



## State Law Survey: Criminal Liability for Buyers of Sex Acts With Minors

State	Trafficking law could be applied to buyers <sup>1</sup>	CSEC could be applied to buyers	Highest Offense Level and Penalty (max. sentence and fine for first offense)	Applicable offense <sup>2</sup>	Trafficking or CSEC protects all minors under 18
<b>Alabama</b>	Yes**	No	Class A felony (10-99yrs, \$60k)	Ala. Code § 13A-6-152(a)(2) (Human trafficking in the first degree)	n/a (age-neutral)
<b>Alaska</b>	No	Yes	Class C felony (max. 5yrs, \$50k)	Alaska Stat. § 11.66.100(c) (Prostitution)	Yes
<b>Arizona</b>	Yes*	Yes	Class 2 felony (max. 13-27yrs, \$150k)	Ariz. Rev. Stat. Ann. § 13-1307(B) (Sex trafficking)	Yes <sup>3</sup>
<b>Arkansas</b>	Yes* <sup>4</sup>	Yes	Class Y felony (10-40yrs or life)	Ark. Code Ann. § 5-18-103 (Trafficking of persons)	Yes
<b>California</b>	No	No	Age-neutral felony (max. 3yrs, \$10k)	Cal. Penal Code § 266e (Acquiring prostitute)	n/a (age-neutral)
<b>Colorado</b>	No	Yes	Class 3 felony subject to	Colo. Rev. Stat. Ann. § 18-	Yes

<sup>1</sup> Evaluations of state laws are based on legislation enacted as of August 1, 2013. Responses with an asterisk (\*) indicate that the human trafficking law applies to buyers based on federal precedent, and responses with a double asterisk (\*\*) indicate that the human trafficking law applies to buyers based on federal precedent but is limited in application because proof of force, fraud or coercion is required.

<sup>2</sup> Reflects only the offenses that carry the highest maximum penalty and does not reflect all offenses with which buyers of sex with a minor could be charged. Where the state does not have a CSEC or trafficking offense applicable to buyers, the age-neutral prostitution law that would instead apply to buyers is listed.

<sup>3</sup> While the law applies to offenses involving any minor victim, buyers face a substantially lower penalty for engaging in prostitution with a minor aged 15-17, unless the prosecution can prove that the buyer knew the minor's age. See Staggered Penalties chart for more information about penalties for offenses against older minors.

<sup>4</sup> Buyers face prosecution under two provisions of the state human trafficking law: Ark. Code Ann. § 5-18-103 (Trafficking of persons) following federal precedent based on use of the term "obtains," and § 5-18-104 (Patronizing a victim of human trafficking) which applies directly to buyers. Since violations of Ark. Code Ann. § 5-18-104 involving a minor victim are punishable as a Class A felony by up to 30 years and a possible fine of \$15,000, the highest buyer applicable penalty is provided under Ark. Code Ann. § 5-18-103(a)(4) (Class Y, 10-40 years or life).



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			mandatory enhancement (4yrs-life, \$3k-750k)	7-406(1) (Patronizing a prostituted child)	
<b>Connecticut</b>	No	Yes	Class C felony (1-10yrs, max. \$10k)	Conn. Gen. Stat. § 53a-83(a) (Patronizing a prostitute)	Yes
<b>Delaware</b>	Yes	No	Class C felony (max. 15yrs)	Del. Code Ann. tit. 11, § 787(b)(2)(b) (Trafficking of persons and involuntary servitude)	Yes
<b>DC</b>	Yes*	Yes	Max. 20yrs, \$200k	D.C. Code § 22-1834 (Sex trafficking of children)	Yes
<b>Florida</b>	Yes*	Yes	Life felony (max. life, \$15K)	Fla. Stat. Ann. § 787.06(3) (Human trafficking)	Yes
<b>Georgia</b>	Yes*	Yes	Felony (10-20yrs, \$100k)	Ga. Code Ann. § 16-5-46(c) (Trafficking of persons for labor or sexual servitude)	Yes
<b>Hawaii</b>	n/a	Yes	Class C felony (max. 5yrs, \$2k-10k)	Enacted Senate Bill 192, Chapter 712 (Solicitation of a minor for prostitution)	Yes
<b>Idaho</b>	Yes	Yes	Felony (2 yrs-life, \$50k)	Idaho Code Ann. § 18-5610 (Utilizing a person under eighteen years of age for prostitution)	Yes



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<b>Illinois</b>	Yes*	Yes	Class 1 felony (4–15yrs, \$25k)	720 Ill. Comp. Stat. Ann. 5/10-9 (Trafficking in persons, involuntary servitude, and related offenses)	Yes
<b>Indiana</b>	Yes**	No	Class C felony (max. 8yrs, \$10k)	Ind. Code Ann. § 35-42-3.5-1(d) (Promotion of human trafficking—Sexual trafficking of a minor—Human trafficking)	n/a (age-neutral) <sup>5</sup>
<b>Iowa</b>	Yes	Yes	Class C felony (max. 10yrs, \$10k)	Iowa Code § 710A.2(4) (Human trafficking)	Yes
<b>Kansas</b>	Yes*	Yes	Felony (25–life, \$500k)	Kan. Stat. Ann. § 21-5426(b)(4) (Human trafficking)	Yes
<b>Kentucky</b>	Yes	Yes	Class B felony (10–20yrs, \$1k-\$10k)	Ky. Rev. Stat. Ann. § 529.100 (Human trafficking)	Yes
<b>Louisiana</b>	Yes	Yes	Felony (15–50yrs, \$50k, OR 25–50yrs, \$75k if under 14)	La. Rev. Stat. Ann. §§ 14:46.3(A)(1) (Trafficking of children for sexual purposes), 14:82.1(A)(1) (Prostitution; persons under eighteen),	Yes

<sup>5</sup> Subsection (d) of Ind. Code Ann. § 35-42-3.5-1 expressly applies to buyers but is age-neutral and requires knowledge that the victim was forced to engage in prostitution.



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				14:82(C)(4), (5) (Prostitution)	
<b>Maine</b>	No	Yes	Class D crime (max. 1yr, \$2k)  If knows <18, Class C (max. 5yrs, \$5k)	Me. Rev. Stat. Ann. tit. 17-A, § 855(1)(A) (Patronizing prostitution of minor)	Yes
<b>Maryland</b>	No	Yes	Felony (max. 10yrs, \$25k)	Md. Code Ann., Crim. Law § 3-324(b) (Sexual solicitation of minor)	Yes
<b>Massachusetts</b>	Yes	Yes	Felony (max. life, \$25k)	Mass. Gen. Laws ch. 265, § 50 (Human trafficking—Sexual servitude)	Yes
<b>Michigan</b>	No <sup>6</sup>	No <sup>7</sup>	Age-neutral prostitution law  Misdemeanor (93 days, \$500)	[age neutral prostitution law]	Yes
<b>Minnesota</b>	No	Yes	Felony (max. 20yrs, \$40k)	Minn. Stat. Ann. § 609.324 (Patrons; prostitutes; housing individuals engaged in prostitution; penalties)	Yes

<sup>6</sup> While Michigan’s human trafficking law might apply to buyers through the term “obtains,” the definition of “services” which includes commercial sexual activity, requires “an ongoing relationship” between the defendant and the victim that renders application to buyers unlikely.

<sup>7</sup> The sex offense, Mich. Comp. Laws Ann. § 750.145a (Accosting, enticing or soliciting child for immoral purpose) may apply to a buyer who “solicits” a minor under 16 for the purpose of a sexual act, however this offense does not expressly apply to solicitation for purposes of commercial sex.



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<b>Mississippi</b>	Yes	Yes	Felony (5–30yrs, \$50–500k)	Miss. Code Ann. § 97-3-54.1(1)(c) (Human Trafficking Act), § 97-29-51 (Procuring the services of a prostitute)	Yes
<b>Missouri</b>	Yes	Yes	Felony (max. life, \$250k)	Mo. Rev. Stat. § 566.212(1)(2) (Sexual trafficking of a child) and § 566.213(1)(2) (Sexual trafficking of a child under age twelve)	Yes
<b>Montana</b>	Yes* <sup>8</sup>	Yes	Felony (25–100yrs, \$50k)	Mont. Code Ann. § 45-5-601(1) (Prostitution), § 45-5-310 (Sexual servitude of child) and § 45-5-311 (Patronizing of child)	Yes
<b>Nebraska</b>	Yes	Yes	Class III felony (max. 20yrs, \$25k)	Neb. Rev. Stat. Ann. § 28-831(2) (Human trafficking; forced labor or services)	Yes
<b>Nevada</b>	Yes*	Yes	Category A felony (5yrs–life, \$10k)	Nev. Rev. Stat. Ann. § 201.300(2)(a)(1) (Sex trafficking)	Yes
<b>New</b>	Yes**	No	Class A felony (10–30yrs,	N.H. Rev. Stat. Ann. §	Yes

<sup>8</sup> Buyers face prosecution and equivalent penalties under two provisions of the state human trafficking law: Mont. Code Ann. § 45-5-310 (Sexual servitude of child) following federal precedent based on use of the term “obtains,” and Mont. Code Ann. § 45-5-311 (Patronizing of child) which applies directly to buyers.



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Hampshire			\$4k)	633:7 (Trafficking in persons)	
New Jersey	Yes*	Yes	1st degree crime (20yrs-life, \$25-200k)	N.J. Stat. Ann-. § 2C:13-8 (Human trafficking)	Yes
New Mexico	Yes*	Yes	1st degree felony (max. 18yrs, \$15k)	N.M. Stat. Ann. § 30-52-1(A)(2) (Human trafficking)	Yes
New York	No	Yes	Class A misdemeanor, if 14-17 (max. 1yr, \$1k) Class E felony, if under 14 (max. 4yrs, \$5k) Class D felony, if under 11 (max. 7yrs, \$5k)	N.Y. Penal Law § 230.05 (Patronizing a prostitute in the second degree) if under 14; N.Y. Penal Law § 230.06 (Patronizing a prostitute in the first degree)if under 11	No (under 14)
North Carolina	Yes <sup>9</sup>	Yes	Class C felony (max. 73 months, discretionary fine)	N.C. Gen. Stat. § 14-43.13 (Sexual servitude) & N.C. Gen. Stat. § 14-43.11 (Human trafficking)**	Yes
North Dakota	Yes*	No <sup>10</sup>	Class AA felony (max. life)	North Dakota Century Code (N.D. Cent. Code) § 12.1-40-01(1) (Human trafficking—Penalty)	Yes

<sup>9</sup> Buyers face prosecution and equivalent penalties under two provisions of the human trafficking chapter: N.C. Gen. Stat. § 14-43.13 (Sexual servitude) for subjecting a minor to commercial sexual activity and N.C. Gen. Stat. § 14-43.11 (Human trafficking) following federal precedent based on use of the term “obtains.”

<sup>10</sup> N.D. Cent. Code § 12.1-20-05 (Corruption or solicitation of minors) makes it a distinct offense for adults to “engage[] in, solicit[] with the intent to engage in, or cause[] another to engage in a sexual act with a minor . . . .”, however this offense does not expressly apply to solicitation for the purpose of commercial sex acts.



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<b>Ohio</b>	No	Yes	Felony of the 3 <sup>rd</sup> degree (max. 36mo, \$10k)	Ohio Rev. Code Ann. § 2907.21(A)(3), (4) (Compelling prostitution)	Yes
<b>Oklahoma</b>	Yes	Yes	Felony (min. 10yrs, max. \$20k)	Okla. Stat. Ann. tit. 21, § 748(B) (Human trafficking)	Yes
<b>Oregon</b>	Yes**	Yes	Class A felony (max. 20yrs, \$375k)	Or. Rev. Stat. § 163.266 (Trafficking in persons)	No (under 15)
<b>Pennsylvania</b>	No <sup>11</sup>	Yes	3 <sup>rd</sup> degree felony (max. 7yrs, \$15k)	18 Pa. Cons. Stat. § 6318(a)(3) (Unlawful contact with minor)	Yes
<b>Rhode Island</b>	Yes	Yes	Felony (max. 40yrs, \$40k)	R.I. Gen. Laws Ann. § 11-67-6(b) (Sex trafficking of a minor)	Yes
<b>South Carolina</b>	Yes**	Yes	Felony (max. 30yrs)	S.C. Code Ann. § 16-3-2020 (Trafficking in persons)	Yes
<b>South Dakota</b>	Yes**	No <sup>12</sup>	Class 2 felony (25yr, \$50k)	S.D. Codified Laws § 22-49-1 (Human trafficking prohibited)	No (under 16)

<sup>11</sup> Pennsylvania’s human trafficking law does not specifically apply to trafficking of persons for commercial sex.

<sup>12</sup> S.D. Codified Laws § 22-24A-5(1) (Solicitation of minor) establishes a Class 4 felony when a person 18 or older “(1) Solicits a minor, or someone the person reasonably believes is a minor, to engage in a prohibited sexual act.” However this offense does not expressly apply to solicitation of a minor for purposes of commercial sex.



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<b>Tennessee</b>	Yes	Yes	Class A felony (15–60yrs, \$50k)	Tenn. Code Ann. § 39-13-309 (Trafficking for commercial sex acts)	Yes
<b>Texas</b>	Yes	Yes	Felony of the 1 <sup>st</sup> degree (max. 99yrs, \$10k)	Tex. Penal Code Ann. § 20A.02(a)(8) (Trafficking of persons)	Yes
<b>Utah</b>	Yes**	Yes	1st degree felony (5yrs–life, \$10k)	Utah Code Ann. § 76-5-310(2) (Aggravated human trafficking)	Yes
<b>Vermont</b>	Yes* <sup>13</sup>	No	Felony (20yrs–life, \$100k)	Vt. Stat. Ann. tit. 13, § 2653(a)(1) (Aggravated human trafficking)	Yes
<b>Virginia</b>	n/a	Yes	Class 5 or 6 felony (max. 10yrs, \$2.5k)	Va. Code Ann. § 18.2-346(B) (Prostitution; commercial sexual conduct; commercial exploitation of a minor; penalties)	Yes
<b>Washington</b>	Yes	Yes	Class A felony, seriousness level XIV max. 397 months, \$50k	Wash. Rev. Code Ann. § 9A.40.100(1)(a) (Trafficking)	Yes
<b>West Virginia</b>	Yes*	Yes	Felony (3–15yrs, \$200k)	W. Va. Code Ann. § 61-2-	Yes

<sup>13</sup> Buyers face prosecution under four provisions in the human trafficking chapter: Vt. Stat. Ann. tit. 13, § 2652(a)(1) (Human trafficking), § 2653(a) (Aggravated human trafficking) and § 2654(a) (Patronizing or facilitating human trafficking) following federal precedent based on use of the term “obtains,” and § 2655(a) (Solicitation), which applies directly to buyers who solicit a minor for commercial sex. Violations of Vt. Stat. Ann. tit. 13, § 2655(a) (Solicitation) and § 2654(a) (Patronizing or facilitating human trafficking) are punishable as a felony by up to 5 years and a possible fine of \$100,000, while § 2652(a)(1) (Human trafficking) are punishable by a maximum of life imprisonment.





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				17(a)(5) (Human trafficking; criminal penalties)	
<b>Wisconsin</b>	Yes*	Yes	Class C felony (max. 40yrs, \$100k)	Wis. Stat. § 948.051 (Trafficking of a child)	Yes
<b>Wyoming</b>	Yes	No	Felony (max. 3yrs, \$5k)	Wyo. Stat. Ann. § 6-2-707 (Patronizing a victim of sexual servitude)	Yes
<b>TOTALS:</b>	<b>39</b>	<b>41</b>		<b>CSEC or Trafficking law applies to buyers: 49</b>  <b>Neither CSEC nor trafficking law applies to buyers: 2 (CA, MI)</b>	<b>46</b>