

ISSUE BRIEF

COMPONENT 4.1

Area of Law	Criminal Provisions for Facilitators
The Policy Goal	The acts of assisting, enabling, or financially benefitting from child sex trafficking are included as criminal offenses in the state sex trafficking statute.
The Reason	Facilitators of domestic minor sex trafficking are people or business that assist, enable, aid, or financially benefit from the trafficking. Although these actions are essential to the success of the sex trafficking enterprise, facilitators are rarely held accountable for their role in the crime. Due to the low risk of being prosecuted or seriously penalized, facilitators often reap the financial benefits of the sex trafficking industry without significant risk of criminal liability. The inclusion of acts of assisting, enabling, and/or financially benefitting from domestic minor sex trafficking in state human trafficking laws allows law enforcement to fully investigate cases, enables prosecutors to obtain convictions, and provides judges appropriate sentencing tools for these perpetrators who facilitate the commercial sexual exploitation of children.

Examples of Legislative Solutions

District of Columbia

D.C. Code § 22-1836 (Benefitting financially from human trafficking) states, “It is unlawful for an individual or business knowingly to benefit, financially or by receiving anything of value, from voluntarily participating in a venture which has engaged in any act in violation of . . . § 22-1833 [Trafficking in labor or commercial sex acts], § 22-1834 [Sex trafficking of children], or § 22-1835 [Unlawful conduct with respect to documents in furtherance of human trafficking], knowing or in reckless disregard of the fact that the venture has engaged in the violation.”

Hawaii

Haw. Rev. Stat. Ann. § 712-1202(1)(b) (Sex trafficking) makes it a crime when a person knowingly “advances or profits from prostitution of a minor” Pursuant to Haw. Rev. Ann. Stat. § 712-1201(1) (Advancing prostitution; profiting from prostitution; definition of terms) provides, “A person ‘advances prostitution’ if, acting other than as a prostitute or a patron of a prostitute, the person knowingly causes or aids a person to commit or engage in prostitution, procures or solicits patrons for prostitution, provides persons for prostitution purposes, permits premises to be regularly used for prostitution purposes, operates or assists in the operation of a house of

prostitution or a prostitution enterprise, or engages in any other conduct designed to institute, aid, or facilitate an act or enterprise of prostitution.”

Iowa

Iowa Code § 710A.2(4), (7) (Human trafficking) prohibits a “person [from] benefit[ing] financially or by receiving anything of value from knowing participation in human trafficking . . . [when] the victim is under the age of eighteen.”

Louisiana

La. Stat. Ann. § 14:46.3(A)(2), (4) (Trafficking of children for sexual purposes) makes it unlawful “[f]or any person to knowingly benefit from activity prohibited by the provisions of this Section” or “[f]or any person to knowingly facilitate any of the activities prohibited by the provisions of this Section by any means, including but not limited to helping, aiding, abetting, or conspiring, regardless of whether a thing of value has been promised to or received by the person.”

Mississippi

Miss. Code Ann. § 97-3-54.1(1)(a) (Human trafficking; offenses) provides, “[a] person who . . . benefits, whether financially or by receiving anything of value from participating in an enterprise that he knows or reasonably should have known has engaged

in [acts under this provision]” is guilty of the crime of human-trafficking. Section 97-3-54.1(1)(a) penalizes a person “who recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, another person, intending or knowing that the person will be subjected to forced labor or services.”

Missouri

Mo. Rev. Stat. § 566.211 (Sexual trafficking of a child—penalty) makes it a crime when a person “knowingly . . . benefits, financially or by receiving anything of value, from participation in [trafficking] activities . . . or advertises the availability of a person . . . to participate in a commercial sex act, sexual performance, or the production of explicit sexual material . . .”

New Jersey

N.J. Stat. § 2C:13-9(a) (Human trafficking as a crime of the second degree) states, “[a] person commits a [human trafficking] crime of the second degree if he: (1) provides services, resources, or assistance with the knowledge that the services, resources, or assistance are intended to be used in furtherance of the commission of the crime of human trafficking in violation of section 1 of . . . § 2C:13-8 [Human trafficking].” For purposes of this provision, “services, resources, or assistance” include “financial support, business services, lodging, transportation, the provision of false documentation or identification, equipment, facilities, or any other service or property with a pecuniary value that exceeds \$200, whether or not a person is compensated for the services, resources, or assistance, but shall not include humanitarian or charitable aid or services provided directly to a victim of human trafficking.” N.J. Stat. § 2C:13-9(a)(1)(a).

Pennsylvania

Pursuant to 18 Pa. Cons. Stat. § 3011(a)(2) (Trafficking in individuals), “A person commits a felony of the second degree if the person . . . knowingly benefits financially or receives anything of value from any act that facilitates any activity described in paragraph (1).” 18 Pa. Cons. Stat. § 3011(a)(1) makes it a crime when a person “recruits, entices, solicits, harbors, transports, provides, obtains or maintains an individual if the person knows or recklessly disregards that the individual will be subject to involuntary servitude” and § 3011(b) states, “A person commits a felony of the first degree if the person engages in any activity listed in subsection (a) that results in a minor’s being subjected to sexual servitude.”

South Carolina

S.C. Code Ann. § 16-3-2020 (Trafficking in persons; penalties; defenses) includes the crime of facilitation, stating, “(A) A person who recruits, entices, solicits, isolates, harbors, transports, provides, or obtains, or so attempts, a victim, knowing that the victim will be subjected to sex trafficking . . . through any means or who benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in this subsection, is guilty of trafficking in persons. (B) A person who recruits, entices, solicits, isolates, harbors, transports, provides, or obtains, or so attempts, a victim, for the purposes of sex trafficking . . . through any means or who benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in subsection (A), is guilty of trafficking in persons.”

Wisconsin

Wis. Stat. § 948.051(2) (Trafficking of a child) penalizes “[w]hoever benefits in any manner from a violation of sub. (1) . . . if the person knows that the benefits come from a violation described in sub. (1).” Subsection (1) makes “[w]hoever knowingly recruits, entices, provides, obtains, harbors, transports, patronizes, or solicits or knowingly attempts to recruit, entice, provide, obtain, harbor, transport, patronize, or solicit any child for the purpose of commercial sex acts” guilty of trafficking.