

PROTECTED INNOCENCE CHALLENGE

STATE ACTION. NATIONAL CHANGE.

Issue Brief

SECTION 3.5

Area of Law

Criminal Provisions for Traffickers

The Policy Point

Convicted traffickers are required to register as sex offenders.

The Legislative Solution

Traffickers of sex acts with minors and images of child pornography are sexual predators—the exchange of money does not sanitize the underlying crime of child rape or molestation and the consequences should be the same for traffickers as for rapists. Sex offender registry laws are intended to provide people with information that will prevent them and their children from being victimized. The requirement to register as a sex offender serves as deterrence, and a warning to the public of the danger registered sex offenders pose to children. Domestic minor sex trafficking is a sex offense and state laws should reflect this to require registration. The federal Adam Walsh Act’s Sex Offender Registration and Notification Act (SORNA) includes sex trafficking in the definition of “sex offense” and sets the sex offender registry standard for states to achieve. Including child sex trafficking as an offense requiring registration as a sex offender is a relatively easy legislative fix for states to enact and is consistent with the federal government’s definition in the Adam Walsh Act.

Select Statute Highlights

The following statutes require sex offender registration for individuals convicted of sex trafficking, exploiting a child through prostitution, and producing and distributing child pornography.

Arizona

Ariz. Rev. Stat. Ann. § 13-3821(A) (Persons required to register) lists the crimes for which an offender must register as a sex offender. The list includes, in relevant part, the following crimes: “9. Taking a child for the purpose of prostitution pursuant to section 13-3206, 10. Child prostitution pursuant to section 13-3212, subsection A or subsection B, Paragraph 1 or 2, 11. Commercial sexual exploitation of a minor pursuant to section 13-3552, 12. Sexual exploitation of a minor pursuant to section 13-3553, 13. Luring a minor for sexual exploitation pursuant to section 13-3554, 14. Sex trafficking of a minor pursuant to section 13-1307. . . 21. Aggravated luring a minor for sexual exploitation pursuant to section 13-3560.”

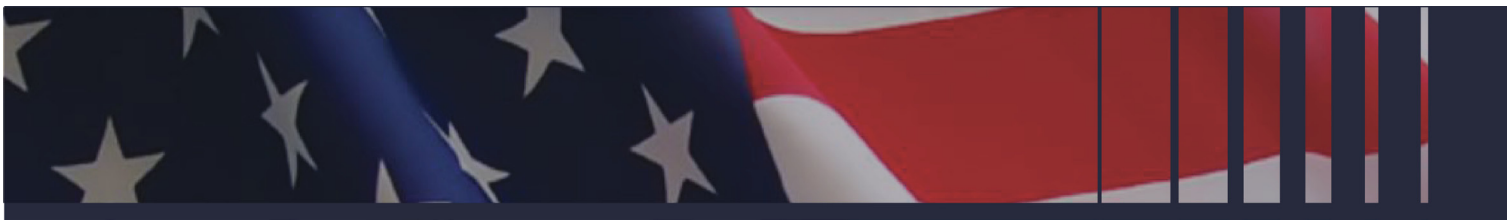
Colorado

Pursuant to Colo. Rev. Stat. § 16-22-103(1)(a), (2)(a) (Sex offender registration—required—applicability—exception) any person convicted of an “unlawful sexual offense as defined in section 18-3-411 (1), C.R.S., enticement of a child, as described in section 18-3-305, C.R.S., or internet luring of a child, as described in section

18-3-306, C.R.S.” or “any person convicted. . . of unlawful sexual behavior. . .” must register. Colo. Rev. Stat. § 18-3-411(1) (Sexual offenses against children) and § 16-22-102(9) (Definitions) define “unlawful sexual offenses” and “unlawful sexual behavior” as including: “(j) Trafficking in children, in violation of section 18-3-502, C.R.S.; (k) Sexual exploitation of children, in violation of section 18-6-403, C.R.S.; (l) Procurement of a child for sexual exploitation, in violation of section 18-6-404, C.R.S.; . . . (n) Soliciting for child prostitution, in violation of section 18-7-402, C.R.S.; (o) Pandering of a child, in violation of section 18-7-403, C.R.S.; (p) Procurement of a child, in violation of section 18-7-403.5, C.R.S.; (q) Keeping a place of child prostitution, in violation of section 18-7-404, C.R.S.; (r) Pimping of a child, in violation of section 18-7-405, C.R.S.; (s) Inducement of child prostitution, in violation of section 18-7-405.5, C.R.S.; (t) Patronizing a prostituted child, in violation of section 18-7-406, C.R.S.; . . .”

Florida

Fla. Stat. § 775.21 (Florida’s Sexual Predators Act) subjects “sexual predators” convicted of a sexual offense to registration and community and public notification, pursuant to subsections (6) and (7), if the offense was “[a]ny felony violation, or any attempt thereof, of . . . s. 787.06(3)(b) . . . (g), or (h) [Human trafficking] . . . s. 796.03 [Procuring person under age of 18 for prostitution]; s. 796.035 [Selling or buying of minors into prostitution; penalties]; . . .” Fla. Stat. § 775.21(4)(b). Traffickers convicted under Fla. Stat. Ann. §



787.06(g) and (h) or certain CSEC, pornography and sex offense provisions, will also be required to register as a sex offender under Fla. Stat. Ann. § 943.0435(2)(a) (Sexual offenders required to register with the department; penalty). Pursuant to Fla. Stat. Ann. § 943.0435(1)(a), a “sexual offender” subject to the registration requirement in subsection (2)(a) is defined in part as a person who “[h]as been convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction: s. 787.01, s. 787.02 . . . s. 787.06(3)(b) . . . (g), or (h) [Human trafficking] . . . s. 796.03 [Procuring person under age of 18 for prostitution]; s. 796.035 [Selling or buying of minors into prostitution; penalties]; s. 800.04 . . . s. 827.071 [Sexual performance by a child; penalties] . . . s. 847.0135 [Computer pornography; traveling to meet minor; penalties], excluding s. 847.0135(6) . . . or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-subparagraph . . .”

Idaho

Pursuant to Idaho Code Ann. § 18-8304(1)(a) (Application of chapter—rulemaking authority) any person who commits anyone of the following crimes, including attempt, solicitation, or conspiracy of such crime, must register as a sex offender under Chapter 83 (Sexual offender registration notification and community right-to-know Act): Idaho Code Ann. § 18-1507 (Definitions—sexual exploitation of a child—penalties), § 18-5609 (Inducing person under eighteen years of age into prostitution), § 18-5611 (Inducing person under eighteen years of age to patronize a prostitute), § 18-8602 (Human trafficking defined).

Indiana

Ind. Code § 11-8-8-7(a)(1) (Persons who must register—Place of registration—Sexually violent predators—Duties of local law enforcement authorities) require registration by a sex or violent offender defined in Ind. Code § 11-8-8-5(a) (“Sexually violent offender” defined) as any person convicted of: “(4) Child exploitation (IC 35-42-4-4(b)), . . . (6) Child solicitation (IC 35-42-4-6), . . . (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony, (15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the

victim is less than eighteen (18) years of age, (16) Sexual trafficking of a minor (IC 35-42-3.5-1(c)), (17) Human trafficking (IC 35-42-3.5-1(c)(3)) if the victim is less than eighteen (18) years of age. . . .”

Iowa

Iowa Code § 692A.103 (1) (Offenders required to register) states, “A person who has been convicted of any sex offense classified as a tier I, tier II, or tier III offense . . . if the offender resides, is employed, or attends school in this state. . .” must register as a sex offender. Iowa Code § 692A.102(1) (Sex offense classifications) classifies sex offenses into different tiers including “b. Tier II offenses . . . (19) Sexual exploitation of a minor in violation of section 728.12, subsection 2 or 3 [and] c. Tier III offenses . . . (24) Human trafficking in violation of section 710A.2 if sexual abuse or assault with intent to commit sexual abuse is committed or sexual conduct or sexual contact is an element of the offense . . . (26) Sexual exploitation of a minor in violation of section 728.12, subsection 1. . . (31) Enticing a minor in violation of section 710.10, if the violation includes an intent to commit sexual abuse, sexual exploitation, sexual contact, or sexual conduct directed towards a minor . . .”

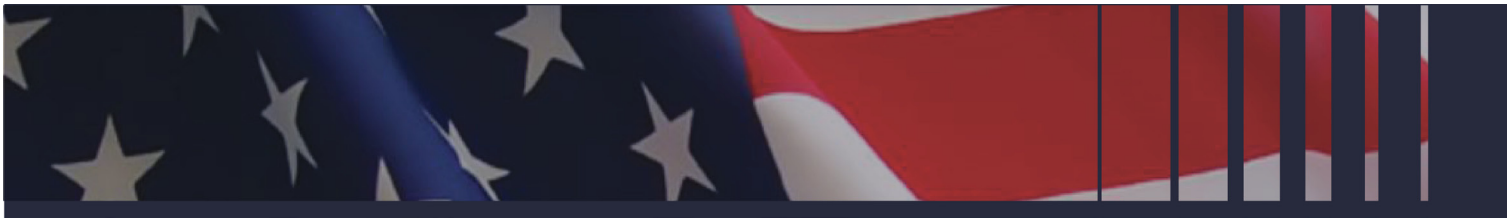
Kentucky

Ky. Rev. Stat. Ann. § 17.510(2) (Registration system for adults who have committed sex crimes or crimes against minors—Persons required to register) requires “registrants” to register as sex offenders. Ky. Rev. Stat. Ann. § 17.500(5)(a) (Definitions) defines “registrant” as including “[a]ny person eighteen (18) years of age or older at the time of the offense or any youthful offender, as defined in KRS 600.020, who has committed: 1. A sex crime; or 2. A criminal offense against a victim who is a minor.” KRS § 17.500(5)(a). KRS § 17.500(3)(a) defines “criminal offense against a victim who is a minor” as “5. Human trafficking involving commercial sexual activity, as set forth in KRS 529.100; 6. Promoting prostitution, as set forth in KRS 529.040, when the defendant advances or profits from the prostitution of a person under the age of eighteen (18); . . .”

Issues Briefs are derived from the 41 legal components contained in the Protected Innocence Legislative Framework, an analysis of state laws performed by Shared Hope International, under the Protected Innocence Challenge. This initiative is designed to set a national standard of protection against domestic minor sex trafficking.

To access the Protected Innocence Legislative Framework Methodology, and Report Cards, foundational analysis and recommendations for each state, please visit: www.sharedhope.org.





Minnesota

Pursuant to Minn. Stat. § 243.166, subd. 1b(a)(2) (Registration of predatory offenders) a person must register if “charged with or petitioned for a violation of . . . soliciting a minor to engage in prostitution in violation of section 609.322 [Solicitation, inducement, and promotion of prostitution; sex trafficking] or 609.324 [Patrons, prostitutes; housing individuals engaged in prostitution; penalties]; soliciting a minor to engage in sexual conduct in violation of section 609.352 [Solicitation of children to engage in sexual conduct; communication of sexually explicit materials to children]; using a minor in a sexual performance in violation of section 617.246 [Use of minors in sexual performance prohibited]. . . .”

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