

SECTION 4.1

<p>Area of Law</p>	<p>Criminal Provisions for Facilitators</p>
<p>The Policy Point</p>	<p>The acts of assisting, enabling, or financially benefiting from child sex trafficking are included as criminal offenses in the state sex trafficking statute.</p>
<p>The Legislative Solution</p>	<p>Facilitators of domestic minor sex trafficking are those people or business that assist, enable, aid, or financially benefit from child sex trafficking. These actions are essential to the success of the sex trafficking enterprise but facilitators are rarely held accountable for their role in the crime of sex trafficking. Due to the low risk of being prosecuted or seriously penalized, facilitators often reap the financial benefits of the sex trafficking industry without significant risk of criminal liability. The inclusion of acts of assisting, enabling, and/or financially benefitting from domestic minor sex trafficking in state human trafficking laws allows law enforcement to fully investigate cases, enables prosecutors to obtain convictions, and provides judges appropriate sentencing for these perpetrators who facilitate the commercial sexual exploitation of children.</p>

Select Statute Highlights

District of Columbia

D.C. Code § 22-1836 (Benefitting financially from human trafficking) states, “It is unlawful for an individual or business knowingly to benefit, financially or by receiving anything of value, from voluntarily participating in a venture which has engaged in any act in violation of . . . § 22-1833 [Trafficking in labor or commercial sex acts], § 22-1834 [Sex trafficking of children], or § 22-1835 [Unlawful conduct with respect to documents in furtherance of human trafficking], knowing or in reckless disregard of the fact that the venture has engaged in the violation.”

Iowa

Iowa Code § 710A.2(4), (7) (Human trafficking) makes any “person who benefits financially or by receiving anything of value from knowing participation in human trafficking . . . [when] the victim is under the age of eighteen” guilty of a felony.

Louisiana

La. Stat. Ann. § 14:46.3(A)(2), (4) (Trafficking of children for sexual purposes) makes it unlawful “for any person to knowingly benefit from activity prohibited by the provisions of this Section” or “[f]or any person to knowingly facilitate any of the activities prohibited by the provisions of this Section by any means, including but not limited to helping, aiding, abetting, or conspiring, regardless of whether a thing of value has been promised to or received by the person.”

Mississippi

Miss. Code Ann. § 97-3-54.1(1)(a) (Human trafficking; offenses) provides, “[a] person who [...] benefits, whether financially or by receiving anything of value from participating in an enterprise that he knows or reasonably should have known has engaged in [acts under this provision]” is guilty of the crime of human-trafficking. Section 97-3-54.1(1)(a) penalizes a person “who recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, another person, intending or knowing that the person will be subjected to forced labor or services.”

New Jersey

N.J. Stat. § 2C:13-9 (Human trafficking as a crime of the second degree) states, “[a] person commits a [human trafficking] crime of the second degree if he: (1) provides services, resources, or assistance with the knowledge that the services, resources, or assistance are intended to be used in furtherance of the commission of the crime of human trafficking in violation of section 1 of . . . § 2C:13-8 [Human trafficking].” For purposes of this provision, “services, resources, or assistance” include “financial support, business services, lodging, transportation, the provision of false documentation or identification, equipment, facilities, or any other service or property with a pecuniary value that exceeds \$200, whether or not a person is compensated for the services, resources, or assistance, but shall not include humanitarian or charitable aid or services provided directly to a victim of human trafficking.” § 2C:13-9.a(1)(a).

South Carolina

S.C. Code Ann. § 16-3-2020 (Trafficking in persons; penalties; defenses) states, “A person who recruits, entices, solicits, isolates, harbors, transports, provides, or obtains, or so attempts, a victim, knowing that the victim will be subjected to sex trafficking, forced labor or services, involuntary servitude or debt bondage through any means or who benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in this subsection, is guilty of trafficking in persons.”

Wisconsin

Wis. Stat. § 948.051(2) (Trafficking of a child) penalizes “[w]hoever benefits in any manner from a violation of sub. (1)... if the person knows that the benefits come from an act described in sub. (1).” Subsection (1) makes “[w]hoever knowingly recruits, entices, provides, obtains, or harbors, or knowingly attempts to recruit, entice, provide, obtain or harbor, any child for the purpose of commercial sex acts” guilty of trafficking.