

ISSUE BRIEF

COMPONENT 2.1

Area of Law	Criminal Provisions Addressing Demand
The Policy Goal	The state sex trafficking law can be applied to buyers of commercial sex acts with a minor.
The Reason	<p>Demand for commercial sex acts with minors is the driving force behind the child sex trafficking industry. However, those who demand and purchase sex acts with minors often remain nameless and faceless and are frequently referred to by the innocuous term “johns” –if arrested at all. Many state sex trafficking laws fail to include the criminal actions of buyers, leaving out a critical element of the crime of sex trafficking, and ignoring the importance of criminal deterrence necessary to combat child sex trafficking. Also, a failure to make the actions of the buyer a crime under a serious, specific criminal statute guarantees that the investigation and prosecution of these crimes will not rise in priority status as they continue to be viewed as a mere “vice” crime or “quality of life” crime rather than the rape and sexual abuse of a child, which child sex trafficking actually is. The federal sex trafficking law, 18 U.S.C. § 1591, applies to the actions of buyers, as do certain provisions of the Mann Act, 18 U.S.C.A. § 2421 et seq., permitting the federal law enforcement to vigorously investigate and prosecute buyers of commercial sex acts with minors. It is therefore critically important that states enact or amend human trafficking to apply to the criminal actions of buyers and attempted buyers of sex acts with minors.</p>

Examples of Legislative Solutions

Louisiana

Pursuant to La. Stat. Ann. § 14:46.3(A)(1) (Trafficking of children for sexual purposes), “It shall be unlawful: (1) For any person to knowingly recruit, harbor, transport, provide, sell, purchase, receive, isolate, entice, obtain, or maintain the use of a person under the age of eighteen years for the purpose of engaging in commercial sexual activity.”

Nebraska

Neb. Rev. Stat. Ann. § 28-830(12) (Human trafficking; forced labor or services; terms, defined) states, “[s]ex trafficking of a minor means knowingly . . . soliciting, or obtaining by any means or knowingly attempting to . . . solicit, or obtain by any means a minor for the purpose of having such minor engage in commercial sexual activity, sexually explicit performance, or the production of pornography or to cause or attempt to cause a minor to engage in commercial sexual activity, sexually explicit performance, or the production of pornography”

New Hampshire

N.H. Rev. Stat. Ann. § 633:7(III-a) (Trafficking in persons) states, “A person is guilty of a class B felony if the person pays, agrees to pay, or offers to pay to engage in sexual contact, as defined in RSA 632-A:1 (Definitions) or sexual penetration, as defined in RSA 632-A:1, V with a person under the age of 18, or to observe a sexually explicit performance involving a person under the age of 18. The payment or offer or agreement to pay may be made to the person under the age of 18 or a third party”

Oklahoma

Okl. Stat. Ann. tit. 21, § 748(B) (Human trafficking) states, “It shall be unlawful to knowingly engage in [h]uman trafficking.” Okla. Stat. Ann. tit. 21, § 748(A)(6)(b) defines “human trafficking for commercial sex,” in part, as “. . . purchasing or obtaining, by any means, a minor for purposes of engaging the minor in a commercial sex act.”

Tennessee

Tenn. Code Ann. § 39-13-309 (Trafficking for commercial sex acts) states, “(a) A person commits the offense of trafficking a person for a commercial sex act who . . . (2) Recruits, entices, harbors, transports, provides purchases or obtains by any means another person for the purpose of providing a commercial sex act.”

Utah

Utah Code Ann. § 76-5-308.5(2) (Human trafficking of a child—Penalties) states, “An actor commits human trafficking of a child if the actor . . . obtains, patronizes, or solicits a child for sexual exploitation”

Washington

Wash. Rev. Code § 9A.40.100(1)(a)(i)(B) states, “A person is guilty of trafficking in the first degree when . . . such person . . . obtains, buys, purchases, or receives by any means another person knowing, or in reckless disregard of the fact . . . that the person has not attained the age of eighteen years and is caused to engage in a sexually explicit act or a commercial sex act.” Wash. Rev. Code Ann. § 9A.40.100(3)(a)(i) states, “A person is guilty of trafficking in the second degree when such person . . . obtains, buys, purchases, or receives by any means another person knowing, or in reckless disregard of the fact . . . that the person has not attained the age of eighteen years and is caused to engage in a sexually explicit act or a commercial sex act.”

Wisconsin

Under Wis. Stat. § 948.051 (Trafficking of a child), “[w]hoever knowingly . . . obtains . . . patronizes, or solicits or knowingly attempts to . . . obtain . . . patronize, or solicit any child for the purpose of commercial sex acts, as defined in s. 940.302(1) (a) is guilty of a Class C felony.”