

Area of Law	Criminal Provisions for Facilitators
The Policy Point	Promoting and selling child sex tourism is illegal.
The Legislative Solution	<p>Sex tourism encourages commercial sexual exploitation of children (CSEC) and creates incentives for traffickers and facilitators to increase profits while furthering the clandestine nature of the trafficking offense by interfering with detection of trafficking crimes that are disguised as travel services. Sex tourism not only exploits children overseas; it can fuel the demand for children in the United States. Federal law criminalizes child sex tourism, defined to include “arrang[ing], induc[ing], procur[ing] or facilitat[ing] the travel” with knowledge that the traveler “is traveling in interstate commerce or foreign commerce for the purpose of engaging in illicit sexual conduct” and the arranging was done for “commercial advantage or private financial gain.” “Illicit sexual conduct” is defined to include “any commercial sex act (as defined in section 1591) with a person under 18 years of age.” Some states have made sex tourism a crime when the commercial sexual exploitation involved adult victims; these and all sex tourism criminal statutes should enhance penalties when the victim of the commercial sexual activity is a minor under 18 in recognition of the serious underlying crime of child sexual abuse. To protect children from the demand that is generated through sex tourism, states should enact a law that prohibits selling or offering to sell travel services that include or facilitate travel, either into or out of the state, for the purpose of engaging in commercial sexual exploitation of a minor.</p>

Select Statute Highlights

Alaska

Alaska Stat. § 11.66.120(a)(3) (Sex trafficking in the second degree) makes it a Class B felony when a person “offers, sells, advertises, promotes, or facilitates travel that includes commercial sexual conduct as enticement for the travel,” punishable by 1–3 years imprisonment and a possible fine not to exceed \$100,000.

Hawaii

Haw. Rev. Stat. Ann. § 712-1208(1) (Promoting travel for prostitution) makes it illegal when a facilitator “knowingly sells or offers to sell travel services that include or facilitate travel for the purpose of engaging in what would be prostitution if occurring in the state.” Promoting travel for prostitution is a Class C felony punishable by a sentence of 5 years imprisonment and a possible \$10,000 fine.

Haw. Rev. Stat. Ann. §468L-7.5 (10) (Prohibited Acts) criminalizes the “[s]elling, advertising, or otherwise offering to sell travel services or facilitate travel: (A) [f]or the purpose

of engaging in a commercial sexual act; (B) [t]hat consists of tourism packages or activities using and offering sexual acts as enticement for tourism; or (C) [t]hat provides or purports to provide access to or that facilitates the availability of sex escorts or sexual services.” Haw. Rev. Stat. Ann. § 486L-8 (Restitution) permits a convicted offender of “any provision of this chapter . . . may be ordered . . . to make restitution to all persons injured by the act or practice.”

Louisiana

La. Rev. Stat. Ann. § 14:46.3(A)(6) (Trafficking of children for sexual purposes) makes it unlawful “for any person to knowingly sell or offer to sell travel services that include or facilitate any of the activities prohibited by this Section.” Additionally, La. Rev. Stat. Ann. § 14:46.3(A)(5) (Trafficking of children for sexual purposes) makes it unlawful “[f]or any person to knowingly advertise any of the activities prohibited by this Section.”

Missouri

1. Mo. Rev. Stat. § 567.085(1) (Promoting travel for prostitution) states that a “person commits the crime of promoting travel for prostitution if the person knowingly sells or offers to sell travel services that include or facilitate travel for the purpose of engaging in prostitution as defined by section 567.010.” The Class C felony is punishable by a maximum term of imprisonment and conditional release of 7 years.

2. Mo. Rev. Stat. § 567.087 (Prohibitions on travel agencies or tour operators—rebuttable presumption, advertisements) states, “1. No travel agency or charter tour operator shall: (1) Promote travel for prostitution under section 567.085; (2) Sell, advertise, or otherwise offer to sell travel services or facilitate travel: (a) For the purpose of engaging in a commercial sex act as defined in section 566.200, RSMo [Definitions], (b) That consists of tourism packages or activities using and offering any sexual contact as defined in section 556.010, RSMo [Prostitution], as enticement for tourism; or (c) That provides or purports to provide access to or that facilitates the availability of sex escorts or sexual services. 2. There shall be a rebuttable presumption that any travel agency or charter tour operator using advertisements that include “sex travel” or include depictions of human genitalia is in violation of this section.”

3. Mo. Rev. Stat. § 567.089 (Offering travel for purpose of prostitution prohibited—penalties) states, “1. No travel agency or charter tour operator shall engage in selling, advertising, or otherwise offering to sell travel services, tourism packages, or activities that solicit, encourage, or facilitate travel for the purpose of engaging in prostitution. 2. Upon violation of this section by a travel agency or charter tour operator, the secretary of state shall revoke the articles of incorporation of the travel agency or charter tour operator. The secretary of state, as part of a proceeding brought under this section, may order a freeze of the bank or deposit accounts of the travel agency or charter tour operator.”

New York

N.Y. Penal Law § 230.25 (Promoting prostitution in the third degree) states that “[a] person is guilty of promoting prostitution in the third degree when he knowingly: 1) advances or profits from prostitution by . . . controlling or owning, either alone or in association with others . . . a business that sells travel-related services knowing that such services include or are intended to facilitate travel for the purpose of patronizing a prostitute, including to a foreign jurisdiction and regardless of the legality of prostitution in said foreign jurisdiction. . . .” The Class D felony is punishable by up to 7 years’ imprisonment and a possible fine not to exceed \$5,000 or double the amount of the profit from the crime, whichever is higher.

Tennessee

Tenn. Code Ann. § 39-13-533 (Promoting travel for prostitution) states, “(a) A person commits the offense of promoting travel for prostitution if the person knowingly sells or offers to sell travel services that include or facilitate travel for the purpose of engaging in what would be prostitution if occurring in the state. (b) “Travel services” means, but is not limited to, transportation by air, sea, road or rail, related ground transportation, hotel accommodations, or package tours, whether offered on a wholesale or retail basis. (c) Promoting travel for prostitution is a Class C felony.”

Washington

Wash. Rev. Code § 9A.88.085 (Promoting travel for prostitution) makes it a Class C felony with a maximum of 12 months in prison to “promot[e] travel for prostitution if the person knowingly sells or offers to sell travel services that include or facilitate travel for the purpose of engaging in what would be patronizing a prostitute or promoting prostitution, if occurring in [Washington].” Wash. Rev. Code §9.68A.102(1) (Promoting travel for commercial sexual abuse of a minor) makes it a crime if a person “knowingly sells or offers to sell travel services that include or facilitate travel for the purpose of engaging in what would be commercial sexual abuse of a minor or promoting commercial sexual abuse of a minor, if occurring in [Washington].” Also a Class C felony with a maximum sentence of 12 months, this statute requires a convicted offender to register as a sex offender upon completion of the prison term.