

Area of Law	Criminal Provisions for Facilitators
The Policy Point	Financial penalties, including asset forfeiture laws, are in place for those who benefit financially from, or aid and assist in committing domestic minor sex trafficking.
The Legislative Solution	Facilitators benefit economically from a multibillion dollar human trafficking industry in the United States but are rarely held financially liable for the consequences of the crime. Financial penalties, including asset forfeiture for the money and property used in connection with or derived from the facilitation of commercial sexual exploitation of children, can serve as a deterrent to assisting in or benefitting from this crime. Also, financial penalties could be directed to pay for victim services and costly investigations. Asset forfeiture and financial penalties are frequently available through racketeering and money laundering laws, but ensuring these are also available directly through the criminal statute on sex trafficking is important to reach all facilitators.

Select Statute Highlights

The following laws impose financial penalties on facilitators of domestic minor sex trafficking.

Alabama

Ala. Code § 13A-6-153(b) makes a conviction under Ala. Code § 13A-6-153(a) punishable as a Class B felony by imprisonment for 2–20 years, “which imprisonment includes hard labor,” and a possible fine up to \$30,000. Ala. Code § 13A-6-156 (Penalties—Forfeiture of property) states, “A person who commits the offense of human trafficking in the first degree or human trafficking in the second degree shall forfeit to the State of Alabama any profits or proceeds and any interest in property that he or she has acquired or maintained that the sentencing court determines to have been acquired or maintained as a result of committing human trafficking in the first degree or human trafficking in the second degree.”

District of Columbia

Under D.C. Code § 22-1836 (Benefitting financially from human trafficking), benefitting from “voluntarily participating in a venture which has engaged in any act in violation of . . . § 22-1834 [Sex trafficking of children] . . .” is punishable by a fine under D.C. Code § 22-1837(c) (Penalties) “up to the maximum fine . . . for a violation of [Sex trafficking of children].” The maximum fine for sex trafficking of children under § 22-1834 is \$50,000. D.C. Code § 22-1837(a) (1). Under D.C. Code § 22-1838 (Forfeiture), “(a) In imposing sentence on any individual or business convicted of a violation of this chapter [Human trafficking], the court shall

order, in addition to any sentence imposed, that the individual or business shall forfeit to the District of Columbia: (1) Any interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of the violation; and (2) Any property, real or personal, constituting or derived from any proceeds that the individual or business obtained, directly or indirectly, as a result of the violation. (b) The following shall be subject to forfeiture to the District of Columbia and no property right shall exist in them: (1) Any property, real or personal, used or intended to be used to commit or to facilitate the commission of any violation of this chapter. (2) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this chapter.”

Minnesota

Minn. Stat. Ann. § 609.322(1)(a) (Solicitation, inducement and promotion of prostitution; sex trafficking) is punishable by a fine not to exceed \$50,000 or \$60,000 if aggravating factors are present. Minn. Stat. Ann. § 609.322(1)(a), (b). Minn. Stat. Ann. § 609.5312(1)(a) (Forfeiture of property associated with designated offenses) states, “All personal property is subject to forfeiture if it was used or intended for use to commit or facilitate the commission of a designated offense. All money and other property, real and personal, that represent proceeds of a designated offense, and all contraband property, are subject to forfeiture, except as provided in this section.” Minn. Stat. Ann. § 609.531(1)(f) (Forfeitures) defines “designated offenses” to include felony violations, or felony-level attempts and conspiracies to violate Minn. Stat. Ann. § 617.246 (Use of minors in sexual performance prohibited),

§ 617.247 (Possession of pornographic work involving minors), § 609.322 (Solicitation, inducement, and promotion of prostitution; sex trafficking), or § 609.324 (Patrons; prostitutes; housing individuals engaged in prostitution; penalties).

Rhode Island

Convictions under R.I. Gen. Laws Ann. § 11-67-6(b)(3) (Sex trafficking a minor) carry a fine up to \$40,000, while convictions under R.I. Gen. Laws Ann. § 11-67-6(d) carry a fine up to \$20,000. R.I. Gen. Laws Ann. § 11-67-6(c), (d). R.I. Gen. Laws § 11-67-5 (Forfeitures) calls for the forfeiture of “any profits or proceeds any interest or property . . . acquired or maintained in violation of” R.I. Gen. Laws § 11-67-2 (Involuntary servitude) or R.I. Gen. Laws § 11-67-3 (Trafficking of persons for forced labor or commercial sexual activity), which include the crime of facilitation.