

## Policy Goal

Promoting and selling child sex tourism is illegal.

*Sex tourism encourages commercial sexual exploitation of children and creates incentives for traffickers and facilitators to increase profits while furthering the clandestine nature of the trafficking offense by interfering with detection of trafficking crimes that are disguised as travel services. Sex tourism not only exploits children overseas, but also fuels the demand for children in the United States. Federal law criminalizes child sex tourism, which is defined to include “arrang[ing], induc[ing], procur[ing] or facilitat[ing] the travel” with knowledge that the traveler “is traveling in interstate commerce or foreign commerce for the purpose of engaging in illicit sexual conduct” and the arranging was done for “commercial advantage or private financial gain.” “Illicit sexual conduct” is defined to include “any commercial sex act (as defined in section 1591) with a person under 18 years of age.” Some states have made sex tourism a crime when the commercial sexual exploitation involved adult victims; these and all sex tourism criminal statutes should enhance penalties when the victim of the commercial sexual activity is a minor under 18 in recognition of the serious underlying crime of child sexual abuse. To protect children from the demand that is generated through sex tourism, states should enact a law that prohibits selling or offering to sell travel services that include or facilitate travel, either into or out of the state, for the purpose of engaging in commercial sexual exploitation of a minor.*

## EXAMPLES OF LEGISLATIVE SOLUTIONS

### ARKANSAS

Pursuant to Ark. Code Ann. § 5-18-103(a)(5) (Trafficking of persons), a person commits human trafficking if he or she knowingly “[s]ells or offers to sell travel services that he or she knows includes an activity prohibited under subdivision (a)(1) – (4) of this section.” Subsection (4) of Ark. Code Ann. § 5-18-103(a) makes it a crime to “[r]ecruit[], entice[], solicit[], isolate[], harbor[], transport[], provide[], maintain[], or obtain[] a minor for commercial sexual activity.”

### COLORADO

Colo. Rev. Stat. Ann. § 18-3-504(2)(a)(II) (Human trafficking of a minor for sexual servitude) states, “[a] person commits human trafficking of a minor for sexual servitude if the person . . . [k]nowingly advertises, offers to sell, or sells travel services that

facilitate an activity prohibited pursuant to subsection (2)(a)(I) of this section.” Subsection (2)(a)(I) includes “sell[ing], recruit[ing], harbor[ing], transport[ing], transfer[ing], isolat[ing], entic[ing], provid[ing], receiv[ing], obtain[ing] by any means, maintain[ing], or mak[ing] available a minor for the purpose of commercial sexual activity.”

### KANSAS

Kan. Stat. Ann. § 21-5612(a) (Promoting travel for child exploitation) states, “[p]romoting travel for child exploitation is knowingly selling or offering to sell travel services that include or facilitate travel for the purpose of any person engaging in conduct that would constitute a violation of K.S.A. 2018 Supp. 21-5426(b)(4) or (5) [Human trafficking; aggravated human trafficking], 21-5510 [Sexual exploitation of a child], 21-5514 [Internet trading in child pornography and aggravated internet trading in child pornography] or 21-6422 [Commercial Sexual Exploitation of a child], and amendments thereto, if such conduct occurred in this state.”

## LOUISIANA

La. Rev. Stat. Ann. § 14:46.3(A)(6) (Trafficking of children for sexual purposes) makes it unlawful “for any person to knowingly sell or offer to sell travel services that include or facilitate any of the activities prohibited by this Section.” Additionally, La. Rev. Stat. Ann. § 14:46.3(A)(5) (Trafficking of children for sexual purposes) makes it unlawful “[f]or any person to knowingly advertise any of the activities prohibited by this Section.”

## NORTH CAROLINA

N.C. Gen. Stat. § 14-208.1(b) (Promoting travel for unlawful sexual conduct) states, “A person commits the offense of promoting travel for unlawful sexual conduct if the person sells or offers to sell travel services that the person knows to include travel for the purpose of committing any of the following offenses in this State or for the purpose of engaging in conduct that would constitute any one of the following offenses if occurring within this State: (1) An offense under Article 7B of Chapter 14 [Rape and other sex offenses] of the General Statutes. (2) Any of the following offenses involving the sexual exploitation of a minor: a. G.S. 14-190.16 [First degree sexual exploitation of a minor]. b. G.S. 14-190.17 [Second degree sexual exploitation of a minor]. c. G.S. 14-190.17A [Third degree sexual exploitation of a minor]. (3) Any of the following offenses involving indecent liberties with a minor: a. G.S. 14-202.1 [Taking indecent liberties with children]. b. G.S. 14-202.4 [Taking indecent liberties with a student]. (4) Any of the following prostitution offenses: a. G.S. 14-204 [Prostitution]. b. G.S. 14-205.1 [Solicitation of prostitution]. c. G.S. 14-205.2 [Patronizing a prostitute]. d. G.S. 14-205.3 [Promoting prostitution].”

## WASHINGTON

Wash. Rev. Code § 9.68A.102(1) (Promoting travel for commercial sexual abuse of a minor) makes it a Class C felony punishable by up to 5 years imprisonment if a person “knowingly sells or offers to sell travel services that include or facilitate travel for the purpose of engaging in what would be commercial sexual abuse of a minor or promoting commercial sexual abuse of a minor, if occurring in [Washington].”