual activity)	Yes (both)	Yes (both)	No (both)	<b>Yes:</b> Trafficking—Class C felony (max. 10yrs) <hr/> <b>No:</b> CSEC—Class D felony (max. 5yrs)
Kansas	Kan. Stat. Ann. § 21-5426 (Human trafficking; aggravated human trafficking) and § 21-6422	Yes (both)	Yes (both)	Yes (both)	<b>Yes:</b> Trafficking—Under 14 and offender 18+ = off-grid person felony (25yrs–life); age 14–17 = severity level 1, person felony (240–267 months)

	(Commercial sexual exploitation of a child)				<p>_____</p> <p><b>No:</b> CSEC—Under 14 and offender 18+ = off-grid person felony (25yrs–life); age 14–17 = severity level 4, person felony (62–69 months)</p>
Kentucky	Ky. Rev. Stat. Ann. § 529.100 (Human trafficking) and § 530.070 (Unlawful transaction with a minor in the third degree)	Yes (both)	Yes (both)	No (both)	<p><b>Yes:</b> Trafficking—Class B felony (10–20yrs)</p> <p>_____</p> <p><b>No:</b> CSEC—Class A misdemeanor (max. 1yr)</p>
Louisiana	La. Rev. Stat. Ann. § 14:46.3 (Trafficking of children for sexual purposes) and § 14:89.2 (Crime against nature by solicitation)	Yes (both)	Yes (both)	Yes (both)	<p><b>Yes:</b> Trafficking—Under 14 = felony (25–50yrs); age 14–17 = felony (15–50yrs)</p> <p>_____</p> <p><b>Yes:</b> CSEC—Under 14 = felony (25–50yrs); age 14–17 = felony (15–50yrs)</p>
Maine	Me. Rev. Stat. Ann. tit. 17-A, § 855 (Patronizing prostitution of minor)	Yes (CSEC)	Yes	No	<b>No:</b> CSEC—Class D crime (max. 1yr) <sup>5</sup>
Maryland	Md. Code Ann., Crim. Law § 3-324 (Sexual solicitation of minor)	Yes (CSEC)	Yes	No	<b>Yes:</b> CSEC—Felony (max. 10yrs)
Massachusetts	Mass. Gen. Laws ch. 265, § 50 (Human trafficking—Sexual servitude) and ch. 272, § 53A (Engaging in sexual conduct for fee; payors and payees; penalties)	Yes (both)	Yes (both)	No (both)	<p><b>Yes:</b> Trafficking—5yrs–life</p> <p>_____</p> <p><b>Yes:</b> CSEC—Max. 10yrs</p>
Michigan	Mich. Comp. Laws Ann. § 750.462e (Forced labor or services; prohibited conduct as relates to age of minor) and §	Yes (both)	Yes (both)	No (both)	<p><b>Yes:</b> Trafficking—Felony (max. 20yrs)</p> <p>_____</p> <p><b>No:</b> CSEC—Felony (max. 5yrs)</p>

<sup>5</sup> If the buyer knew the victim was a minor, Me. Rev. Stat. Ann. tit. 17-A, § 855(1)(B) (Patronizing prostitution of minor) enhances the penalty to a Class C felony with a maximum sentence of 5 years.

	750.449a (Engaging services for purpose of prostitution, lewdness, or assignation, offer to engage; penalty)				
Minnesota	Minn. Stat. Ann. § 609.324 (Engaging in, hiring, or agreeing to hire minor to engage in prostitution; penalties)	Yes (CSEC)	Yes	Yes	<b>No:</b> CSEC—Under 13 = Max. 20yrs; age 13–15 = max. 10yrs; age 16–17 = max. 5yrs
Mississippi	Miss. Code Ann. § 97-3-54.1 (Human Trafficking Act; prohibited conduct; penalty) and § 97-29-51 (Prostitution; misdemeanor procuring services of prostitute; felony promoting prostitution; penalties)	Yes (both)	Yes <sup>6</sup> (both)	No (both)	<b>Yes:</b> Trafficking—Felony (5–30yrs) _____
					<b>Yes:</b> CSEC—Felony (5–30yrs)
Missouri	Mo. Rev. Stat. § 566.211 (Sexual trafficking of a child—penalty), § 566.210 (Sexual trafficking of a child under age twelve—affirmative defense not allowed, when—penalty), and § 567.030 (Patronizing prostitution)	Yes (both)	Yes (both <sup>7</sup> )	Yes (both)	<b>Yes:</b> Trafficking—Under 12 = Felony (max. life); age 12–17 = Felony (10yrs–life) _____
					<b>No:</b> CSEC—Under 15 = Class D felony (max. 7yrs); age 15–17 = Class E felony (max. 4yrs)
Montana	Mont. Code Ann. § 45-5-702 (Trafficking of persons) and § 45-5-601 (Prostitution)	Yes (both)	Yes (both)	No (both)	<b>Yes:</b> Trafficking—Felony (max. 50yrs) _____
					<b>Yes:</b> CSEC—Felony (max. 100yrs)
Nebraska	Neb. Rev. Stat. Ann. § 28-831 (Human trafficking; forced labor)	Yes (both)	Yes (both)	No (both)	<b>Yes:</b> Trafficking—Class IB felony (20yrs–life) _____

<sup>6</sup> However, another buyer-applicable CSEC offense, Miss. Code Ann. § 97-5-5 (Enticing a child under 14; punishment), only protects minors under 14 years of age; a conviction is punishable by imprisonment for 2–10 years.

<sup>7</sup> Mo. Rev. Stat. § 566.211 (Sexual trafficking of a child—penalty) protects all minors under the age of 18, but Mo. Rev. Stat. § 566.213 (Sexual trafficking of a child under age twelve) only protects minors under 12 years of age.

	or services; prohibited acts; penalties) and § 28-802 (Pandering)				<b>Yes:</b> CSEC = Class II felony (1-50yrs) <sup>8</sup>
<b>Nevada</b>	Nev. Rev. Stat. Ann. § 201.300 (Pandering and sex trafficking; definition; penalties; exception) and § 201.354 (Engaging in prostitution or solicitation for prostitution: Penalty; exception)	Yes (both)	Yes (both)	Yes (trafficking) _____ No (CSEC)	<b>Yes:</b> Trafficking—Under 14 = Category A felony (life); age 14–15 = category A felony (life); age 16–17 = category A felony (life) _____ <b>No:</b> CSEC—Category E felony (1-4yrs)
<b>New Hampshire</b>	N.H. Rev. Stat. Ann. § 633:7 (Trafficking in persons) and § 645:2 (Prostitution and related offenses)	Yes (both)	Yes (both)	No (both)	<b>No:</b> Trafficking—Class B felony (max. 7yrs) _____ <b>No:</b> CSEC—Class B felony (max. 7yrs)
<b>New Jersey</b>	N.J. Stat. Ann. § 2C:13-8 (Human trafficking) and § 2C:34-1 (Prostitution and related offenses)	Yes (both)	Yes (both)	No (both)	<b>Yes:</b> Trafficking—First degree crime (20yrs–life) _____ <b>Yes:</b> CSEC—Second degree crime (5–10yrs)
<b>New Mexico</b>	N.M. Stat. Ann. § 30-52-1 (Human trafficking) and § 30-6A-4 (Sexual exploitation of children by prostitution)	Yes (both)	Yes (trafficking) _____ No (CSEC—under 16)	Yes (trafficking) _____ Yes <sup>9</sup> (CSEC)	<b>No:</b> Trafficking—Under 13 = First degree felony (max. 18yrs); age 13–15 = second degree felony (max. 9yrs); age 16–17 = third degree felony (max. 3yrs) _____ <b>No:</b> CSEC—Under 16 = Second degree felony (max. 9yrs)

<sup>8</sup> However, base penalties are not sufficiently high for all of Nebraska's buyer-applicable CSEC offenses.

<sup>9</sup> Because N.M. Stat. Ann. § 30-6A-4 (Sexual exploitation of children by prostitution) and § 30-9-1 (Enticement of child), New Mexico's two buyer-applicable CSEC offenses, only apply to CSEC crimes against children under 16, buyers whose victims are 16 and 17 face a substantially lower penalty under N.M. Stat. Ann. § 30-9-3 (Patronizing prostitutes).

New York	N.Y. Penal Law § 230.13 (Aggravated patronizing a minor for prostitution in the first degree), § 230.12 (Aggravated patronizing a minor for prostitution in the second degree), and § 230.11 (Aggravated patronizing a minor for prostitution in the third degree)	Yes (CSEC)	No (under 17)	Yes	<b>No:</b> CSEC—Under 11 (or under 13 and offender 18+) = Class B felony (1–25yrs); under 15 and offender 18+ = class D felony (max. 2–7yrs); under 17 and offender 21+ = Class E felony (max. 4yrs)
North Carolina	N.C. Gen. Stat. §§ 14-43.11 (Human trafficking) and § 14- 205.2 (Patronizing a prostitute)	Yes (both)	Yes (both)	No (both)	<b>Yes:</b> Trafficking—Class B2 felony (125–157 months)  <b>No:</b> CSEC—Class F felony (13–16 months)
North Dakota	N.D. Cent. Code § 12.1-41-05 (Patronizing a victim of sexual servitude) and § 12.1-41-06 (Patronizing a minor for commercial sexual activity)	Yes (trafficking <sup>10</sup> )	Yes	No	<b>Yes:</b> Trafficking—Class A felony (max. 20yrs)
Ohio	Ohio Rev. Code Ann. § 2907.24 (Soliciting; after positive HIV test; driver’s license suspension)	Yes (CSEC)	Yes	Yes	<b>No:</b> CSEC—Under 16 = Third degree felony (9–36 months); age 16–17 = fifth degree felony (6–12 months)
Oklahoma	Okla. Stat. Ann. tit. 21, § 748 (Human trafficking) and § 1029 (Engaging in prostitution, etc.)	Yes (both)	Yes (both)	No (both)	<b>Yes:</b> Trafficking—Felony (15yrs–life)  <b>Yes:</b> CSEC—Felony (max. 10yrs)

<sup>10</sup> The core human trafficking law, N.D. Cent. Code § 12.1-41-02 (Trafficking an individual), and the sex trafficking law, N.D. Cent. Code § 12.1-41-04 (Sexual servitude), do not apply to buyers, but two offenses within the human trafficking chapter are applicable to buyers.

Oregon	Or. Rev. Stat. § 163.266 (Trafficking in persons) and § 163.413 (Purchasing sex with a minor)	Yes (both)	Yes (both)	No (both)	<b>Yes:</b> Trafficking—Class A felony (max. 20yrs) _____
Pennsylvania	18 Pa. Cons. Stat. § 3011 (Trafficking in individuals) and § 6318 (Unlawful contact with minor)	Yes (both)	Yes (both)	No (both)	<b>Yes:</b> Trafficking—First degree felony (max. 20yrs) _____
Rhode Island	R.I. Gen. Laws Ann. § 11-67.1-6 (Patronizing a victim of sexual servitude) and § 11-37-8.8 (Indecent solicitation of a child)	Yes (both)	Yes (both)	No (both)	<b>Yes:</b> Trafficking—Felony (max. 20yrs) _____
South Carolina	S.C. Code Ann. § 16-3-2020 (Trafficking in persons; penalties; defenses) and § 16-15-425 (Participating in prostitution of a minor defined; defenses; penalties)	Yes (both)	Yes (both)	No (both)	<b>Yes:</b> Trafficking—Felony (max. 30yrs) _____
South Dakota	S.D. Codified Laws § 22-49-2 (First degree human trafficking—Felony)	Yes (trafficking)	Yes	No	<b>Yes:</b> Trafficking—Class 2 felony (max. 25yrs)
Tennessee	Tenn. Code Ann. § 39-13-309 (Trafficking a person for a commercial sex act) and § 39-13-514 (Patronizing prostitution)	Yes (both)	Yes (both)	Yes (both)	<b>Yes:</b> Trafficking—Under 15 = Class A felony (15-60yrs); age 15-17 = class B felony (8-30yrs) _____
Texas	Tex. Penal Code Ann. § 20A.02 (Trafficking of persons) and § 43.02 (Prostitution)	Yes (both)	Yes (both)	No (both)	<b>Yes:</b> Trafficking—First degree felony (5yrs-life) _____
					<b>Yes:</b> CSEC—Second degree felony (2-20yrs)



Utah	Utah Code Ann. § 76-5-308.5 (Human trafficking of a child—Penalties) and § 76-10-1303 (Patronizing a prostitute)	Yes (both)	Yes (both)	No (both)	<b>Yes:</b> Trafficking—First degree felony (5yrs–life) _____
Vermont	Vt. Stat. Ann. tit. 13, § 2652 (Human trafficking)	Yes (trafficking)	Yes	No	<b>Yes:</b> Trafficking—Felony (max. life)
Virginia	Va. Code Ann. § 18.2-346 (Prostitution; commercial sexual conduct; commercial exploitation of a minor; penalties.)	Yes (CSEC)	Yes	Yes	<b>No:</b> CSEC--Under 16 = Class 5 felony (1–10yrs); age 16–17 = class 6 felony (1–5yrs)
Washington	Wash. Rev. Code Ann. § 9A.40.100 (Trafficking) and § 9.68A.100 (Commercial sexual abuse of a minor)	Yes (both)	Yes (both)	No (both)	<b>Yes:</b> Trafficking—(1) = Class A felony, seriousness level XIV (123–397 months); (3) = Class A felony, seriousness level XII (93–318 months) _____
West Virginia	W. Va. Code Ann. § 61-14-6 (Patronizing a victim of sexual servitude; penalties) and § 61-3C-14b (Soliciting, etc. a minor via computer; soliciting a minor and traveling to engage the minor in prohibited sexual activity; penalties)	Yes (both)	Yes (both)	No (both)	<b>Yes:</b> Trafficking—Felony (3–15yrs) _____
Wisconsin	Wis. Stat. § 948.051 (Trafficking of a child) and § 948.08 (Soliciting a child for prostitution)	Yes (both)	Yes (both)	No (both)	<b>Yes:</b> Trafficking—Class C felony (max. 40yrs) _____
					<b>Yes:</b> CSEC—Class D felony (max. 25yrs)

Wyoming	Wyo. Stat. Ann. § 6-2-707 (Patronizing a victim of sexual servitude)	Yes (trafficking)	Yes	No	No: Trafficking—Max. 3yrs
Totals:		<b>50 states &amp; DC</b> have buyer-applicable trafficking and/or CSEC laws.	<b>40 states &amp; DC</b> have buyer-applicable trafficking laws with a base penalty that protects all minors under 18.  <b>40 states &amp; DC</b> have buyer-applicable CSEC laws with a base penalty that protects all minors under 18.	<b>9 states</b> have buyer-applicable trafficking laws that provide an enhanced penalty when the victim is a younger minor.  <b>12 states</b> have buyer-applicable CSEC laws that provide an enhanced penalty when the victim is a younger minor.	<b>35 states &amp; DC</b> have buyer-applicable trafficking laws with a sufficient base penalty.  <b>18 states &amp; DC</b> have buyer-applicable CSEC laws with a sufficient base penalty.