

<p>Area of Law</p>	<p>Criminal Provisions Addressing Demand</p>
<p>The Policy Point</p>	<p>Convicted buyers of commercial sex acts with minors and child pornography are required to register as sex offenders.</p>
<p>The Legislative Solution</p>	<p>Purchasers of sex acts with minors and images of child pornography are sexual predators—the exchange of money does not sanitize the underlying crime of child rape or molestation and the consequences should be the same for purchasers as for rapists. Sex offender registry laws are intended to provide people with information that will prevent them and their children from being victimized. The requirement to register as a sex offender serves as deterrence and a warning to the public of the potential danger registered sex offenders pose to children. Domestic minor sex trafficking is a sex offense and state laws should reflect this to require registration. The federal Adam Walsh Act’s Sex Offender Registration and Notification Act (SORNA) includes sex trafficking in the definition of “sex offense” and sets the sex offender registry standard for states to achieve. Including child sex trafficking as an offense requiring registration as a sex offender is a relatively easy legislative fix for states to enact and is consistent with the federal government’s definition in the Adam Walsh Act.</p>

Select Statute Highlights

The following statutes require sex offender registration for individuals convicted of sex trafficking, purchasing sex with minors, and purchasing or possessing child pornography.

Colorado

Colo. Rev. Stat. § 16-22-103(1), (2) (Sex offender registration—required—applicability—exception) requires anyone convicted in Colorado or another jurisdiction of an “unlawful sex offense” or another offense “the underlying factual basis of which involves unlawful sexual behavior” to register as a sex offender. Colo. Rev. Stat. § 16-22-102(9) (Definitions) defines “unlawful sexual behavior” as including the following offenses requiring sex offender registration: “. . . (j) Human trafficking of a minor for sexual servitude, as described in section 18-3-504(2), C.R.S.; (k) Sexual exploitation of children, in violation of section 18-6-403, C.R.S.; . . . (t) Patronizing a prostituted child, in violation of section 18-7-406, C.R.S.; . . .”

Hawaii

Pursuant to Haw. Rev. Stat. § 846E-1 (Definitions), “‘Sex offender’ means: (1) A person who is or has been convicted at any time . . . of a ‘sexual offense’ . . . [and] ‘[s]exual offense’ means an offense that is . . . [a]n act that consists of . . . [s]olicitation of a minor for prostitution in violation of section 712-1209.1. . . .”

Maryland

Pursuant to Md. Code Ann., Crim. Proc. § 11-704(a) (Registration required), sex offender registration is required for tier I, II, and III sex offenders. A “tier I sex offender” in Md. Code Ann., Crim. Proc. § 11-701(o) includes a person convicted of the following: . . . ; (2) conspiring to commit, attempting to commit, or committing a violation of . . . § 11-208 [Possession of visual representation of child under 16 engaged in certain sexual acts] . . . ; (3) a crime committed in a federal, military, tribal, or other jurisdiction that, if committed in this State, would constitute one of the crimes listed in item . . . (2) of this subsection; (4) any of the following federal offenses: . . . (vi) sex trafficking by force, fraud, or coercion under 18 U.S.C. § 1591; (vii) travel with intent to engage in illicit conduct under 18 U.S.C. § 2423(b)” A “Tier II sex offender” in Md. Code Ann., Crim. Proc. § 11-701(p) includes those persons convicted of: (1) conspiring to commit, attempting to commit, or committing a violation of . . . § 3-324 [Sexual solicitation of minor], [or] § 11-207 [Child pornography] . . . ; (2) conspiring to commit, attempting to commit, or committing a violation of § 11-303 [Human trafficking], § 11-305 [Abduction of child under 16], or § 11-306 [House of prostitution]. . . , if the intended prostitute or victim is a minor; . . . (4) conspiring to commit, attempting to commit, or committing an offense that would require the person to register as a tier I sex offender after the person was already registered as a tier I sex offender; (5) a crime that was

committed in a federal, military, tribal, or other jurisdiction that, if committed in this State, would constitute one of the crimes listed in items (1) through (3) of this subsection; . . .”

North Carolina

Pursuant to N.C. Gen. Stat. § 14-208.7(a) (Registration), “[a] person who is a State resident and who has a reportable conviction shall be required to maintain registration with the sheriff of the county where the person resides.” The definition of “reportable conviction” includes “a sexually violent offense.” N.C. Gen. Stat. § 14-208.6(4). The term, “sexually violent offense,” is defined in N.C. Gen. Stat. § 14-208.6(5) as, “a violation of . . . G.S. 14-43.13 (subjecting or maintaining a person for sexual servitude), . . . G.S. 14-190.6 (employing or permitting minor to assist in offenses against public morality and decency), . . . G.S. 14-190.17 (second degree sexual exploitation of a minor), G.S. 14-190.17A (third degree sexual exploitation of a minor), . . . G.S. 14-190.19 (participating in the prostitution of a minor), . . . [and] G.S. 14-202.3 (Solicitation of child by computer or certain other electronic devices to commit an unlawful sex act)”

Utah

Under Utah law, sex and kidnap offenders are required to register. Utah Code Ann. § 77-41-102(11) (Definitions). Utah Code Ann. § 77-41-102(16) defines “sex offender” in part as “any person (a) convicted in this state of: (i) a felony or class A misdemeanor violation of Section 76-4-401, enticing a minor . . . (iii) a felony violation of Section 76-5-401, unlawful sexual activity with a minor; (iv) Section 76-5-401.1, sexual abuse of a minor; (v) Section 76-5-401.2, unlawful sexual conduct with a 16 or 17 year old . . . (vii) Section 76-5-402.1, rape of a child . . . (ix) Section 76-5-402.3, object rape of a child . . . (xi) Section 76-5-403.1, sodomy on a child . . . (xiii) Section 76-5-404.1, sexual abuse of a child or aggravated sexual abuse of a child” Utah Code Ann. § 77-41-102(9) (Definitions) defines “[k]idnap offender” in part as “any person other than a natural parent of the victim who: (a) has been convicted in this state of a violation of: (i) Subsection 76-5-301(1)(c) or (d), kidnapping; (ii) Section 76-5-301.1, child kidnapping; (iii) Section 76-5-302, aggravated kidnapping; (iv) Section 76-5-310, aggravated human trafficking, on or after May 10, 2011. . . .”