

## National State Survey Law: Base Penalties for Offenses Involving Older Minors

State <sup>1</sup>	Relevant laws <sup>2</sup>	Trafficking or CSEC law applies to buyers	Base penalty under trafficking and/or CSEC law protects all minors under 18	Penalty is enhanced for younger minors	Base penalty is sufficient for all minor victims <sup>3</sup>
<b>Alabama</b>	Ala. Code § 13A-6-152 (Human trafficking in the first degree)	Yes (trafficking)	Yes	No	<b>Yes:</b> Trafficking—Class A felony (10–99yrs or life)
<b>Alaska</b>	Alaska Stat. § 11.66.100 (Prostitution)	Yes (CSEC)	Yes	No	<b>No:</b> CSEC—Class C felony (max. 5yrs)
<b>Arizona</b>	Ariz. Rev. Stat. Ann. § 13-3212 (Child sex trafficking; classification; increased punishment; definition)	Yes (trafficking)	Yes	Yes	<b>No:</b> Trafficking—Under 15 = Class 2 felony (13–27yrs); age 15–17 if age was known or should have been known = Class 2 felony (7–21yrs); otherwise age 15–17 = Class 6 felony (.33–2yrs)
<b>Arkansas</b>	Ark. Code Ann. § 5-18-103 (Trafficking of persons) and § 5-27-305 (Transportation of minors for prohibited sexual conduct)	Yes (both)	Yes (both)	No (both)	<b>Yes:</b> Trafficking—Class Y felony (10–40yrs or life) <b>Yes:</b> CSEC = Class A felony (6–30yrs)
<b>California</b>	Cal. Penal Code § 647 (Disorderly conduct; restrictions on probation)	Yes (CSEC)	Yes	No	<b>No:</b> CSEC—Misdemeanor (2 days–1yr)
<b>Colorado</b>	Colo. Rev. Stat. Ann. § 18-3-504 (Human trafficking of a minor for sexual servitude) and § 18-7-406 (Patronizing a prostituted child)	Yes (both)	Yes (both)	No (both)	<b>Yes:</b> Trafficking—Class 2 felony (8–24yrs) <b>Yes:</b> CSEC—Class 3 felony (4–12yrs)

<sup>1</sup> Evaluations of state laws are based on legislation enacted as of August 1, 2017. For related policy goals, background information, and select statute highlights, please visit [http://sharedhope.org/wp-content/uploads/2015/11/Issue\\_Briefs/Issue\\_Briefs\\_2.7.pdf](http://sharedhope.org/wp-content/uploads/2015/11/Issue_Briefs/Issue_Briefs_2.7.pdf).

<sup>2</sup> The relevant laws column generally includes only the trafficking and/or CSEC law with the greatest penalty or offenses that stagger penalties; accordingly, not all buyer-applicable trafficking and/or CSEC laws are examined.

<sup>3</sup> A base penalty is sufficient if a maximum sentence of 10 or more years may be imposed. This requirement aligns with the minimum sentences provided under the federal sex trafficking law, 18 U.S.C. § 1591.

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<b>Connecticut</b>	Conn. Gen. Stat § 53a-90a (Enticing a minor. Penalties)	Yes (CSEC)	Yes	Yes	<b>No:</b> CSEC—Under 13 = Class B felony (5–20yrs); age 13–17 = Class D felony (1–5yrs)
<b>Delaware</b>	Del. Code Ann. tit. 11, § 787 (Trafficking an individual, forced labor and sexual servitude)	Yes (trafficking)	Yes	No	<b>Yes:</b> Trafficking—Class C felony (max. 15yrs)
<b>DC</b>	D.C. Code § 22-1834 (Sex trafficking of children) and § 22-2705 (Pandering; inducing or compelling an individual to engage in prostitution)	Yes (both)	Yes (both)	No (both)	<b>Yes:</b> Trafficking = Max. 20yrs  <b>Yes:</b> CSEC = Max. 20yrs
<b>Florida</b>	Fla. Stat. Ann. § 787.06 (Human trafficking) and § 800.04 (Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age)	Yes (both)	Yes (trafficking)  No (CSEC—under 16)	No (trafficking)  Yes <sup>4</sup> (CSEC)	<b>Yes:</b> Trafficking—Life felony (max. life)  <b>No:</b> CSEC—Under 16 only = Second degree felony (max. 15yrs)
<b>Georgia</b>	Ga. Code Ann. § 16-5-46 (Trafficking of persons for labor or sexual servitude) and § 16-6-12 (Pandering)	Yes (both)	Yes (both)	Yes (trafficking)  Yes (CSEC)	<b>Yes:</b> Trafficking—(c)(1), (2)—Felony (10–20yrs); (c)(3)—Under 16 = Felony (10–20yrs); age 16–17 = Felony (5–20yrs)  <b>Yes:</b> CSEC—Under 16 = Felony (10–30yrs); age 16–17 = Felony (5–20yrs)
<b>Hawaii</b>	Haw. Rev. Stat. Ann. § 712-1209.1 (Solicitation of a minor for prostitution)	Yes (CSEC)	Yes	No	<b>No:</b> CSEC—Class C felony (max. 5yrs)

<sup>4</sup> Because Fla. Stat. Ann. § 800.04(4)(b) (Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age) only applies to CSEC crimes against children under 16, buyers whose victims are 16 and 17 face a substantially lower penalty under Fla. Stat. Ann. § 796.07(2)(f) or (i) (Prohibiting prostitution and related acts), which do not distinguish between soliciting a minor versus an adult for commercial sex acts.

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<b>Idaho</b>	Idaho Code Ann. § 18-8602 (Human trafficking definition) and § 18-5610 (Utilizing a person under eighteen years of age for prostitution)	Yes (both)	Yes (both)	No (both)	<p><b>Yes:</b> Trafficking—Felony (max. 25yrs)</p> <hr style="width: 20%; margin-left: auto; margin-right: auto;"/> <p><b>Yes:</b> CSEC—Felony (2 yrs–life)</p>
<b>Illinois</b>	720 Ill. Comp. Stat. Ann. 5/10-9 (Trafficking in persons, involuntary servitude, and related offenses) and 5/11-18.1 (Patronizing a minor engaged in prostitution)	Yes (both)	Yes (both)	<p>Yes (trafficking)</p> <hr style="width: 20%; margin-left: auto; margin-right: auto;"/> <p>No (CSEC)</p>	<p><b>Yes:</b> Trafficking--Under 17 = Class X felony (6–30yrs); age 17 = Class 1 felony (4–15yrs)</p> <hr style="width: 20%; margin-left: auto; margin-right: auto;"/> <p><b>No:</b> CSEC—Class 3 felony (2–5yrs)</p>
<b>Indiana</b>	Ind. Code Ann. § 35-42-3.5-1 (Promotion of human trafficking—sexual trafficking of a minor—human trafficking)	Yes (trafficking)	Yes (age-neutral)	No	<b>No:</b> Trafficking—Level 5 felony (1–6yrs)
<b>Iowa</b>	Iowa Code § 710A.2 (Human trafficking) and § 710A.2A24 (Solicitation of commercial sexual activity)	Yes (both)	Yes (both)	No (both)	<p><b>Yes:</b> Trafficking—Class C felony (max. 10yrs)</p> <hr style="width: 20%; margin-left: auto; margin-right: auto;"/> <p><b>No:</b> CSEC—Class D felony (max. 5yrs)</p>
<b>Kansas</b>	Kan. Stat. Ann. § 21-5426 (Human trafficking; aggravated human trafficking) and § 21-6422 (Commercial sexual exploitation of a child)	Yes (both)	Yes (both)	Yes (both)	<p><b>Yes:</b> Trafficking—Under 14 and offender 18+ = off-grid person felony (25yrs–life); age 14–17 = severity level 1, person felony (147–165 months)</p> <hr style="width: 20%; margin-left: auto; margin-right: auto;"/> <p><b>No:</b> CSEC—Under 14 and offender 18+ = off-grid person felony (25yrs–life); age 14–17 = severity level 4, person felony (38–43 months)</p>
<b>Kentucky</b>	Ky. Rev. Stat. Ann. § 529.100 (Human trafficking) and § 530.070 (Unlawful transaction	Yes (both)	Yes (both)	No (both)	<p><b>Yes:</b> Trafficking—Class B felony (10–20yrs)</p> <hr style="width: 20%; margin-left: auto; margin-right: auto;"/>

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	with a minor in the third degree)				<b>No:</b> CSEC—Class A misdemeanor (max. 1yr)
<b>Louisiana</b>	La. Rev. Stat. Ann. § 14:46.3 (Trafficking of children for sexual purposes) and § 14:89.2 (Crime against nature by solicitation)	Yes (both)	Yes (both)	Yes (both)	<b>Yes:</b> Trafficking—Under 14 = felony (25–50yrs); age 14–17 = felony (15–50yrs)  <b>Yes:</b> CSEC—Under 14 = felony (25–50yrs); age 14–17 = felony (15–50yrs)
<b>Maine</b>	Me. Rev. Stat. Ann. tit. 17-A, § 855 (Patronizing prostitution of minor)	Yes (CSEC)	Yes	No	<b>No:</b> CSEC—Class D crime (max. 1yr) <sup>5</sup>
<b>Maryland</b>	Md. Code Ann., Crim. Law § 3-324 (Sexual solicitation of minor)	Yes (CSEC)	Yes	No	<b>Yes:</b> CSEC—Felony (max. 10yrs)
<b>Massachusetts</b>	Mass. Gen. Laws ch. 265, § 50 (Human trafficking—Sexual servitude) and ch. 272, § 53A (Engaging in sexual conduct for fee; payors and payees; penalties)	Yes (both)	Yes (both)	No (both)	<b>Yes:</b> Trafficking—5yrs–life  <b>Yes:</b> CSEC—Max. 10yrs
<b>Michigan</b>	Mich. Comp. Laws Ann. § 750.462e (Forced labor or services; prohibited conduct as relates to age of minor) and § 750.449a (Engaging services for purpose of prostitution, lewdness, or assignation, offer to engage; penalty)	Yes (both)	Yes (both)	No (both)	<b>Yes:</b> Trafficking—Felony (max. 20yrs)  <b>No:</b> CSEC—Felony (max. 5yrs)
<b>Minnesota</b>	Minn. Stat. Ann. § 609.324 (Engaging in, hiring, or agreeing	Yes	Yes	Yes	<b>No:</b> CSEC—Under 13 = Max. 20yrs; age 13–15 = max. 10yrs; age 16–17 = max. 5yrs

<sup>5</sup> If the buyer knew the victim was a minor, Me. Rev. Stat. Ann. tit. 17-A, § 855(1)(B) (Patronizing prostitution of minor) enhances the penalty to a Class C felony with a maximum sentence of 5 years.

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	to hire minor to engage in prostitution; penalties)	(CSEC)			
<b>Mississippi</b>	Miss. Code Ann. § 97-3-54.1 (Human Trafficking Act; prohibited conduct; penalty) and § 97-29-51 (Prostitution; misdemeanor procuring services of prostitute; felony promoting prostitution; penalties)	Yes (both)	Yes <sup>6</sup> (both)	No (both)	<p><b>Yes:</b> Trafficking—Felony (5–30yrs)</p> <p>_____</p> <p><b>Yes:</b> CSEC—Felony (5–30yrs)</p>
<b>Missouri</b>	Mo. Rev. Stat. § 566.211 (Sexual trafficking of a child—penalty), § 566.210 (Sexual trafficking of a child under age twelve—affirmative defense not allowed, when—penalty), and § 567.030 (Patronizing prostitution)	Yes (both)	Yes (both <sup>7</sup> )	Yes (both)	<p><b>Yes:</b> Trafficking—Under 12 = Felony (max. life); age 12–17 = Felony (10yrs–life)</p> <p>_____</p> <p><b>No:</b> CSEC—Under 15 = Class E felony (max. 4yrs); age 15–17 = Class A misdemeanor (max. 1yr)</p>
<b>Montana</b>	Mont. Code Ann. § 45-5-702 (Trafficking of persons) and § 45-5-601 (Prostitution)	Yes (both)	Yes (both)	No (both)	<p><b>Yes:</b> Trafficking—Felony (max. 50yrs)</p> <p>_____</p> <p><b>Yes:</b> CSEC—Felony (max. 100yrs)</p>
<b>Nebraska</b>	Neb. Rev. Stat. Ann. § 28-831 (Human trafficking; forced labor or services; prohibited acts; penalties) and § 28-802 (Pandering)	Yes (both)	Yes (both)	No (both)	<p><b>Yes:</b> Trafficking—Class IB felony (20yrs–life)</p> <p>_____</p> <p><b>Yes:</b> CSEC = Class II felony (1–50yrs)<sup>8</sup></p>

<sup>6</sup> However, another buyer-applicable CSEC offense, Miss. Code Ann. § 97-5-5 (Enticing a child under 14; punishment), only protects minors under 14 years of age; a conviction is punishable by imprisonment for 2–10 years.  
<sup>7</sup> Mo. Rev. Stat. § 566.211 (Sexual trafficking of a child—penalty) protects all minors under the age of 18, but Mo. Rev. Stat. § 566.213 (Sexual trafficking of a child under age twelve) only protects minors under 12 years of age.  
<sup>8</sup> However, base penalties are not sufficiently high for all of Nebraska’s buyer-applicable CSEC offenses.

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<b>Nevada</b>	Nev. Rev. Stat. Ann. § 201.300 (Pandering and sex trafficking: definition; penalties; exception) and § 201.354 (Engaging in prostitution or solicitation for prostitution: Penalty; exception)	Yes (both)	Yes (both)	Yes (trafficking) <hr/> No (CSEC)	<p><b>Yes:</b> Trafficking—Under 14 = Category A felony (life); age 14–15 = category A felony (life); age 16–17 = category A felony (life)</p> <p><b>No:</b> CSEC—Category E felony (1–4yrs)</p>
<b>New Hampshire</b>	N.H. Rev. Stat. Ann. § 633:7 (Trafficking in persons) and § 645:2 (Prostitution and related offenses)	Yes (both)	Yes (both)	No (both)	<p><b>No:</b> Trafficking—Class B felony (max. 7yrs)</p> <p><b>No:</b> CSEC—Class B felony (max. 7yrs)</p>
<b>New Jersey</b>	N.J. Stat. Ann. § 2C:13-8 (Human trafficking) and § 2C:34-1 (Prostitution and related offenses)	Yes (both)	Yes (both)	No (both)	<p><b>Yes:</b> Trafficking—First degree crime (20yrs–life)</p> <p><b>Yes:</b> CSEC—Second degree crime (5–10yrs)</p>
<b>New Mexico</b>	N.M. Stat. Ann. § 30-52-1 (Human trafficking) and § 30-6A-4 (Sexual exploitation of children by prostitution)	Yes (both)	Yes (trafficking) <hr/> No (CSEC—under 16)	Yes (trafficking) <hr/> Yes <sup>9</sup> (CSEC)	<p><b>No:</b> Trafficking—Under 13 = First degree felony (max. 18yrs); age 13–15 = second degree felony (max. 9yrs); age 16–17 = third degree felony (max. 3yrs)</p> <p><b>No:</b> CSEC—Under 16 = Second degree felony (max. 9yrs)</p>

<sup>9</sup> Because N.M. Stat. Ann. § 30-6A-4 (Sexual exploitation of children by prostitution) and § 30-9-1 (Enticement of child), New Mexico's two buyer-applicable CSEC offenses, only apply to CSEC crimes against children under 16, buyers whose victims are 16 and 17 face a substantially lower penalty under N.M. Stat. Ann. § 30-9-3 (Patronizing prostitutes).

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<b>New York</b>	N.Y. Penal Law § 230.13 (Aggravated patronizing a minor for prostitution in the first degree), § 230.12 (Aggravated patronizing a minor for prostitution in the second degree), and § 230.11 (Aggravated patronizing a minor for prostitution in the third degree)	Yes (CSEC)	No (under 17)	Yes	<b>No:</b> CSEC—Under 11 (or under 13 and offender 18+) = Class B felony (1–25yrs); under 15 and offender 18+ = class D felony (max. 2–7yrs); under 17 and offender 21+ = Class E felony (max. 4yrs)
<b>North Carolina</b>	N.C. Gen. Stat. §§ 14-43.11 (Human trafficking) and § 14-205.2 (Patronizing a prostitute)	Yes (both)	Yes (both)	No (both)	<b>Yes:</b> Trafficking—Class B2 felony (125–157 months)  <b>No:</b> CSEC—Class F felony (13–16 months)
<b>North Dakota</b>	N.D. Cent. Code § 12.1-41-05 (Patronizing a victim of sexual servitude) and § 12.1-41-06 (Patronizing a minor for commercial sexual activity)	Yes (trafficking <sup>10</sup> )	Yes	No	<b>Yes:</b> Trafficking—Class A felony (max. 20yrs)
<b>Ohio</b>	Ohio Rev. Code Ann. § 2907.24 (Soliciting; after positive HIV test; driver’s license suspension)	Yes (CSEC)	Yes	Yes	<b>No:</b> CSEC—Under 16 = Third degree felony (9–36 months); age 16–17 = fifth degree felony (6–12 months)
<b>Oklahoma</b>	Okla. Stat. Ann. tit. 21, § 748 (Human trafficking) and § 1029 (Engaging in prostitution, etc.)	Yes (both)	Yes (both)	No (both)	<b>Yes:</b> Trafficking—Felony (15yrs–life)  <b>Yes:</b> CSEC—Felony (max. 10yrs)

<sup>10</sup> The core human trafficking law, N.D. Cent. Code § 12.1-41-02 (Trafficking an individual), and the sex trafficking law, N.D. Cent. Code § 12.1-41-04 (Sexual servitude), do not apply to buyers, but two offenses within the human trafficking chapter are applicable to buyers.

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<b>Oregon</b>	Or. Rev. Stat. § 163.266 (Trafficking in persons) and § 163.413 (Purchasing sex with a minor)	Yes (both)	Yes (both)	No (both)	<p><b>Yes:</b> Trafficking—Class A felony (max. 20yrs)</p> <p>_____</p> <p><b>No:</b> CSEC—Class C felony (30 days–5yrs)</p>
<b>Pennsylvania</b>	18 Pa. Cons. Stat. § 3011 (Trafficking in individuals) and § 6318 (Unlawful contact with minor)	Yes (both)	Yes (both)	No (both)	<p><b>Yes:</b> Trafficking—First degree felony (max. 20yrs)</p> <p>_____</p> <p><b>No:</b> CSEC—Third degree felony (max. 7yrs)</p>
<b>Rhode Island</b>	R.I. Gen. Laws Ann. § 11-67.1-6 (Patronizing a victim of sexual servitude) and § 11-37-8.8 (Indecent solicitation of a child)	Yes (both)	Yes (both)	No (both)	<p><b>Yes:</b> Trafficking—Felony (max. 20yrs)</p> <p>_____</p> <p><b>No:</b> CSEC—Felony (min. 5yrs)</p>
<b>South Carolina</b>	S.C. Code Ann. § 16-3-2020 (Trafficking in persons; penalties; defenses) and § 16-15-425 (Participating in prostitution of a minor defined; defenses; penalties)	Yes (both)	Yes (both)	No (both)	<p><b>Yes:</b> Trafficking—Felony (max. 15yrs + discretionary 15yr term)</p> <p>_____</p> <p><b>No:</b> CSEC—Class F felony (2–5yrs)</p>
<b>South Dakota</b>	S.D. Codified Laws § 22-49-2 (First degree human trafficking—Felony)	Yes (trafficking)	Yes	No	<p><b>Yes:</b> Trafficking—Class 2 felony (max. 25yrs)</p>
<b>Tennessee</b>	Tenn. Code Ann. § 39-13-309 (Trafficking a person for a commercial sex act) and § 39-13-514 (Patronizing prostitution)	Yes (both)	Yes (both)	Yes (both)	<p><b>Yes:</b> Trafficking—Under 15 = Class A felony (15–60yrs); age 15–17 = class B felony (8–30yrs)</p> <p>_____</p> <p><b>Yes:</b> CSEC—Under 15 = Class A felony (15yrs–60yrs); age 15–17 = class B felony (8–30yrs)</p>
<b>Texas</b>	Tex. Penal Code Ann. § 20A.02 (Trafficking of persons) and §	Yes (both)	Yes (both)	No (both)	<p><b>Yes:</b> Trafficking—First degree felony (5yrs–life)</p> <p>_____</p>



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	43.02 (Prostitution)				<b>Yes:</b> CSEC—Second degree felony (2–20yrs)
<b>Utah</b>	Utah Code Ann. § 76-5-308.5 (Human trafficking of a child—Penalties) and § 76-10-1303 (Patronizing a prostitute)	Yes (both)	Yes (both)	No (both)	<b>Yes:</b> Trafficking—First degree felony (5yrs–life)  <b>No:</b> CSEC—Third degree felony (max. 5yrs)
<b>Vermont</b>	Vt. Stat. Ann. tit. 13, § 2652 (Human trafficking)	Yes (trafficking)	Yes	No	<b>Yes:</b> Trafficking—Felony (max. life)
<b>Virginia</b>	Va. Code Ann. § 18.2-346 (Prostitution; commercial sexual conduct; commercial exploitation of a minor; penalties.)	Yes (CSEC)	Yes	Yes	<b>No:</b> CSEC--Under 16 = Class 5 felony (1–10yrs); age 16–17 = class 6 felony (1–5yrs)
<b>Washington</b>	Wash. Rev. Code Ann. § 9A.40.100 (Trafficking) and § 9.68A.100 (Commercial sexual abuse of a minor)	Yes (both)	Yes (both)	No (both)	<b>Yes:</b> Trafficking—(1) = Class A felony, seriousness level XIV (123–397 months); (3) = Class A felony, seriousness level XII (93–318 months)  <b>Yes:</b> CSEC = Class B felony, seriousness level VIII (21 months–10yrs)
<b>West Virginia</b>	W. Va. Code Ann. § 61-14-6 (Patronizing a victim of sexual servitude; penalties) and § 61-3C-14b (Soliciting, etc. a minor via computer; soliciting a minor and traveling to engage the minor in prohibited sexual activity; penalties)	Yes (both)	Yes (both)	No (both)	<b>Yes:</b> Trafficking—Felony (3–15yrs)  <b>Yes:</b> CSEC—Felony (5–30yrs if overt act; otherwise, 2–10yrs)

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<b>Wisconsin</b>	Wis. Stat. § 948.051 (Trafficking of a child) and § 948.08 (Soliciting a child for prostitution)	Yes (both)	Yes (both)	No (both)	<p><b>Yes:</b> Trafficking—Class C felony (max. 40yrs)</p> <hr style="width: 20%; margin: 0 auto;"/> <p><b>Yes:</b> CSEC—Class D felony (max. 25yrs)</p>
<b>Wyoming</b>	Wyo. Stat. Ann. § 6-2-707 (Patronizing a victim of sexual servitude)	Yes (trafficking)	Yes	No	<b>No:</b> Trafficking—Max. 3yrs
<b>Totals:<sup>11</sup></b>		<b>50 states &amp; DC</b> have buyer-applicable trafficking and/or CSEC laws.	<p><b>40 states &amp; DC</b> have buyer-applicable trafficking laws with a base penalty that protects all minors under 18.</p> <p><b>39 states &amp; DC</b> have buyer-applicable CSEC laws with a base penalty that protects all minors under 18.</p>	<p><b>9 states</b> have buyer-applicable trafficking laws that provide an enhanced penalty when the victim is a younger minor.</p> <p><b>12 states</b> have buyer-applicable CSEC laws that provide an enhanced penalty when the victim is a younger minor.</p>	<p><b>35 states &amp; DC</b> have buyer-applicable trafficking laws with a sufficient base penalty.</p> <p><b>17 states &amp; DC</b> have buyer-applicable CSEC laws with a sufficient base penalty.</p>

<sup>11</sup> Totals reflect only those offenses examined by this survey chart.