



EVERY YEAR, **100,000 CHILDREN** ARE AT RISK OF BEING COMMERCIAL SEXUALLY EXPLOITED IN THE UNITED STATES

Internet sex trafficking – the anonymous selling of young girls and boys for sex - is modern day slavery. Sex trafficking's child victims are trapped in a life they cannot escape. Internet sex trafficking is a plague on society and must be brought to an end.

The Feinstein-Kirk Stop Advertising Victims of Exploitation Act (SAVE Act, S. 2536) combats Internet sex trafficking. The SAVE Act makes it unlawful for a person or business entity to use the Internet to sell, commercially promote, or maintain an adult advertisement(s) with reckless disregard of the fact the adult advertisement(s) facilitates or causes a person under 18 years to engage in a commercial sex act under federal or state law.

1. The Criminal Penalties:

- a. **Reckless disregard** - Any person/website who recklessly disregards that an adult advertisement(s) facilitates a person under 18 years to engage in a commercial sex act under federal or state law shall be fined under this title, imprisoned not more than 10 years, or both, for each such violation.

2. Limitations on Liability:

- a. **SAVE Act targets websites that are forums for the sale of children for sex** - Good faith actions will not be subject to liability. No criminal or civil liability for Internet access service provider, Internet browser or mobile browser provider, external search engine provider, external Internet information location tool provider, common carrier, telecommunications carrier, or other such generic search or utility provider solely based on providing such generic search or utility services.

3. Safe harbor:

- a. **The SAVE Act provides a safe harbor** - Any website that complies with the SAVE Act's recordkeeping provision cannot be found reckless of the predicate offense.



4. Age Verification and Recordkeeping for Adult Advertisement:

- a. **The SAVE Act imposes a constitutionally permissible “time, place, and manner” restriction on commercial speech** - Adult advertisements are commercial speech. Under the SAVE Act, websites that commercially promote an adult advertisement(s) have two recordkeeping requirements: 1) verify the identity and age of each person purchasing the adult advertisement space, 2) verify the identity and age of each person depicted within such adult advertisement(s), and 3) maintain such records for not less than 7 years and have the records available to the Attorneys General.
- b. The penalty for violating the SAVE Act’s recording keeping provisions: fined not less than \$250,000 and not more than \$350,000 for each violation, imprisoned not more than 5 years, or both – repeat offenders shall be fined not less than \$350,000 and not more than \$500,000 for each such violation, imprisoned for not more than 15 years, or both.

5. Criminal Forfeiture:

- a. **Forfeit property used in the crime** - Defendants convicted under the SAVE Act, forfeit to the United States any real or personal property used to facilitate or promote the commission of the offense, and property derived from the gross proceeds the defendant obtained as a result of the offense.

6. Civil Action:

- a. **States, counties & municipalities can recover costs/damages** - SAVE Act enables municipalities, counties, and states to sue sex trafficking websites for the costs incurred by public entities (e.g. county hospitals) when these entities have to treat the child victims who are repeatedly bought and sold on sex trafficking websites.

7. Extraterritorial Jurisdiction:

- a. **US defendants with off-shore websites cannot escape prosecution** – The SAVE Act provides prosecutors with extraterritorial jurisdiction and the authority to prosecute U.S. defendants for violations of the SAVE Act that defendants conducted outside the USA. In effect, to avoid liability persons operating sex trafficking websites would need to stop living in the USA.

8. False Statements.

- a. **False statements leads to prison time** - Under the SAVE Act, if a person is convicted of falsely reporting information required by the SAVE Act – such as lying about the true age of the person depicted in an adult advertisement - the term of imprisonment imposed shall be not more than 15 years.