

# 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
Alabama	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)
Alaska	No	Yes	Class C felony (max. 5yrs, \$50k)	Alaska Stat. § 11.66.100(c) (Prostitution)	Yes
Arizona	Yes*	Yes	Class 2 felony (max. 13–27yrs, \$150k)	Ariz. Rev. Stat. Ann. § 13-1307(B) (Sex trafficking)	Yes <sup>3</sup>
Arkansas	Yes* <sup>4</sup>	Yes	Class Y felony (10–40yrs or life)	Ark. Code Ann. § 5-18-103 (Trafficking of persons)	Yes
California	No	No	Age-neutral felony (max. 3yrs, \$10k)	Cal. Penal Code § 266e (Acquiring prostitute)	n/a (age-neutral)
Colorado	No	Yes	Class 3 felony subject to mandatory enhancement (4yrs–life, \$3k–750k)	Colo. Rev. Stat. Ann. § 18-7-406(1) (Patronizing a prostituted child)	Yes
Connecticut	No	Yes	Class C felony (1–10yrs, max. \$10k)	Conn. Gen. Stat. § 53a-83(a) (Patronizing a prostitute)	Yes
Delaware	Yes	No	Class C felony (max. 15yrs)	Del. Code Ann. tit. 11, § 787(b)(2)(b) (Trafficking of persons and involuntary servitude)	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).

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

<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
<b>Illinois</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>Indiana</b>	No	Yes	Felony (max. 10yrs, \$25k)	Md. Code Ann., Crim. Law § 3-324(b) (Sexual solicitation of minor)	Yes
<b>Iowa</b>	Yes	Yes	Felony (max. life, \$25k)	Mass. Gen. Laws ch. 265, § 50 (Human trafficking—Sexual servitude)	Yes
<b>Kansas</b>	No <sup>5</sup>	No <sup>6</sup>	Age-neutral prostitution law Misdemeanor (93 days, \$500)	[age neutral prostitution law]	Yes
<b>Kentucky</b>	No	Yes	Felony (max. 20yrs, \$40k)	Minn. Stat. Ann. § 609.324 (Patrons; prostitutes; housing individuals engaged in prostitution; penalties)	Yes

<sup>5</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>6</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.

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

<b>Louisiana</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>Maine</b>	No	Yes	Felony (max. 10yrs, \$25k)	Md. Code Ann., Crim. Law § 3-324(b) (Sexual solicitation of minor)	Yes
<b>Maryland</b>	Yes	Yes	Felony (max. life, \$25k)	Mass. Gen. Laws ch. 265, § 50 (Human trafficking—Sexual servitude)	Yes
<b>Massachusetts</b>	No <sup>7</sup>	No <sup>8</sup>	Age-neutral prostitution law Misdemeanor (93 days, \$500)	[age neutral prostitution law]	Yes
<b>Michigan</b>	No	Yes	Felony (max. 20yrs, \$40k)	Minn. Stat. Ann. § 609.324 (Patrons; prostitutes; housing individuals engaged in prostitution; penalties)	Yes
<b>Minnesota</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>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

<sup>7</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>8</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.

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

<b>Montana</b>	Yes* <sup>9</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 Hampshire</b>	Yes**	No	Class A felony (10–30yrs, \$4k)	N.H. Rev. Stat. Ann. § 633:7 (Trafficking in persons)	Yes
<b>New Jersey</b>	Yes*	Yes	1st degree crime (20yrs–life, \$25-200k)	N.J. Stat. Ann. § 2C:13-8 (Human trafficking)	Yes
<b>New Mexico</b>	Yes*	Yes	1st degree felony (max. 18yrs, \$15k)	N.M. Stat. Ann. § 30-52-1(A)(2) (Human trafficking)	Yes
<b>New York</b>	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)
<b>North Carolina</b>	Yes <sup>10</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
<b>North Dakota</b>	Yes*	No <sup>11</sup>	Class AA felony (max. life)	North Dakota Century Code (N.D. Cent. Code) § 12.1-40-01(1)	Yes

<sup>9</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.

<sup>10</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>11</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.

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

				(Human trafficking— Penalty)	
<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>12</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>13</sup>	Class 2 felony (25yr, \$50k)	S.D. Codified Laws § 22-49-1 (Human trafficking prohibited)	No (under 16)
<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>14</sup>	No	Felony (20yrs–life,	Vt. Stat. Ann. tit. 13, §	Yes

<sup>12</sup> Pennsylvania’s human trafficking law does not specifically apply to trafficking of persons for commercial sex.

<sup>13</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.

<sup>14</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.

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

			\$100k)	2653(a)(1) (Aggravated human trafficking)	
<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. § 61-2-17(a)(5) (Human trafficking; criminal penalties)	Yes
<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>46</b>
				<b>Neither CSEC nor trafficking law applies to buyers: 2 (CA, MI)</b>	