

## National State Law Survey: Racketeering

| State <sup>1</sup> | State racketeering or gang crimes statute includes sex trafficking or CSEC offense as predicate acts | Predicate acts (sex trafficking and/or CSEC specific)   | Criminal Penalties (Term of Imprisonment)                                     | Financial Penalties   |
|--------------------|--|---|---|---|
| Alabama            | No   | N/A   | N/A   | N/A   |
| Alaska             | No   | N/A   | N/A   | N/A   |
| Arizona            | Yes  | Sexual exploitation of a minor; child sex trafficking; sex trafficking; trafficking of persons for forced labor or services   | 4–10 years  | Victim restitution; asset forfeiture; civil action  |
| Arkansas           | Yes  | Any felony that is a crime of violence or a crime of pecuniary gain   | Penalty enhanced up to two categories in addition to penalty of predicate act | Penalty enhanced up to two categories in addition to penalty of predicate act                               |
| California         | Yes  | Human trafficking; any crime involving commercial sexual exploitation of a minor  | Predicate offense penalty (not a separate offense)                            | Predicate offense penalty (not a separate offense); asset forfeiture  |
| Colorado           | Yes  | Human trafficking for sexual servitude; sexual exploitation of children; solicitation for child prostitution; pandering of a child; keeping a place of prostitution; pimping of a child | 8–24 years  | \$5,000–\$1,000,000 fine; asset forfeiture; civil action  |
| Connecticut        | Yes  | Promoting prostitution in the first degree; employing a minor in an obscene performance; trafficking in persons   | 1–20 years  | Up to \$25,000 fine; asset forfeiture   |
| Delaware           | Yes  | Sexual exploitation of a child; promoting prostitution of the first or second degree; trafficking an individual   | 2–25 years  | Minimum \$25,000 fine or restitutionary fine; up to \$100,000 civil penalty; asset forfeiture; civil action |
| DC                 | Yes  | Any felony or violent misdemeanor   | Up to 5 years   | Up to \$12,500 fine   |
| Florida            | Yes  | Kidnapping; human trafficking; procuring a minor for prostitution; selling or buying of minors; commercial sexual exploitation of children  | Up to 30 years  | Up to \$10,000 fine or restitutionary fine; asset forfeiture  |
| Georgia            | Yes  | Prostitution; keeping a   | 5–20 years  | Up to \$25,000 fine or  |

<sup>1</sup> Evaluations of state law 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\\_1.4.pdf](http://sharedhope.org/wp-content/uploads/2015/11/Issue_Briefs/Issue_Briefs_1.4.pdf).

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|                  |     | place of prostitution; pimping; pandering; trafficking of persons for labor or sexual servitude  |  | three times the defendant's pecuniary gain; asset forfeiture; civil action                          |
| <b>Hawaii</b>    | Yes | Kidnapping; solicitation of a minor for prostitution; sex trafficking  | Up to 10 years   | Up to \$25,000 fine; asset forfeiture   |
| <b>Idaho</b>     | Yes | Human trafficking; interstate trafficking in prostitution; receiving pay for procurement; detention for prostitution; accepting earnings of prostitute; inducing minor into prostitution   | Up to 14 years   | Up to \$25,000 fine; asset forfeiture   |
| <b>Illinois</b>  | Yes | Trafficking in persons; indecent solicitation of a child; promoting juvenile prostitution; patronizing a minor engaged in prostitution   | 7–30 years or for the term authorized under predicate act, whichever is higher | Up to \$250,000 fine or twice the gross of intended proceeds, whichever is higher; asset forfeiture |
| <b>Indiana</b>   | Yes | Human trafficking and sex trafficking; child exploitation; promoting prostitution  | 1–6 years  | Up to \$10,000  |
| <b>Iowa</b>      | Yes | Specified unlawful activity including human trafficking and commercial sexual exploitation of children   | Up to 25 years   | Asset forfeiture; civil action  |
| <b>Kansas</b>    | Yes | Human trafficking or aggravated human trafficking; sexual exploitation of a child; commercial sexual exploitation of a child   | 109–123 months   | Up to \$300,000 fine  |
| <b>Kentucky</b>  | Yes | Engaging in, promoting, or permitting prostitution or human trafficking  | 10–20 years  | \$1,000–\$10,000 fine or twice the defendant's pecuniary gain                                       |
| <b>Louisiana</b> | Yes | Pandering; human trafficking; trafficking of children for sexual purposes; sale of minor children; pornography involving juveniles; computer-aided solicitation of a minor; prostitution; soliciting prostitutes; inciting prostitutes; promoting prostitution; letting premises for prostitution; | Up to 50 years   | Up to \$1,000,000 fine or three times the pecuniary gain or loss caused, whichever is higher        |

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|                      |                  | enticing persons into prostitution; keeping a disorderly place; letting a disorderly place; operation of places of prostitution   |  |   |
| <b>Maine</b>         | No               | N/A   | N/A  | N/A   |
| <b>Maryland</b>      | Yes              | Human trafficking; receiving earnings of prostitute; house of prostitution; any crime of violence   | Up to 15 years for participation in a gang (up to 25 years if crime resulted in victim's death); up to 20 years for organizing or supervising a gang | Up to \$1,000,000 fine (\$5,000,000 if crime resulted in victim's death); asset forfeiture                      |
| <b>Massachusetts</b> | Yes              | Child exploitation; enticement of a child under 16; human trafficking; prostitution   | Up to 15 years   | Up to \$25,000 fine; asset forfeiture   |
| <b>Michigan</b>      | Yes              | Child sexually abusive activity or material; pandering; human trafficking   | Up to 20 years   | Up to \$100,000 fine; asset forfeiture  |
| <b>Minnesota</b>     | Yes              | Solicitation, inducement, and promotion of prostitution or sex trafficking  | Up to 20 years   | Up to \$1,000,000 fine or civil penalty; asset forfeiture   |
| <b>Mississippi</b>   | Yes              | Prostitution, procuring prostitutes; enticing a child for concealment, prostitution, or marriage; exploitation of children; human trafficking   | Up to 20 years   | Up to \$25,000 fine or restitutionary fine; asset forfeiture; civil action                                      |
| <b>Missouri</b>      | No               | N/A   | N/A  | N/A   |
| <b>Montana</b>       | Yes <sup>2</sup> | Any felony committed in associated with a criminal street gang  | 1–3 years plus term authorized under predicate act   | Financial penalties applicable under the predicate offense  |
| <b>Nebraska</b>      | Yes              | Pandering; keeping a place of prostitution; sex trafficking of a minor; any act related to the visual depiction of sexually explicit conduct prohibited in the Child Pornography Prevention Act | Up to 4 years under the racketeering law; up to 2 years under the gang crimes law  | Up to \$25,000 fine or restitutionary fine under the racketeering law; up to \$10,000 under the gang crimes law |
| <b>Nevada</b>        | Yes              | Pandering and sex trafficking; trafficking in persons   | 5–20 years   | Up to \$25,000 fine or restitutionary fine; asset forfeiture  |
| <b>New Hampshire</b> | No               | N/A   | N/A  | N/A   |

<sup>2</sup> Montana has not enacted a racketeering statute, but Mont. Code Ann. § 45-8-404 (Additional sentence for criminal street gang-related felony) provides an enhanced penalty for the commission of a felony "committed for the benefit of, at the direction of, or in association with any criminal street gang . . . ."

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| <b>New Jersey</b>     | Yes | Human trafficking; prostitution and related offenses; endangering the welfare of children  | 10–20 years for first degree crimes or 5–10 years for second degree crimes under the racketeering law; 15–30 years under the gang crimes law | Up to \$200,000 fine for first degree crimes or up to \$150,000 fine for second degree crimes; minimum \$25,000 fine to the Human Trafficking Survivor’s Assistance Fund; victim restitution; asset forfeiture |
| <b>New Mexico</b>     | Yes | Any offense involving promoting prostitution, including enticement of children and human trafficking   | 9 years  | Up to \$10,000 fine; asset forfeiture  |
| <b>New York</b>       | Yes | Promoting prostitution in the first through third degree; sex trafficking  | 1–25 years   | Up to \$5,000 fine or twice the defendant’s pecuniary gain, whichever is higher; victim restitution; asset forfeiture  |
| <b>North Carolina</b> | Yes | Any felony under Chapter 14 (Criminal Law) including human trafficking, sexual servitude, solicitation of prostitution, patronizing a prostitute, promoting prostitution, first through third degree sexual exploitation of a minor, and employing or permitting minor to assist in offense under this Article | 5–6 months   | Asset forfeiture   |
| <b>North Dakota</b>   | Yes | Child pornography; prostitution; human trafficking   | Up to 10 years   | Up to \$20,000 fine; victim restitution; asset forfeiture; civil action  |
| <b>Ohio</b>           | Yes | Compelling prostitution; promoting prostitution; trafficking in persons  | 2–8 years  | Up to \$15,000 fine or three times the defendant’s pecuniary gain or gross loss caused; asset forfeiture   |
| <b>Oklahoma</b>       | Yes | Human trafficking; trafficking in children; minors—procuring for participation in pornography; child under 18 years of age—procuring for prostitution, lewdness or other indecent act; child under 18—inducing, keeping, detaining, or restraining   | Up to 10 years   | Fine up to three times the defendant’s pecuniary gain or gross loss caused; up to \$100,000 civil penalty; asset forfeiture  |

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|                       |                  | for prostitution   |   |   |
| <b>Oregon</b>         | Yes              | Using child in display of sexually explicit conduct; compelling prostitution; trafficking in persons   | Up to 20 years                                  | Up to \$375,000 fine; asset forfeiture  |
| <b>Pennsylvania</b>   | Yes              | Human trafficking; prostitution and related offenses   | Up to 20 years                                  | Up to \$25,000 fine   |
| <b>Rhode Island</b>   | Yes              | Any act involving prostitution or exploitation for commercial or immoral purposes including sex trafficking of a minor   | Up to 10 years                                  | Up to \$10,000 fine; asset forfeiture   |
| <b>South Carolina</b> | Yes              | Trafficking in persons; engaging a child for sexual performance; producing, directing, or promoting sexual performance by a child; sexual exploitation of a minor in the first and second degree; promoting prostitution of a minor; participating in prostitution of a minor; attempt of any of the above | Up to 10 years depending of the prohibited act  | Up to \$10,000 fine depending on the prohibited act; asset forfeiture; civil action                                 |
| <b>South Dakota</b>   | Yes <sup>3</sup> | Any felony or violent misdemeanor committed as part of a pattern of street gang activity   | Penalty enhanced to next highest classification | Penalty enhanced to next highest classification   |
| <b>Tennessee</b>      | Yes              | Aggravated sexual exploitation of a minor; trafficking for a commercial sex act  | 12–30 years                                     | Up to \$250,000 fine or three times the defendant’s pecuniary gain or loss caused; asset forfeiture                 |
| <b>Texas</b>          | Yes              | Continuous sexual abuse of young child or children; solicitation of a minor; promotion of prostitution; aggravated promotion of prostitution; compelling prostitution; trafficking of persons; any offense classified as a felony under the Tax Code   | Penalty enhanced to one category higher         | Penalty enhanced to one category higher; up to \$250,000 civil penalty; asset forfeiture; dissolution of enterprise |
| <b>Utah</b>           | Yes              | Sexual exploitation of a minor; human trafficking;   | 1–15 years (enhanced penalties may also         | Up to 10,000 fine or twice the defendant’s  |

<sup>3</sup> South Dakota has not enacted a racketeering statute; S.D. Codified Laws § 22-10A-1 (Street gang activity – Definitions), however, enhances penalties for felonies committed as part of a “pattern of street gang activity.”

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|                      |                           | human smuggling; aggravated human trafficking and aggravated human smuggling; prostitution; aiding prostitution; exploiting prostitution; aggravated exploitation of prostitution   | apply)   | pecuniary gain (enhanced penalties may also apply); asset forfeiture  |
| <b>Vermont</b>       | No                        | N/A   | N/A  | N/A   |
| <b>Virginia</b>      | Yes                       | Taking, detaining, etc., a person for prostitution; human trafficking; receiving money for procuring person; receiving money from earnings of male or female prostitute; commercial sex trafficking; abduction with intent to extort money or for immoral purpose                               | 5–40 years   | Up to \$1,000,000 fine; asset forfeiture  |
| <b>Washington</b>    | Yes                       | Commercial sexual abuse of a minor; promoting commercial sexual abuse of a minor; trafficking, promoting travel for commercial sexual abuse of a minor; permitting commercial sexual abuse of a minor   | 3–198 months depending on level of participation in the profiteering activity; penalties enhanced for criminal street gang-related felony offenses | Up to \$50,000 fine depending on level of participation in the profiteering activity; penalties enhanced for criminal street gang-related felony offenses; asset forfeiture |
| <b>West Virginia</b> | Yes                       | Abduction of person; kidnapping or concealing child; soliciting, etc. a minor via computer; use of minors in filming sexually explicit conduct; employment or use of minor to produce obscene matter or assist in doing sexually explicit conduct; receiving support from prostitution; pimping | Up to 10 years   | Up to \$25,000 fine   |
| <b>Wisconsin</b>     | Yes                       | Sexual exploitation of a child; trafficking of a child; soliciting a child for prostitution   | Up to 15 years   | Up to \$50,000 fine or twice the defendant's pecuniary gain or loss caused, whichever is higher; asset forfeiture   |
| <b>Wyoming</b>       | Yes                       | Promoting prostitution  | Up to 1 year   | Up to \$1,000 fine  |
| <b>Totals:</b>       | <b>44 states &amp; DC</b> |   |  |   |
|                      | have racketeering         |   |  |   |

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|--|---|--|--|--|
|  | or gang crimes statutes that include sex trafficking or CSEC as predicate acts. |  |  |  |
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