

Area of Law	Criminal Provisions for Traffickers
The Policy Point	Penalties for trafficking a child for sexual exploitation are as high as federal penalties.
The Legislative Solution	<p>Commercial sexual exploitation of children and sex trafficking are egregious crimes and the penalties must reflect the severity of the offense. If convicted under the federal Trafficking Victims Protection Act (TVPA) of 2000 and associated federal CSEC laws (e.g., 18 U.S.C. §1591 (Sex trafficking of children or by force, fraud, or coercion), 18 U.S.C. § 2251A (Selling or buying of children), 18 U.S.C. § 2251 (Sexual exploitation of children), 18 U.S.C. § 2423(a) (Transportation of a minor with intent for minor to engage in criminal sexual activity), 18 U.S.C. § 2422 (Coercion and enticement)), a trafficker of commercial sex acts with a minor faces a mandatory minimum sentence of 10 years to life imprisonment if the victim is between 14 and 18 years of age, or a mandatory minimum sentence of 15 years to life imprisonment if the victim is under the age of 14 or force, fraud or coercion were used to cause the trafficking. Federal trafficking laws are being used to secure serious sentences for traffickers and comparable state penalties are important to prevent disparity in the punishments. Also, comparable state penalties are critical across the nation to prevent migration of the crime to those states with weaker penalties that then risk becoming havens for traffickers who seek to commit sex trafficking crimes while avoiding substantial criminal liability.</p>

Select Statute Highlights

Alabama

Ala. Code § 13A-6-152(a)(2) (Human trafficking in the first degree) makes it illegal for a trafficker who “knowingly obtains, recruits, entices, solicits, induces, threatens, isolates, harbors, holds, restrains, transports, provides, or maintains any minor for the purpose of causing a minor to engage in sexual servitude.” Violation of Ala. Code § 13A-6-152(a) (2) is a Class A felony punishable by a sentence of 10–99 years imprisonment and a possible fine up to \$60,000 or any amount up to double the profit or loss to the victim.

Traffickers prosecuted under Ala. Code § 13A-12-111(a) (Promoting prostitution in the first degree), which provides that “(a) A person commits the crime of promoting prostitution in the first degree if he knowingly: . . . (2) Advances or profits from prostitution of a person less than 16 years of age” are in violation of a Class B felony and subject to a sentence of 2–20 years imprisonment and a possible fine up to \$30,000. If the victim is under 18, it is a Class C felony punishable by 1–10 years imprisonment and a possible fine up to \$30,000. If the victim is under 12, then a mandatory minimum sentence of 10 years imprisonment applies.

Georgia

Trafficking a child in Georgia under the age of 18 is punishable under Ga. Code Ann. § 16-5-46(f)(2) (Trafficking of persons for labor or sexual servitude) by 10–20 years imprisonment and/or a fine not to exceed \$100,000. If the trafficker used coercion or deception in trafficking the minor, the penalty is life imprisonment or 25–50 years imprisonment and/or a fine not to exceed \$100,000. Additionally, under subsection (g), “All real and personal property of every kind used or intended for use in the course of, derived from, or realized through a violation of this Code section shall be subject to forfeiture to the state.”

Iowa

Traffickers who violate Iowa Code § 710A.2 (Human trafficking), when the victim is a minor, commit a Class B or a Class C felony. Class B felonies are punishable by imprisonment up to 25 years, while Class C felonies are punishable by imprisonment up to 10 years and a fine of \$1,000–\$10,000. Iowa Code § 902.9(2), (4). To the extent that a trafficker is a habitual offender, the trafficker may receive imprisonment up to 15 years. Iowa Code § 902.9(3).

Oregon

A conviction under Or. Rev. Stat. §§ 163.266(1)(a), (2) (Trafficking in persons) or Or. Rev. Stat. § 167.017 (Compelling prostitution) is punishable as a Class B felony by imprisonment up to 10 years and a possible fine not to exceed \$250,000.

Missouri

A trafficker who violates Mo. Rev. Stat. § 566.212.1 (Sexual trafficking of a child), is guilty of “a felony punishable by imprisonment for a term of years not less than ten years or life and a fine not to exceed two hundred fifty thousand dollars if the child is under the age of eighteen. If a violation of this section was effected by force, abduction, or coercion, the crime of sexual trafficking of a child shall be a felony for which the authorized term of imprisonment is life imprisonment without eligibility for probation or parole until the defendant has served not less than twenty—five years of such sentence.” Mo. Rev. Stat. § 566.213 (Sexual trafficking of a child under age twelve) enhances the penalty for sex trafficking of a child under 12 years of age to “a felony for which the authorized term of imprisonment is life imprisonment without eligibility for probation or parole until the defendant has served not less than twenty—five years of such sentence.”

Tennessee

Tenn. Code Ann. § 39-13-309 (Trafficking for sexual servitude) is a Class B felony punishable by 8–30 years imprisonment and a possible fine not to exceed \$25,000, “except where the victim of the offense is a child under fifteen (15) years of age, or where the offense occurs on the grounds or facilities or within one thousand feet (1,000’) of a public or private school, secondary school, preschool, child care agency, public library, recreational center, or public park, a violation of subsection (a) is a Class A felony,” punishable by 15–60 years and a possible fine not to exceed \$50,000.

Tenn. Code Ann. § 39-14-903. Tenn. Code Ann. § 39-14-903(b)(1) states, “It is an offense to knowingly use proceeds derived directly or indirectly from a specified unlawful activity with the intent to promote, in whole or in part, the carrying on of a specified unlawful activity.” A violation of the money laundering statute is a Class B felony punishable by 8–30 years imprisonment and a possible fine not to exceed \$25,000.