

# ISSUE BRIEF

## COMPONENT 3.5

<b>Area of Law</b>	Criminal Provisions for Traffickers
<b>The Policy Goal</b>	Convicted traffickers are required to register as sex offenders.
<b>The Reason</b>	Traffickers of sex acts with minors 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 traffickers 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 as a warning to the public of the danger registered sex offenders pose to children. Domestic minor sex trafficking is a sex offense, and state laws should reflect this in sex offender registration requirements. The federal Adam Walsh Act’s Sex Offender Registration and Notification Act (SORNA) includes sex trafficking in the definition of “sex offense,” setting the sex offender registry standard for states. By including child sex trafficking as an offense requiring sex offender registration, states will achieve consistency with the federal government’s definition in the Adam Walsh Act.

### Examples of Legislative Solutions

The following statutes require sex offender registration for individuals convicted of sex trafficking, exploiting a child through prostitution, and producing and distributing images of child sexual exploitation.

#### Arizona

Ariz. Rev. Stat. Ann. § 13-3821(A) (Persons required to register) lists the crimes for which an offender must register as a sex offender. The list includes the following crimes: “ . . . 9. Taking a child for the purpose of prostitution pursuant to section 13-3206 . . . 11. Child sex trafficking pursuant to section 13-3212, subsection A or subsection B, paragraph 1 or 2 committed on or after [August 9, 2017]. 12. Commercial sexual exploitation of a minor pursuant to section 13-3552. 13. Sexual exploitation of a minor pursuant to section 13-3553. 14. Luring a minor for sexual exploitation pursuant to section 13-3554 . . . 21. Aggravated luring a minor for sexual exploitation pursuant to section 13-3560.”

#### Florida

Fla. Stat. § 775.21(4)(a) (Florida’s Sexual Predators Act) subjects “sexual predators” convicted of a sexual offense to registration and community and public notification, pursuant to subsections (6) and (7), if the offense was “[a]ny felony violation, or any attempt thereof, of . . . s. 787.025(2)(c) [Luring

or enticing a child], where the victim is a minor; s. 787.06(3)(b), (d), (f), or (g) [Human trafficking]; former s. 787.06(3)(h) [Human Trafficking]; s. 794.011, excluding s. 794.011(10); s. 794.05 [Unlawful sexual activity with certain minors]; . . . s. 800.04; . . . or a violation of a similar law of another jurisdiction, and the offender has previously been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any violation of . . . s. 393.135(2) [Sexual misconduct with developmentally disabled; reporting required; penalties]; s. 394.4593(2) [Sexual misconduct prohibited; reporting required; penalties]; s. 787.025(2)(c) , where the victim is a minor; s. 787.06(3)(b), (d), (f), or (g) [Human trafficking]; former s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05; . . . s. 800.04 ; . . . s. 847.0135 [Computer pornography; traveling to meet minor; penalties], excluding s. 847.0135(6); s. 895.03 [Prohibited activities and defense] if the court makes a written finding that the racketeering activity involved at least one sexual offense listed in this sub-subparagraph or at least one offense listed in this sub-subparagraph with sexual intent or motive; . . . or a violation of a similar law of another jurisdiction . . . .”

#### Hawaii

Haw. Rev. Stat. Ann. § 846E-2 (Registration requirements) requires the “covered offender” to register as a sex offender; “covered offender” is defined as individuals who have been convicted as a “sex offender” or as an “offender against minors.” Haw. Rev. Stat. Ann. § 846E-1. Haw. Rev. Stat. Ann. §

846E-1 (Definitions) defines “sex offender,” as “[a] person who is or has been convicted . . . of a ‘sexual offense,’” and further defines “sexual offense” to include Haw. Rev. Stat. Ann. § 712-1202(1) (Sex trafficking).

## Idaho

Pursuant to Idaho Code Ann. § 18-8304(1)(a) (Application of chapter—Rulemaking authority), any person who commits any of the following crimes, including attempt, solicitation, or conspiracy of such crime, must register as a sex offender under Chapter 83 (Sexual offender registration notification and community right-to-know Act): this includes Idaho Code Ann. § 18-5609 (Inducing person under eighteen years of age into prostitution), § 18-5610 (Utilizing a person under eighteen years of age for prostitution—Penalties), § 18-5611 (Inducing person under eighteen years of age to patronize a prostitute), § 18-8602(1) (Human trafficking defined), and felony violations of § 18-1507 (Definitions—sexual exploitation of a child—penalties).

## Indiana

Ind. Code § 11-8-8-7(a)(1) (Persons who must register) requires registration by a sex or violent offender defined in Ind. Code § 11-8-8-5(a) (“Sex or violent offender” defined) as any person convicted of: “(4) Child exploitation (IC 35-42-4-4(b)), . . . (6) Child solicitation (IC 35-42-4-6), . . . (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony (for a crime committed before July 1, 2014) or a Level 4 felony (for a crime committed after June 30, 2014), (15) Promotion of human trafficking under IC 35-42-3.5-1(a)(2), (16) Promotion of human trafficking of a minor under IC 35-42-3.5-1(b)(1)(B) or IC 35-42-3.5-1(b)(2), (17) Sexual trafficking of a minor (IC 35-42-3.5-1(c)), (18) Human trafficking under IC 35-42-3.5-1(d)(3) if the victim is less than eighteen (18) years of age . . . .”

## Iowa

Iowa Code § 692A.103(1) (Offenders required to register) states, “A person who has been convicted of any sex offense classified as a tier I, tier II, or tier III offense . . . if the offender resides, is employed, or attends school in this state . . .” must register as a sex offender. Iowa Code § 692A.102(1) (Sex offense classifications) classifies sex offenses into different tiers including “b. Tier II offenses . . . (19) Sexual exploitation of a minor in violation of section 728.12, subsection 2 or 3 . . . [and] c. Tier III offenses . . . (23) Human trafficking in violation of section 710A.2 if sexual abuse or assault with intent to commit sexual abuse is committed or sexual conduct or sexual contact is an element of the offense, . . . (25) Sexual exploitation of a minor in violation of section 728.12, subsection 1., . . . (30) Enticing a minor in violation of section 710.10, if the violation includes an intent to commit sexual abuse, sexual exploitation,

sexual contact, or sexual conduct directed towards a minor . . . .”

## New Hampshire

Pursuant to N.H. Rev. Stat. Ann. § 651-B:2(I) (Registration), “[e]very sexual offender or offender against children shall be registered with the department of safety, division of state police . . . .” Under N.H. Rev. Stat. Ann. §§ 651-B:1(VII)(b), 651-B:2(I), traffickers convicted of N.H. Rev. Stat. Ann. § 633:7 (Trafficking in persons), § 645:2(I) (Prostitution and related offenses), § 649-B:3(I) (Computer pornography prohibited), or § 649-B:4(I) (Certain uses of computer services prohibited) are considered sexual offenders and must register per N.H. Rev. Stat. §§ 651-B:2(I), § 651-B:1(VIII)(a).

## Pennsylvania

Under 42 Pa. Cons. Stat. § 9799.13 (Applicability), a person convicted of a sexually violent offense must “register under the Pennsylvania state police . . . and otherwise comply with the provisions of this subchapter.” 42 Pa. Cons. Stat. § 9799.12 (Definitions) defines “sexually violent offense” as “an offense specified in section 9799.14 (Sexual offenses and tier system) as a tier I, tier II, or tier III sexual offense.” Under 42 Pa. Cons. Stat. § 9799.14, a tier II offense includes trafficking of children under 18 Pa. Const. Stat. § 3011(b), promoting prostitution of a minor under § 5903(A)(3)(II), 4(II), 5(II) or 6, sexual abuse of children under § 6312(b) and (c), unlawful contact with minors under § 6318, and sexual exploitation of children under § 6320.

## Rhode Island

R.I. Gen. Laws Ann. § 11-37.1-3(a) (Registration required, person covered) states, “Any person who, in this or any other jurisdiction: (1) has been convicted of a criminal offense against a victim who is a minor, (2) has been convicted of a sexually violent offense, (3) has been determined to be a sexually violent predator, (4) has committed an aggravated offense as defined in § 11-37.1-2 or (5) is a recidivist, as defined in § 11-37.1-4, shall be required to register his or her current address with the local law enforcement agency . . . .” R.I. Gen. Laws Ann. § 11-37.1-2(e) (Definitions) defines a “criminal offense against a victim who is a minor to include: . . . (5) Any violation of § 11-9-1(b) or (c) [Exploitation for commercial or immoral purposes]; or (6) Any violation of § 11-9-1.3 [Child pornography prohibited]; (7) Any violation of § 11-37.1-10 [Penalties]; (8) Any violation of § 11-37-8.8 [Indecent solicitation of a child]; . . . (12) Any violation of § 11-67-6 [Repealed], 11-67.1-3(b) [Trafficking an individual], 11-67.1-4(b) [Forced labor], 11-67.1-5(c) [Sexual servitude], 11-67.1-6(b) [Patronizing a victim of sexual servitude], or 11-67.1-7 [Patronizing a minor for commercial sexual activity].”