

ISSUE BRIEF

COMPONENT 1.2

Area of Law	Criminalization of Domestic Minor Sex Trafficking
The Policy Goal	Commercial sexual exploitation of children (CSEC) is identified as a separate and distinct offense from general sexual offenses, which may also be used to prosecute those who commit commercial sex offenses against minors.
The Reason	CSEC statutes are those that make specific types of exploitation of a minor a criminal act. While sexual offense laws could be used to prosecute some CSEC offenses, the enactment and use of specific CSEC laws is a better method for addressing these offenses and identifying victims. Additionally, sexual offense laws may not be broad enough to cover all types of conduct constituting CSEC offenses. To protect victims and provide a means for prosecuting all CSEC perpetrators, states should enact CSEC statutes to criminalize the entire range of potential CSEC conduct, and minors victimized through these crimes should expressly be identified as CSEC victims.

Examples of Legislative Solutions

Colorado

Within Article 7 (Offenses Related to Morals) of Title 18 (Criminal Law), a comprehensive range of CSEC crimes are codified in Part 4 (Child Prostitution).

Colo. Rev. Stat. § 18-6-403(3) (Sexual exploitation of a child) states, “A person commits sexual exploitation of a child if, for any purpose, he or she knowingly: (a) Causes, induces, entices, or permits a child to engage in, or be used for, any explicit sexual conduct for the making of any sexually exploitative material; or . . . (d) Causes, induces, entices, or permits a child to engage in, or be used for, any explicit sexual conduct for the purpose of producing a performance.”

Colo. Rev. Stat. § 18-7-402(1) (Soliciting for child prostitution) makes it a crime when any person “(a) Solicits another for the purpose of prostitution of a child or by a child; (b) Arranges or offers to arrange a meeting of persons for the purpose of prostitution of a child or by a child; or (c) Directs another to a place knowing such direction is for the purpose of prostitution or a child or by a child.”

Colo. Rev. Stat. § 18-7-403.5 (Procurement of a child) provides, “Any person who intentionally gives, transports, provides, or makes available, or who offers to give, transport, provide, or make available, to another person a child for the purpose of prostitution of the child commits procurement of a child, which is a Class 3 felony.”

Colo. Rev. Stat. § 18-7-404(1) (Keeping a place of a child prostitution) states, “Any person who has or exercises control over the use of any place which offers seclusion or shelter for

the practice of prostitution and who performs any one or more of the following commits keeping a place of child prostitution if he: (a) Knowingly grants or permits the use of such place for the purpose of prostitution of a child or by a child; or (b) Permits the continued use of such place for the purpose of prostitution of a child or by a child after becoming aware of facts or circumstances from which he should reasonable know that the place is being used for purposes of such prostitution.”

Colo. Rev. Stat. § 18-7-405 (Pimping of a child) makes it a Class 3 felony when a person “knowingly lives on or is supported or maintained in whole or in part by money or other thing of value earned, received, procured, or realized by a child through prostitution”

Colo. Rev. Stat. § 18-7-406(1) (Patronizing a prostituted child) provides, “Any person who performs any of the following with a child not his spouse commits patronizing a prostituted child: (a) Engages in an act which is prostitution of a child or by a child, as defined in § 18-7-401(6) or (7); or (b) Enters or remains in a place of prostitution with intent to engage in an act which is prostitution of a child or by a child.”

Kansas

Pursuant to Kan. Stat. Ann. § 21-6422 (Commercial sexual exploitation of a child), “(a) Commercial sexual exploitation of a child is knowingly: (1) Hiring a person younger than 18 years of age by giving, or offering or agreeing to give, anything of value to any person, to engage in a manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another, sexual intercourse, sodomy or any unlawful sexual act; (2) establishing, owning, maintaining or managing any

property, whether real or personal, where sexual relations are being sold or offered for sale by a person younger than 18 years of age, or participating in the establishment, ownership, maintenance or management thereof; (3) permitting any property, whether real or personal, partially or wholly owned or controlled by the defendant to be used as a place where sexual relations are being sold or offered for sale by a person who is younger than 18 years of age; or (4) procuring transportation for, paying for the transportation of or transporting any person younger than 18 years of age within this state with the intent of causing, assisting or promoting that person's engaging in selling sexual relations."

Louisiana

Louisiana provides a comprehensive range of CSEC crimes, including:

La. Rev. Stat. Ann. § 14:82(C)(4), (5) (Prostitution; definition; penalties; enhancement) states "Whoever commits the crime of prostitution with a person under the age of eighteen years shall be fined not more than fifty thousand dollars, imprisoned for not less than fifteen years nor more than fifty years, or both. . . [and] [w]hoever commits the crime of prostitution with a person under the age of fourteen years shall be fined not more than seventy-five thousand dollars, imprisoned for not less than twenty-five years nor more than fifty years, or both."

La. Rev. Stat. Ann. § 14:82.1(A)(1) (Prostitution; persons under eighteen; additional offenses) makes it unlawful "[f] or any person over the age of seventeen to engage in sexual intercourse with any person under the age of eighteen who is practicing prostitution, and there is an age difference of greater than two years between the two persons."

La. Rev. Stat. Ann. § 14:86(A) (Enticing persons into prostitution) states, "Enticing persons into prostitution is committed when any person over the age of seventeen entices, places, persuades, encourages, or causes the entrance of any other person under the age of twenty-one into the practice of prostitution, either by force, threats, promises, or by any other device or scheme. . . ."

La. Rev. Stat. Ann. § 14:89.2(A) (Crime against nature by solicitation) provides, "Crime against nature by solicitation is the solicitation by a human being of another with the intent to engage in any unnatural carnal copulation for compensation." Pursuant to La. Rev. Stat. Ann. § 14:89.2(B)(2), (3)(a), "[w]hoever violates the provisions of this Section, when the person being solicited is under the age of eighteen years," shall be fined not more than \$50,000, imprisoned at hard labor for 15–50 years, or both, and when the person being solicited is under the age of 14 years a conviction is subject to a fine up to \$75,000, 25–50 years imprisonment, or both.

La. Rev. Stat. Ann. § 14:83.2 (Promoting prostitution) is "the

knowing and willful control of, supervision of, or management of an enterprise for profit in which customers are charged a fee for services which include prostitution, regardless of what portion of the fee is actually for the prostitution services." A conviction under La. Rev. Stat. Ann. § 14:83.2 is punishable by a fine not to exceed \$50,000, 15–50 years imprisonment, or both when prostitution of a person under 18 is involved, and an offender faces a fine not to exceed \$75,000, 25–50 years imprisonment, or both if the person engaged in prostitution is under 14. La. Rev. Stat. Ann. § 14:83.2(B)(2), (3).

La. Rev. Stat. Ann. § 14:83 (Soliciting for prostitutes) is "the soliciting, inviting, inducing, directing, or transporting a person to any place with the intention of promoting prostitution." A conviction pursuant to La. Rev. Stat. Ann. § 14:82 when the person being solicited is under 18 years is punishable by a fine up to \$50,000, 15–50 years imprisonment, or both, and when the person being solicited is under 14 years is punishable by a fine up to \$75,000, 25–50 years imprisonment, or both. La. Rev. Stat. Ann. § 14:83(B)(2), (3).

La. Rev. Stat. Ann. § 14:82.2 (Purchase of commercial sexual activity; penalties) states that "[i]t shall be unlawful for any person to knowingly give, agree to give, or offer to give anything of value to another in order to engage in sexual intercourse with a person who receives or agrees to receive anything of value as compensation for such activity. A person convicted under La. Rev. Stat. Ann. § 14:82.2 is subject to a fine of \$500, imprisonment up to six months, or both. However, a person who violates La. Rev. Stat. Ann. § 14:82.2 and knows the person "to be under the age of eighteen years, or with a person the offender knows to be a victim of human trafficking as defined by R.S. 14:46.2 or trafficking of children for sexual purposes as defined by R.S. 14:46.3" is subject to imprisonment at hard labor for 15–50 years, a fine up to \$50,000, or both. If the offender knows the person is under the age of fourteen years, he is subject to a fine up to \$75,000, imprisonment at hard labor 25–50 years, or both. Rev. Stat. Ann. § 14:82.2(C)(1), (4), (5).

Washington

A series of CSEC laws in the Washington code criminalize a range of specific actions.

RCW 9.68A.100 (Commercial sexual abuse of a minor) states, "(1) A person is guilty of commercial sexual abuse of a minor if: (a) He or she provides anything of value to a minor or a third person as compensation for a minor having engaged in sexual conduct with him or her; (b) He or she provides or agrees to provide anything of value to a minor or a third person pursuant to an understanding that in return therefore such minor will engage in sexual conduct with him or her; or (c) He or she solicits, offers, or requests to engage in sexual conduct

with a minor in return for anything of value. (2) Commercial sexual abuse of a minor is a class B felony punishable under chapter 9A.20 RCW.” RCW 9.68A.100(5) defines “sexual conduct” as “sexual intercourse or sexual contact.”

RCW 9.68A.101 (Promoting commercial sexual abuse of a minor) makes it a crime to “(1) knowingly advance[] commercial sexual abuse or a sexually explicit act of a minor or profit[] from a minor engaged in sexual conduct or a sexually explicit act” by “(a) . . . caus[ing] or aid[ing] a person to commit or engage in commercial sexual abuse of a minor, procur[ing] or solicit[ing] customers for commercial sexual abuse of a minor, provid[ing] persons or premises for the purposes of engaging in commercial sexual abuse of a minor, operat[ing] or assist[ing] in the operation of a house or enterprise for the purposes of engaging in commercial sexual abuse of a minor, or engage[ing] in any other conduct designed to institute, aid, cause, assist, or facilitate an act or enterprise of commercial sexual abuse of a minor.” The provision specifically limits application to situations in which the offender is “acting other than as a minor receiving compensation for personally rendered sexual conduct or as a person engaged in commercial sexual abuse of a minor.” Additionally, “[a] person ‘advances a sexually explicit act of a minor’ if he or she causes or aids a sexually explicit act of a minor, procures or solicits customers for a sexually explicit act of a minor, provides persons or premises for the purposes of a sexually explicit act of a minor, or engages in any other conduct designed to institute, aid, cause, assist, or facilitate a sexually explicit act of a minor.” RCW 9.68A.101(c).

RCW 9.68A.103(1) (Permitting commercial sexual abuse of a minor) states “[a] person is guilty of permitting commercial sexual abuse of a minor if, having possession or control of premises which he or she knows are being used for the purpose of commercial sexual abuse of a minor, he or she fails without lawful excuse to make reasonable effort to halt or abate such use and to make a reasonable effort to notify law enforcement of such use.”

Wyoming

Pursuant to Wyo. Stat. Ann. § 6-4-103(a) (Promoting prostitution; penalties), “A person commits a felony if he: (i) Knowingly or intentionally entices or compels another person to become a prostitute” Where the “person enticed or compelled is under eighteen (18) years of age,” a conviction for violating Wyo. Stat. Ann. § 6-4-103(a) is punishable as a felony by imprisonment up to 5 years, a fine not to exceed \$5,000, or both. Wyo. Stat. Ann. § 6-4-103(b).