

DEMANDING JUSTICE PROJECT BENCHMARK ASSESSMENT

2013





Dear Reader,

We have been talking about the problem of demand for a long time now... too long. The problem is well recognized and acknowledged by spokespersons at every level—from international bodies to U.S. presidents, federal and state governments, researchers, service providers, survivors and even the buyers themselves. Yet nothing seems to change; demand, like a thick fog, seems impossible to sweep up and contain. We hope to bring more light to the issue with the Demanding Justice Project, the first phase of which is contained within this report.

Shared Hope International conducted qualitative research on demand in 2006 under a grant from the U.S. Department of State. That project gave us good information about the problem of demand but also insight into how much remains to be researched. There is little quantitative data available against which the scope and impact of the problem can begin to be measured...and without good measures, solutions are elusive.

The area in which we chose to expand our research on demand is that of criminal justice consequences for buyers of sex with children. This undertaking, the Demanding Justice Project, consists of two phases. The first, a desk review, the Benchmark Assessment Report, is contained herein. The goal of the Benchmark Assessment Report is to provide clear, quantifiable, national data on the criminal justice consequences for those who create the demand for sex trafficked minors. To assist in that goal, we are collaborating with the Sex Trafficking Intervention Research Office at Arizona State University to analyze and document the consequences for those buyers identified in the study.

In looking at consequences for arrested buyers, we cannot avoid the more insidious symptom of the demand problem, a culture of tolerance for demand that allows buyers of sex with children to go home to their families while the children they exploited are denied justice. As the Demanding Justice research sheds light on this tolerance for demand, Shared Hope's Defenders—men who have taken a pledge to fight this injustice and change the minds of their peers—will continue demanding justice by changing men's attitudes about commercial sex.

It is my hope that our research will inspire others to undertake further studies to quantify the problem of demand with the goal of measuring the real scope and impact of this devastation on our nation's children so that it can be ended once and for all.

Sincerely,

A handwritten signature in cursive script that reads "Linda Smith".

Linda Smith
President and Founder, Shared Hope International
U.S. Congress 1995-99, Washington State Senate/House 1983-94

The Demanding Justice Project Benchmark Assessment Report | 2013

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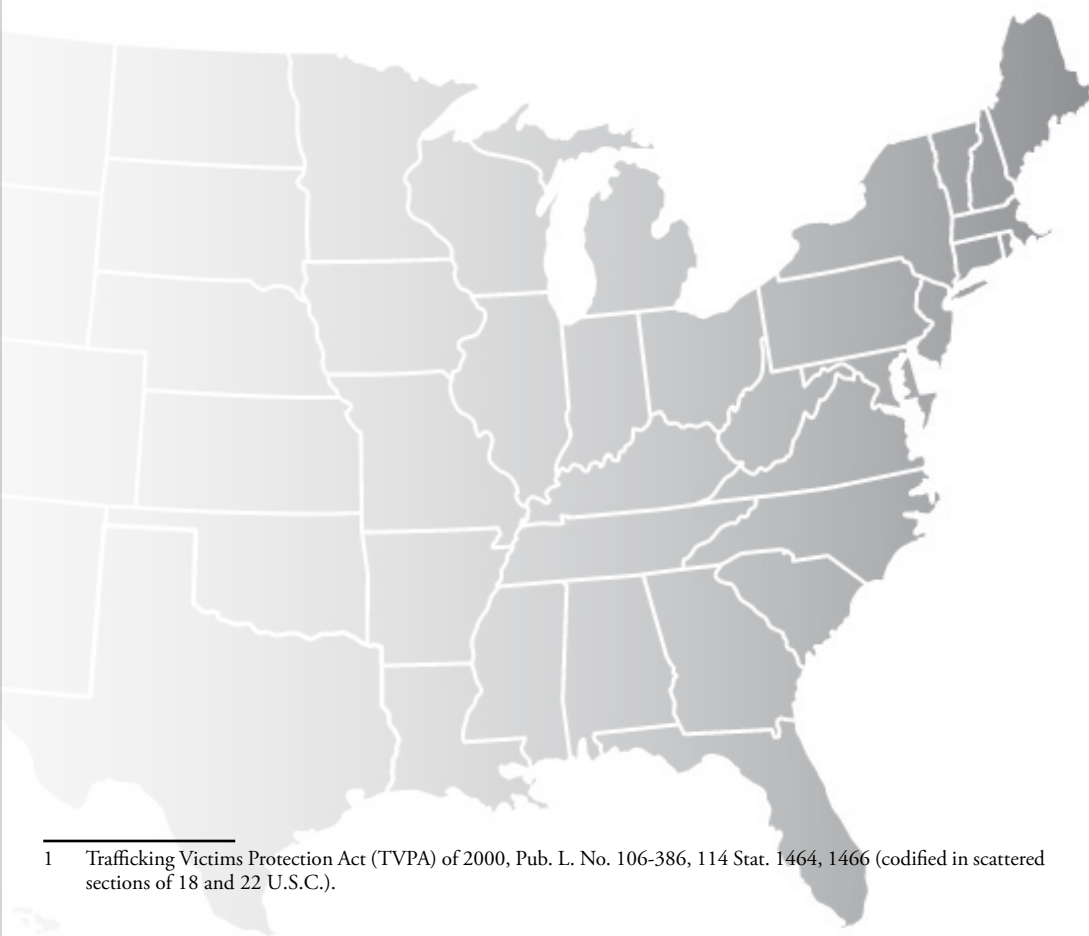


Introduction



America's youth are at risk because of a simple economic principle—demand for sex acts with children drives the market of exploitation. Little has been done to address the culture of tolerance or confront the obvious conclusion that penalizing buyers is essential to protecting our youth from becoming prey. Unfortunately attempts to find answers to the problem of demand have been scarce. In a very limited number of cases a buyer has been convicted federally under a provision of the Trafficking Victims Protection Act¹, and this needs to be developed for greater applicability at the state level. Enactment of good laws at the state and federal level are essential but just the beginning. Enforcement of these laws will be the deterrent necessary to stem demand for commercial sex acts.

In order to make the case against demand, Shared Hope International performed a benchmark assessment of the criminal actions brought against buyers of sex acts with children. This report documents the outcomes of federal and state arrests, charges and prosecutions of buyers of sex acts with minors from 2008 to present. The goal of this study is to identify changes or trends, as well as forecast change stemming from recent case law holding buyers of sex acts with a minor accountable under the federal sex trafficking law. The Demanding Justice Benchmark Assessment Report captures information on the features of demand for sex acts with children, and criminal justice enforcement outcomes of the cases that are pursued as commercial sexual exploitation of children.



¹ Trafficking Victims Protection Act (TVPA) of 2000, Pub. L. No. 106-386, 114 Stat. 1464, 1466 (codified in scattered sections of 18 and 22 U.S.C.).

Background

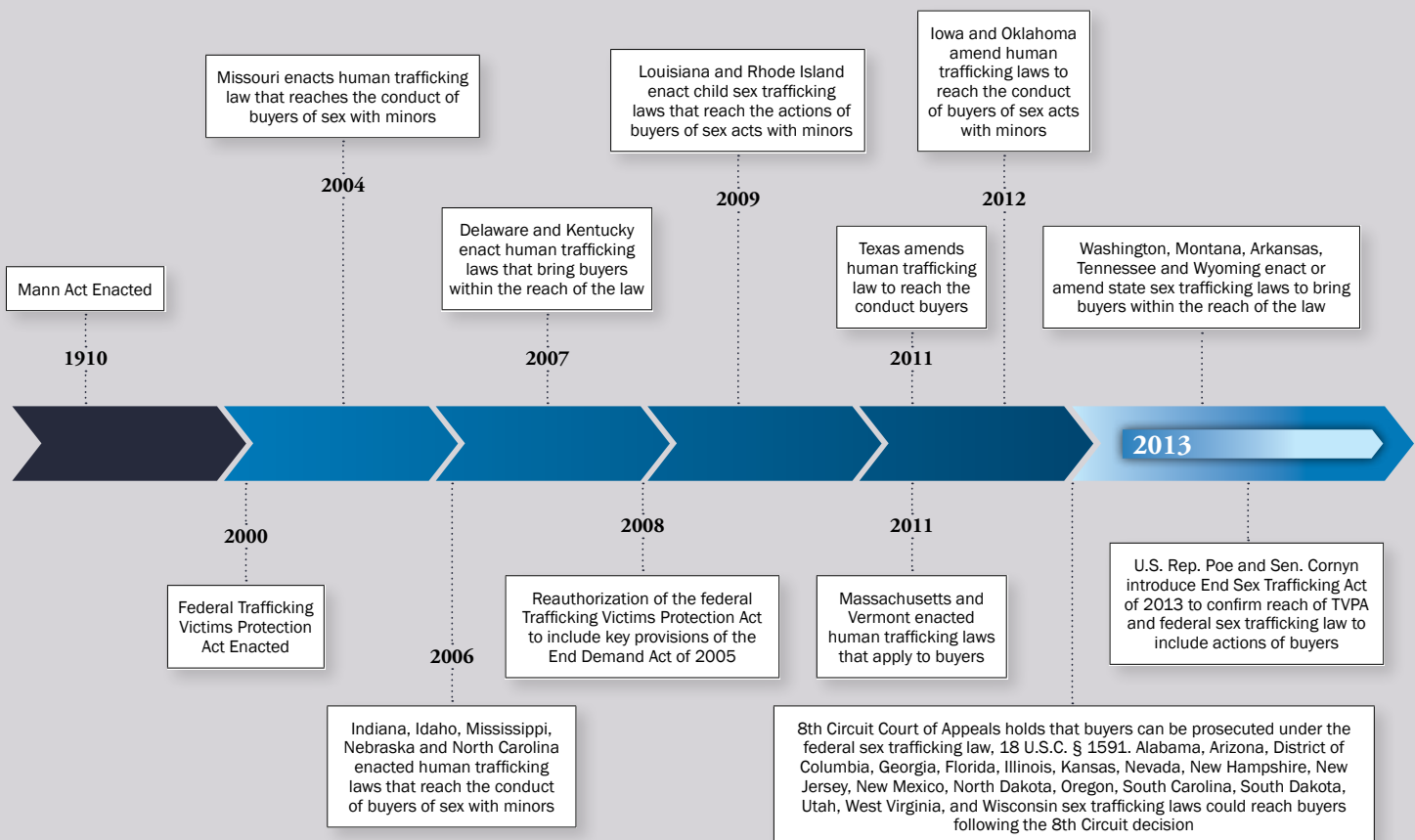
Demand has been recognized as a critical component of the sex trafficking crime. The United States and international bodies have recognized that demand for commercial sex acts with children presents a serious danger to these child victims.

Early in the federal response to human trafficking, demand reduction was understood to be imperative to countering the sex trafficking of children. In September 2003, at the United Nations, President George W. Bush spoke of the role of demand in the global sex trade by stating, “Those who patronize this industry debase themselves and deepen the misery of others.”² Again, in remarks delivered before the first national training conference on human trafficking in the United States hosted by the Justice Department, the President stated, “we cannot put [human traffickers] out of business until and unless we deal with the problem of demand.”³

² George W. Bush, Address to the United Nations, New York, (September 23, 2003), *available at* <http://www.presidentialrhetoric.com/speeches/09.23.03.html>.

³ Press Release, White House Office of the Press Sec’y, President Announces Initiatives to Combat Human Trafficking, (July 16, 2004), *available at* <http://georgewbush-whitehouse.archives.gov/news/releases/2004/07/20040716-11.html>.

DMST Legislative Timeline



The U.S. Department of State Office to Monitor and Combat Trafficking in Persons has included demand as a factor in evaluating the efforts of countries to combat trafficking in persons.⁴ Highlighting the demand present in foreign countries, the department stated,

Law enforcement responses to the commercial sexual exploitation of children often reflect popular perception, leading to a lack of efforts to focus on local demand for child prostitution.... Governments must ensure that in targeting sex tourists, they are not also ignoring sources of local demand.⁵

On the international front, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children of the United Nations Convention Against Transnational Organized Crime is the first international treaty to address the demand side of prostitution and sex trafficking.⁶ Article 9, Clause 5 calls for parties to “adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.”⁷

The World Congress Against the Commercial Sexual Exploitation of Children and Adolescents in the Preamble of the Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents found that “[t]here is an insufficient focus on measures to reduce and eliminate the demand for sex with children and adolescents, and in some States inadequate sanctions against sexual abusers of children.”⁸ The document calls on all members to “[a]ddress the demand that leads to children being prostituted by making the purchase of sex or any form of transaction to obtain sexual services from a child a criminal transaction under criminal law, even when the adult is unaware of the child’s age.”⁹

In 2007, Shared Hope International researched sex trafficking markets in four distinct countries under a grant from the U.S. Department of State, Office to Monitor and Combat Trafficking in Persons. The resulting report and documentary were called *DEMAND*. because without a buyer there would be no market.¹⁰ Further, the buyer has been identified as committing the crime of sex trafficking when engaging a victim of trafficking in commercial sex acts.¹¹ This holding is appropriate given the research done on buyers demonstrating the victimization, force, coercion, and brutality of buyers of commercial sex. In her research with adult women in prostitution, Melissa Farley described the violence perpetrated by buyers.¹² Of 854 women interviewed in nine countries, 71% were physically assaulted, and 63% were raped during prostitution.¹³ Another study of prostitution based in Oregon found that 84% of prostituted women were victims of aggravated assault, 78% were victims of rape, 53% were victims of sexual torture, and 49% were kidnapped.¹⁴ A study of women and girls in street prostitution in San Francisco found that 82% had been physically assaulted, 83% had been

4 2011 U.S. DEPARTMENT OF STATE, TRAFFICKING IN PERSONS REP. 20.

5 *Id.*

6 See UNITED NATIONS HUMAN RIGHTS, <http://www2.ohchr.org/english/law/protocoltraffic.html>

7 *Id.*

8 See WORLD CONG. AGAINST SEXUAL EXPLOITATION OF CHILDREN AND ADOLESCENTS III, THE RIO DE JANEIRO DECLARATION AND CALL FOR ACTION TO PREVENT AND STOP SEXUAL EXPLOITATION OF CHILDREN AND ADOLESCENTS 3 (2008), available at http://www.unicef.org/protection/Rio_Declaration_and_call_for_Action.pdf.

9 *Id.* at 7.

10 SHARED HOPE INT’L, *DEMAND: A COMPARATIVE EXAMINATION OF SEX TOURISM AND TRAFFICKING IN JAMAICA, JAPAN, THE NETHERLANDS, AND THE UNITED STATES* 7 (2007) [hereinafter *DEMAND*], available at <http://sharedhope.org/wp-content/uploads/2012/09/DEMAND.pdf>.

11 Samantha Healy Vardaman & Christine Raino, *Prosecuting Demand As A Crime Of Human Trafficking: The Eighth Circuit Decision In United States v. Jungers*, 43 U. MEM. L. REV. 917 (Summer 2013) (citing *United States v. Jungers*, 702 F.3d 1066, 1072 (8th Cir. 2013), “Had Congress intended to exclude purchasers from § 1591(a)(1)’s blanket prohibition of sex-trafficking acts or limit its application to suppliers, it could have done so expressly . . . We do not lightly assume that Congress has omitted from its adopted text requirements that it nonetheless intends to apply, and our reluctance is even greater when Congress has shown elsewhere in the same statute that it knows how to make such a requirement manifest.”) (Internal citations and quotes omitted). The Eighth Circuit decision in *United States v. Bonestroo* and *United States v. Jungers* contemplates various roles that a buyer may play in a child sex trafficking case and provides hypothetical situations to demonstrate the types of buyer conduct that not only violate the statute’s prohibition on obtaining a child for commercial sex, but also violate the prohibition on enticing, harboring, transporting, obtaining or maintaining a minor “knowing she would be caused to engage in a commercial sex act.” *Jungers*, 702 F.3d at 1072.

12 Melissa Farley, *Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder* 2 J. TRAUMA PRAC. 33, 33–34 (2003).

13 *Id.*

14 Janice G. Raymond, *Legitimizing Prostitution as Sex Work: UN Labour Organization (ILO) Calls for Recognition of the Sex Industry*, COALITION AGAINST TRAFFICKING IN WOMAN (July 12, 1999), <http://www.catwinternational.org/Home/Article/61-legitimizing-prostitution-as-sex-work-un-labour-organization-ilo-calls-for-recognition-of-the-sex-industry> (citing Susan Kay Hunter, *Prostitution is Cruelty and Abuse to Women and Children*, 1 MICH. J. GENDER & L. 91 (1993)).

threatened with a weapon, and 68% had been raped by buyers.¹⁵ Another earlier study in the San Francisco area involving 200 women and girls in street prostitution (70% were under twenty-one, almost 60% were sixteen or under) reported that 70% had been raped or sexually assaulted by a man an average of 31 times, and 65% had been physically abused or beaten by men an average of four times.¹⁶

Data on the number of men engaging or seeking to engage in commercial sex acts with trafficking victims (adults subject to force, fraud, or coercion, as well as minors) is limited; however, a substantial portion of men in the U.S. admit to having purchased sex at some point in their lives, with most surveys finding between 10 percent and 20 percent admitting to this crime.¹⁷ Additionally, the proliferation of online sex advertisements suggests even greater demand and estimates of online sex buyer populations show equally high percentages. A recent study by the Office of Sex Trafficking Intervention at Arizona State University estimated the population of online sex customers in 15 target cities, finding conservative estimates as high as 21.4% in Houston, Texas. The study also tracked the number of Backpage.com advertisements posted in a 24-hour period spanning a Friday to Saturday afternoon. In Chicago, Illinois over 518 Backpage.com ads were posted in 24 hours.¹⁸ Distinguishing between demand for commercial sex acts with an adult and demand for commercial sex acts with a minor is in most cases an artificial construct. Unless the offender is a pedophile or has another specific sexual preference causing him¹⁹ to seek out minors specifically,²⁰ then a buyer may be indiscriminate on age but be drawn to healthier and younger appearing individuals. This draw is reinforced through societal representation of youth as sexually appealing.

Victimization

“Every day I was witness to the worst of men. Their carelessness and grand entitlement. The way they can so profoundly disconnect from what it is they’re having sex with, the way they think they own the world, watch them purchase a female. I was witness to their deep delusions.”

- Perspective of a woman in prostitution, Melissa Farley, “Renting an Organ for Ten Minutes”: What Tricks Tell us about Prostitution, Pornography, and Trafficking, in Pornography: Driving the Demand for International Sex Trafficking 4 (Captive Daughters Media 2007).

Commoditization

It’s the world of prostitution, you never know what you’re going to get. If it’s a pretty girl an ugly girl or whatever it’s going to be.”

- Pro football player Lawrence Taylor interview

- 15 JESSICA ASHLEY, ILL. CRIMINAL JUSTICE INFO. AUTH., THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN AND YOUTH IN ILLINOIS 10 (2008) (citing Hunter, *supra* note 14 at 94-95), available at <http://www.icjia.state.il.us/public/pdf/researchreports/csec%202008%20icjia%20report.pdf>.
- 16 Mimi H. Silbert & Ayala M. Pines, *Occupational Hazards of Street Prostitutes*, 8 CRIM. JUST. & BEHAV., 395, 397, available at <http://cjb.sagepub.com/content/8/4/395.full.pdf>.
- 17 MICHAEL SHIVELY, ET AL., NAT’L INST. OF JUSTICE, DEVELOPING A NATIONAL ACTION PLAN FOR ELIMINATING SEX TRAFFICKING 2-52 (2010), available at http://www.demandabolition.org/wp-content/uploads/2011/07/2000_abtnatactplan.pdf.
- 18 ARIZONA STATE UNIVERSITY, INVISIBLE OFFENDERS: A STUDY ESTIMATING ONLINE SEX CUSTOMERS (August 2013), available at https://copp.asu.edu/college-news/research-docs/invisible-offenders-a-study-estimating-online-sex-customers-research-report/at_download/file.
- 19 Research and crime statistics, including the results of this study discussed below, show that the buyer of commercial sex acts is almost always a male, so the buyer is referred to as male throughout this report.
- 20 See Blanchard, R.; Lykins, A. D.; Wherrett, D.; Kuban, M. E.; Cantor, J. M.; Blak, T.; Dickey, R.; Klassen, P. E., *Pedophilia, Hebephilia, and the DSM-V* (2009), Archives of Sexual Behavior 38 (3): 335–350. (“The term pedophilia denotes the erotic preference for prepubescent children. The term hebephilia has been proposed to denote the erotic preference for pubescent children (roughly, ages 11 or 12–14), but it has not become widely used.”) While Blanchard’s proposal to include hebephilia in the DSM-V has been controversial, (see Green, R., *Sexual preference for 14-year-olds as a mental disorder: you can’t be serious!! (letter to the editor)* (2010), Archives of Sexual Behavior 39 (3): 585–586.), the controversy centers around hebephilia as a clinical disorder rather than the term’s use for research purposes.

Exploitation

“The 14-year-old in prostitution eventually turns 18 but she has not suddenly made a new ‘vocational choice.’ . . . Women who began prostituting as adolescents may have parts of themselves that are dissociatively compartmentalized into a much younger child’s time and place.”

- Melissa Farley, *Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder 2 J. Trauma Prac.* 33, 36 (2003).

Misidentification

“One story is particularly revealing. Police in Las Vegas approached a parked truck after observing it pick up a girl. The police report reflects that the 50-year-old man was observed with \$45 in cash hanging from his pocket and lotion on his hands. The 12-year-old girl stated that he was paying her for sexual services. The police arrested the girl for prostitution and sent the man on his way.”

- Smith, Snow & Healy Vardaman, Shared Hope Int’l, THE NATIONAL REPORT ON DOMESTIC MINOR SEX TRAFFICKING: AMERICA’S PROSTITUTED CHILDREN 18 (2009), available at http://sharedhope.org/wp-content/uploads/2012/09/SHI_National_Report_on_DMST_2009.pdf.

The law, however, has made a strong distinction between buying sex with a minor and buying sex with an adult in prostitution statutes as well as human trafficking statutes. This aligns with the child protection mindset of policymakers across the nation. The “buyers beware” caveat applies in many cases where strict liability has been imposed.²¹ However, other states have approached the problem by staggering the penalties, giving less severe penalties when the minor is closer to the age of majority.²² A persistent confusion exists regarding the agency of a minor engaged in prostitution and that of a minor engaged in consensual sex, frequently resulting in the invocation of age of consent laws when considering heightened penalties for those buying sex acts with a child. This has led to some states using the age of consent laws to draw the line, rather than the age of majority.²³ These unique factors lead to different approaches to identifying, reporting and responding to the buyers of commercial sex acts with minors through law enforcement as well as the media.

Most prostituted adults were first exploited in prostitution as a minor. It is very difficult to exit this victimization.²⁴ According to the research of Dr. Melissa Farley, 89% of women in prostitution stated they would leave it if they could.²⁵ For this reason, a multi-pronged approach is essential, i.e., develop the services and shelter needed for prostitution victims to exit while maintaining focus on the child victims in order to prevent migration from prostituted child to adult prostitute. In any case, a simultaneous effort to penalize the buyers of prostitution with meaningful sentences and financial penalties ranging from vehicle impoundment to high fines is essential. One model gaining increasing recognition for its effectiveness is the Swedish Model, also called the Nordic Model since its enactment in neighboring Scandinavian countries, including Norway and Iceland.²⁶

The Swedish legislation passed in 1999 criminalizes sex buyers and protects women victimized by prostitution, causing a significant decrease in trafficking activity in the country, cutting prostitution by more than 45% and reducing the percentage of adult males who buy sex from

21 See Appendix: State Law Survey of Prohibitions on Mistake of Age Defense for Buyers of Sex Acts with a Minor, analyzing state commercial sexual exploitation and sex trafficking laws that prohibit a buyer from asserting a mistake of age defense.

22 See Appendix: State Law Survey of Base Penalties for Buyers of Sex Acts with a Minor, analyzing state commercial sexual exploitation and sex trafficking laws that provide lower penalties for offenses involving older minors.

23 *Id.*

24 Melissa Farley, *Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder 2 J. Trauma Prac.* 33, 36 (2003).

25 Farley, *supra* Table 8 at 51.

26 Norwegian General Civil Penal Code, Section 202A makes it a crime to purchase sex acts for oneself or another person. There is no provision making it a crime to sell sexual services. Icelandic Law No. 54 of 2009 amended the General Penal Code to make it a crime to purchase sex.

13.6% to less than 8%.²⁷ Sweden now has the lowest number of trafficking victims in the European Union.²⁸ A guiding principle of the model is that prostituted women and children are victims; they require assistance and social services rather than criminalization. Instead, the criminality is on the part of the buyer and seller of the person in prostitution who face imprisonment up to six months and four years respectively under procurement of prostitution laws; if convicted under the trafficking law that sentence is two to ten years.²⁹ This approach has led a change in societal attitudes toward the purchase of sex. Law enforcement has arrested more than 3,700 men since 1999, although in most cases, the men were only assessed fines. Ten years after the law was enacted, more than 70 percent of Swedes said they supported punishing the men who pay for sex instead of the prostitutes they pay.³⁰

Law enforcement efforts have historically centered on the rescue of the prostituted minor and the prosecution of the person selling the minor for sex acts, the trafficker.³¹ The reasons for this are multifold. First, it is the primary law enforcement response to remove the victim from harm. However this has the effect of preventing police from surveilling the crime and identifying the buyers, or from gathering the evidence necessary to prosecute the buyers identified. Victims rarely know the buyers; the transaction is managed by the trafficker and the interaction is impersonal. At best, law enforcement might glean buyer information from running the victim's cell phone records and tracing numbers to the callers, a labor-intensive and rarely fruitful effort, fraught with evidentiary challenges in linking the numbers to the offense of buying sex acts with a minor. Second, the resources are scarce and a lot is involved in investigating the buyers. Third, victims of trafficking may identify influential authorities and businessmen as buyers. Last, a persistent cultural perception about the persons engaged in prostitution prevents them from being viewed as victims, even in cases where buyers and traffickers are identified.

Prosecutors must make choices weighing the evidence against the outcomes. When presented with a trafficking victim they must consider the trauma of testifying in multiple trials, as would be required in order to prosecute the trafficker and buyer or buyers. Evidentiary issues and limited resources also pose challenges for prosecutors who learn of buyers while investigating traffickers but lack sufficient resources or available evidence to proceed with a prosecution.

Although some victims will share information about buyers, there are many barriers to relying on victim reports for evidence relating to buyers. Victim service providers' obligation to act in the best interest of the victims they serve can run counter to advising them to report the crime committed against them. Fear of reprisal by the trafficker, or the buyers who may have a community reputation and family to protect, can silence a victim. A desire to put it behind and move forward can lead to a victim's choice not to pursue justice against the perpetrators.

27 Equality Now, *What Is The 'Nordic Model'?*, available at http://www.equalitynow.org/sites/default/files/Nordic_Model_EN.pdf, citing Swedish Ministry of Justice, *Evaluation of the ban on purchase of sexual services*, (1999-2008), 2 July 2010 and Kajsa Claude, *Targeting the sex buyer*, The Swedish Institute (2010).

28 Government Offices of Sweden, Ministry of Justice. "Evaluation of the ban on purchase of sexual services" (July, 2010), available at <http://www.sweden.gov.se/sb/d/13358/a/149231>, reporting that street prostitution in Sweden was reduced by one-half since 1999, while in the neighboring countries of Denmark and Norway the number is three times higher. This has been a point of criticism of the Swedish Model in that it effectively pushed the crime into the neighboring countries; however, it underlines the need for universal approaches toward the curbing of demand.

29 Kajsa Claude. "Targeting The Sex Buyer —The Swedish Example" (Swedish Institute, 2010), available at http://exoduscry.com/site/wp-content/uploads/2010/07/swedish_model.pdf.

30 See *supra*, Note 29.

31 See page 17 for search terms flowchart showing prevalence of media reports relating to trafficker cases as compared with media reports of buyer cases.

Criminalization

“(a) Whoever knowingly . . . recruits, entices, harbors, transports, provides, obtains, or maintains by any means a person . . . knowing, or in reckless disregard of the fact, that . . . the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished”

- Federal Trafficking Victims Protection Act, 18 U.S.C. 1591(a).

Development of the Law

Comprehensive laws are critical to combatting demand and addressing the broad scope of the trafficking crime while providing protection for the victim. While the Mann Act, passed in 1910, brought certain buyer-related prostitution crimes that involved interstate commerce into the federal jurisdiction,³² and the child pornography laws began to be passed to stem the growing numbers of producers and buyers of child abuse images,³³ it was the federal TVPA passed in 2000 that set the foundation for our nation's laws on human trafficking. Demand became a recognizable feature in the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (“TVPRA 2008”) with the incorporation of certain features of the End Demand Act.³⁴ In 2010, the first indictments of buyers for crimes of sex trafficking of a minor were brought in the U.S. Attorney's Office for the Western District of Missouri, stemming from Operation Guardian Angel, a sting operation designed and implemented by the joint federal and local human trafficking task force.³⁵ These indictments resulted in guilty pleas, but in 2011 a nearly identical sting operation in South Dakota led

to the arrest and conviction of two buyers in separate cases. However, a lower court granted the defendants' motions for acquittal, leading to an appeal to the Eighth Circuit Court of Appeals by the U.S. Department of Justice, determined to clarify that the federal sex trafficking law, 18 U.S.C. § 1591 includes the actions of buyers of commercial sex acts with trafficking victims as acts of trafficking. In 2013, the Eighth Circuit Court of Appeals confirmed that 18 U.S.C. § 1591 includes the actions of buyers under such circumstances.³⁶

While federal law was developing and solidifying the definition of trafficking to include the actions of buyers of commercial sex acts with a victim of trafficking, state human trafficking laws were being passed at the urging of the U.S. Department of Justice and Congress. Washington and Texas passed the first state human trafficking laws in 2003, followed by Missouri in 2004.³⁷ These first iterations were primarily concerned with the trafficking of foreign nationals into the U.S. for prostitution or labor. However, they closely model the federal TVPA language that the “recruiting, harboring, maintaining, obtaining, enticing, harboring a person” for purposes of prostitution or labor was a crime of trafficking.³⁸ As a

³² The White Slave Traffic (Mann) Act, 36 Stat. 825 (1910) (codified as amended at 18 U.S.C. §§ 2421–2424 (2006)).

³³ Protection Of Children Against Sexual Exploitation Act Of 1977, 95 P.L. 225; 92 Stat. 7 (Feb. 6, 1978), Child Protection Act Of 1984, 98 P.L. 292; 98 Stat. 204 (May 21, 1984), Child Protection And Obscenity Enforcement Act Of 1988, 100 P.L. 690; 102 Stat. 4181 (Nov. 18, 1988).

³⁴ End Demand for Sex Trafficking Act of 2005, H.R. 1212, 109th Cong. § 2(a)(6) (2005). H.R. 1212 (stating that the purposes of the Act were: “(1) to support the development of more effective means of combating commercial sexual activities by targeting demand; (2) to protect children from the predators and exploiters who use them in commercial sexual activities; (3) to clarify that the operation of sex tours is prohibited under Federal law; and (4) to assist State and local governments in their enforcement of existing laws dealing with commercial sexual activities”).

³⁵ See, e.g., Indictment at 2, United States v. Oflyng, No. 09-00084-01-CR-W-SOW (W.D. Mo. Mar. 10, 2009); Indictment at 2, United States v. Childers, No. 4:09-cr-00079-HFS (W.D. Mo. Mar. 10, 2009); United States v. Albers, No. 4:09-cr-00078-FJG (W.D. Mo. Mar. 10, 2009); Indictment at 2, United States v. Cockrell, No. 4:09-cr-00080-DW (W.D. Mo. Mar. 10, 2009); Indictment at 1–2, United States v. Doerr, No. 4:09-cr-00031-FJG (W.D. Mo. Feb. 3, 2009); Indictment at 2, United States v. Johnson, No. 4:09-cr-00034-DW (W.D. Mo. Feb. 3, 2009); Indictment at 2, United States v. Mikoloyck, No. 4:09-cr-00036-GAF (W.D. Mo. Feb. 3, 2009).

³⁶ United States v. Jungers, 702 F.3d 1066, 1072 (8th Cir. 2013) (“Had Congress intended to exclude purchasers from § 1591(a)(1)’s blanket prohibition of sex-trafficking acts or limit its application to suppliers, it could have done so expressly . . . We do not lightly assume that Congress has omitted from its adopted text requirements that it nonetheless intends to apply, and our reluctance is even greater when Congress has shown elsewhere in the same statute that it knows how to make such a requirement manifest.”) (Internal citations and quotes omitted).

³⁷ Wash. Rev. Code Ann. § 9A.40.100(1)(a) (Trafficking) (2003 HB 1175); Tex. Penal Code Ann. § 20A.02(a)(8) (Trafficking of persons) (2003 H.B. 8); Mo. Rev. Stat. § 566.212(1)(2) (Sexual trafficking of a child) (2004 H.B. 1487).

³⁸ Trafficking Victims Protection Reauthorization Act of 2003 (H.R. 2620), the Trafficking Victims Protection Reauthorization Act of 2005 (H.R. 972), the Trafficking Victims Protection Reauthorization Act of 2008 (H.R. 7311), the Trafficking Victims Protection Reauthorization Act of 2013 (P.L. 113-4)

result, the Eighth Circuit Court of Appeals holding in *U.S. v. Jungers* has the potential of encouraging these states to use their existing state human trafficking laws to prosecute the buyers of sex acts with trafficking victims.³⁹ In addition, 19 state sex trafficking laws have been amended or originally enacted with the intent to decisively reach the action of buyers of sex acts with minors.

In each state, a wide variety of criminal statutes are intended to reach the actions of a person who sexually exploits a child. Statutory rape, sexual exploitation, sexual abuse, and indecent liberties with a minor are some examples of state sex offenses. A critical defining element between a general sexual offense and one of sex trafficking or commercial sexual exploitation of children (CSEC) is the element of payment, in cash or in kind, to any person, including the child directly. CSEC laws criminalizing the purchase of commercial sex acts with a minor have a variety of titles, like pandering, solicitation of a minor for prostitution, contributing to the delinquency of a minor, enticement for prostitution, and other variations. Forty-five states have either a sex trafficking law or a CSEC law that reaches the actions of a buyer of sex acts with a minor; six do not.⁴⁰ Nineteen states have sex trafficking statutes that can be used to prosecute an offending buyer.⁴¹ Another 21 states have trafficking laws that contain the same prohibited actions as the federal statute that was determined to reach the action of buyers of sex acts with trafficking victims.⁴² Of the six states that do not have a CSEC or trafficking statute that reaches the actions of buyers of commercial sex acts with minors, five could apply their human trafficking law to buyers following the precedent set by *U.S. v. Jungers* applying the federal sex trafficking law to buyers.⁴³

Otherwise, prosecutors in these states may be left to use the general solicitation of prostitution offense to prosecute a buyer of commercial sex acts, even though the person prostituted is a minor. Alternatively, a prosecutor may try to use one of the sex offense statutes, the elements of which often do not fit those of a sex trafficking case. Statutory rape is the most often referred to in such a situation. However, statutory rape was not intended to apply to the more complex case of sex trafficking where coercion, trauma and force are nearly always present in some form. Statutory rape offenses are intended to protect children from the consequences of their actions by holding the older person in a sexual encounter accountable for engaging in sex acts with the minor, essentially scaring the adult away from the minor.⁴⁴ This scenario does not equate to the intentional purchase of sex acts with a minor which has as the underlying basis prostitution, itself an offense in every state.⁴⁵

39 The End Sex Trafficking Act of 2013, H.R. 2805 and S. 1354, 113th Cong. (intro. July 24, 2013) intends to clarify through statute the holding in *U.S. v. Jungers* that the TVPA and 18 U.S.C. § 1591 includes the actions of buyers of sex acts with trafficking victims as offenses of trafficking. It further directs the U.S. Attorney General to direct the task forces and working groups around the country to investigate demand.

40 After the *Jungers* decision, the states that do not have a sex trafficking or CSEC law that applies to buyers of sex acts with a minor are California and Michigan.

41 Ark. Code Ann. § 5-18-104 (Patronizing a victim of human trafficking), Del. Code Ann. tit. 11, § 787(b)(2)(b) (Trafficking of persons and involuntary servitude), Idaho Code Ann. § 18-8603 (Penalties), Ind. Code Ann. § 35-42-3-5-1(d) (Promotion of human trafficking Sexual trafficking of a minor Human trafficking), Iowa Code § 710A.2(4) (Human trafficking), La. Rev. Stat. Ann. §§ 14:46.3(A)(1) (Trafficking of children for sexual purposes), Ky. Rev. Stat. Ann. § 529.100 (Human trafficking), Mass. Gen. Laws ch. 265, § 50 (Human trafficking—Sexual servitude), Miss. Code Ann. § 97-3-54.1(1)(c) (Human Trafficking Act), Mo. Rev. Stat. § 566.212(1)(2) (Sexual trafficking of a child) and § 566.213(1)(2) (Sexual trafficking of a child under age twelve), Montana Enacted House Bill 478 (Patronizing a child), Neb. Rev. Stat. Ann. § 28-831(2) (Human trafficking; forced labor or services), N.C. Gen. Stat. § 14-43.13 (Sexual servitude), Okla. Stat. Ann. tit. 21, § 748(B) (Human trafficking), R.I. Gen. Laws Ann. § 11-67-6(b) (Sex trafficking of a minor), Tex. Penal Code Ann. § 20A.02(a)(8) (Trafficking of persons), Vt. Stat. Ann. tit. 13, § 2655(a) (Solicitation), codified in the human trafficking chapter, Wash. Rev. Code Ann. § 9A.40.100(1)(a) (Trafficking), Wyoming Enacted House Bill 133 (Patronizing a victim of sexual servitude).

42 Ala. Code § 13A-6-152(a)(2) (Human trafficking in the first degree), Ariz. Rev. Stat. Ann. § 13-1307(B) (Sex trafficking), D.C. Code § 22-1834 (Sex trafficking of children), Ga. Code Ann. § 16-5-46(c) (Trafficking of persons for labor or sexual servitude), Fla. Stat. Ann. § 787.06(3) (Human trafficking), 720 Ill. Comp. Stat. Ann. 5/10-9(c), Kan. Stat. Ann. § 21-5426(b)(4) (Human trafficking), Mich. Comp. Laws Ann. §§ 750.462a (Definitions)—750.462j (Providing or obtaining labor or services by force, fraud, or coercion as crime; penalty), Nev. Rev. Stat. Ann. § 200.463(1) (Involuntary servitude; penalties), N.H. Rev. Stat. Ann. § 633:7 (Trafficking in persons), N.J. Stat. Ann. § 2C:13-8 (Human trafficking), N.M. Stat. Ann. § 30-52-1(A)(2) (Human trafficking), North Dakota Century Code (N.D. Cent. Code) § 12.1-40-01(1) (Human trafficking—Penalty), Or. Rev. Stat. § 163.266 (Trafficking in persons), 18 Pa. Cons. Stat. § 3002(a) (Trafficking of persons), S.C. Code Ann. § 16-3-2020 (Trafficking in persons), S.D. Codified Laws § 22-49-1 (Human trafficking prohibited), Tenn. Code Ann. § 39-13-309 (Trafficking for commercial sex acts), Utah Code Ann. § 76-5-308(1) (Human trafficking), W. Va. Code Ann. § 61-2-17(a)(5) (Human trafficking; criminal penalties), and Wis. Stat. § 948.051 (Trafficking of a child).

43 California's human trafficking law does not reach the actions of a buyer of sex acts with a minor

44 *Statutory Rape: A Guide to State Laws and Reporting Requirements*, U.S. Department of Health and Human Services, Summary of Current State Laws, Table 1 (2004), available at <http://aspe.hhs.gov/hsp/08/sr/statelaws/summary.shtml>. ("Statutory rape laws assume that all sexual activities involving individuals below a certain age are coercive. This is true even if both parties believe their participation is voluntary. Generally, statutory rape laws define the age below which an individual is legally incapable of consenting to sexual activity.")

45 While less populous counties in Nevada are permitted under Nevada law to license and regulate brothels, prostitution is not legal throughout Nevada, and is prohibited in more populous counties, including Clark County, where Las Vegas is located. See DEMAND, *supra* note 10, at 95.

Legalization

“Many Americans believe that prostitution is legal in all of Nevada, including Las Vegas, due in no small part to the highly visible, sexually-based advertising. However, this is not the case; prostitution is not legal in Clark County where Las Vegas is located. The state law prohibits the legalization of prostitution in counties with populations of 400,000 residents or more, therefore Las Vegas is excluded with a population of 1.1 million.”

- Shared Hope Int'l, Demand: A Comparative Examination of Sex Tourism and Trafficking in Jamaica, Japan, the Netherlands, and the United States 7 (2007), available at <http://sharedhope.org/wp-content/uploads/2012/09/DEMAND.pdf>.

Law Enforcement

The establishment of good law is the first step. Enforcement is the next. Crime statistics cited by Congress in support of the End Demand for Sex Trafficking Act of 2005⁴⁶ revealed that eleven females engaged in commercial sex acts were arrested in Boston for every one arrest of a male purchaser, nine to one in Chicago, and six to one in New York City.⁴⁷ These numbers relate to the enforcement of prostitution laws that should not include cases in which the victim solicited was a minor. However, arrests of the minor engaged in prostitution do occur. For example, 25 juveniles were charged with prostitution in Tarrant County, Texas (Fort Worth) from 2000 to 2007; 27 were charged in the Pinellas and Pasco County, Florida court circuit; and in Utah five juveniles were arrested for prostitution activities in the first half of 2006, affirming that a minor engaged in prostitution is not always identified as a victim of a more serious crime.⁴⁸

Due to the dangers and impossibility of employing a real minor as an undercover informant or as an agent of law enforcement in order to “sting” buyers, law enforcement operations targeting buyers of sex acts with minors are largely limited to reverse stings. These are mainly accomplished through the Internet with law enforcement posting a fake advertisement for commercial sex acts with a minor on one of the main classified websites, like Backpage.com, and waiting for the buyers to call. A date is arranged and the buyer is arrested when he appears for the date.

⁴⁶ End Demand for Sex Trafficking Act of 2005, H.R. 1212, 109th Cong. § 2(a)(6) (2005).

⁴⁷ *Id.*

⁴⁸ Smith, L., M. Snow & S. Vardaman Healy, THE NATIONAL REPORT ON DOMESTIC MINOR SEX TRAFFICKING: AMERICA'S PROSTITUTED YOUTH (Shared Hope Int'l: 2009), pgs. 52-3, available at http://sharedhope.org/wp-content/uploads/2012/09/SHI_National_Report_on_DMST_2009.pdf.

A well-planned operation, like Operation Guardian Angel in Missouri⁴⁹ or Operation Crossing Guard in South Dakota⁵⁰ can lead to federal trafficking charges and convictions. One shortcoming of this approach is that no live victims are rescued from trafficking because there is no real victim involved, but it does take intended perpetrators of child sex trafficking off the Internet and off the streets.

Operation Cross Country led by the Innocence Lost National Initiative approaches child sex trafficking investigations with a rescue priority; since its inception in 2003 as a project of the FBI, the Child Exploitation and Obscenity Section of the U.S. Department of Justice, and the National Center for Missing and Exploited Children, the Innocence Lost National Initiative has rescued more than 2,700 children and has led to the conviction of more than 1,300 traffickers and facilitators who exploit children through prostitution. The Initiative has led to the development of 66 task forces and working groups involving federal, state, and local law enforcement agencies working with U.S. Attorney's Offices.⁵¹

This report intends to compile cases of persons arrested for engaging in or attempting to engage in sex acts with a minor in exchange for something of value (confirmed sex trafficking of a minor), regardless of the statute charged, to illuminate the range of enforcement approaches and outcomes in these types of cases.

Online Facilitation

"For the first time, the estimated 12-month revenue generated on five websites tracked by the AIM Group has exceeded the \$44.6 million a year that Craigslist alone made from selling ads for escorts and body rubs, which are both euphemisms for prostitution. Most of the \$45 million generated from June 2012 through May – 82.3 percent – has been generated by Backpage.com, a general classifieds site that has succeeded Craigslist as the nation's leading publisher of online prostitution advertising. The 12-month total for all five sites, however, still falls short of the estimated \$71 million the AIM Group expected Craigslist and other sites to generate in 2010."

- AIM Group June 2013 Monthly Report, *Online prostitution-ad revenue crosses Craigslist benchmark*, available at <http://aimgroup.com/2013/07/10/online-prostitution-ad-revenue-crosses-craigslist-benchmark/>, accessed Oct. 23, 2013.

49 Press Release, Matt J. Whitworth, Office of the United States Attorney, W. Dist. of Mo., Final Defendant Pleads Guilty to Sex Trafficking of a Child (Dec. 18, 2009), available at <http://www.justice.gov/usao/mow/news2009/mikoloyck.ple.htm>.

50 Press Release, U.S. Dep't of Justice, Office of the U.S. Attorney for the Dist. of S.D., Sioux Falls Man Found Guilty of Commercial Sex Trafficking (Nov. 10, 2011), available at <http://www.justice.gov/usao/sd/pressreleases/2011/SF-2011-11-10-Bonestroo.html>; Press Release, U.S. Dep't of Justice, Office of the U.S. Attorney for the Dist. of S.D., Sioux City Man Convicted of Sex Trafficking (Oct. 26, 2011), available at <http://www.justice.gov/usao/sd/pressreleases/2011/SF-2011-10-26-Jungers.html>.

51 http://www.fbi.gov/about-us/investigate/vc_majorthefts/cac/innocencelost, accessed August 28, 2013.

Methodology

Scope & Timeline:

The scope of analysis for the Benchmark Assessment Report focuses on deterrence of demand for sex trafficked minors. Restricting the analysis to minors provides clear parameters for identifying demand for this group of sex trafficking victims because any minor engaged in a commercial sex act is a victim of sex trafficking under federal law.⁵² Cases of buyers of sex acts with minors were tracked from identification and arrest, through the prosecution process to disposition. Given the broad gaps in penalties between age-neutral prostitution offenses and the felony offenses that generally criminalize purchasing sex acts with minors,⁵³ focusing on minor victims facilitates a clear assessment of when sex trafficking cases are misperceived as prostitution offenses, as well as other persistent misperceptions of the offenses that buyers commit. The goal is provide clear, quantifiable data on the criminal justice outcomes for those who create the demand for sex trafficked minors.

Phase 1: The Benchmark Assessment Report

The Benchmark Assessment Report represents the first phase of research for the Demanding Justice Project. Phase 1 is a national desk review of buyer cases identified within a five year timeframe (2008–2013).⁵⁴ The data was collected over a four month period. The first step in the research was identifying buyers of sex acts with minors through online resources, library research and voluntary police department contributions. To the extent possible,⁵⁵ buyers of sex acts with minors identified for the study were then tracked through the courts to determine the criminal justice outcomes they faced, including whether they faced prosecution, and if so, the outcome of the prosecution. The collected data provides quantitative analysis of buyer arrests and prosecutions to shed light on the variables involved in addressing demand for sex acts with children. By using a range of sources and search terms that account for the disparate treatment of these cases by the criminal justice process and the media, a broad variety of cases were captured within the four month study period, providing a cross-section of arrested buyers and criminal justice outcomes.

Phase 2: The Demanding Justice Report

The Demanding Justice Report will be completed through a formal collaboration between Shared Hope International and the Sex Trafficking Intervention Research Office at Arizona State University. Since the limitations inherent in the desk review research are the reason for Phase 2 of this study, the Demanding Justice Report will complement and supplement the Benchmark Assessment national desk review by conducting targeted reviews of local law enforcement records at the city or county level in at least four locations. Direct review of local police records will be conducted to identify persons arrested for buying sex acts with a minor in order to track the consequences for those buyers from arrest to prosecution and disposition, whether the prosecution proceeds in city/county, state or federal court. Due to variation in the circumstances under which buyers are identified and arrested, and the differences in state laws that apply to buyers of sex acts with minors, these offenders could be arrested on a variety of charges. Statutory analysis conducted under the Protected Innocence Challenge and interviews with law enforcement will define the range of offenses with which a buyer may be charged in each jurisdiction.

⁵² See 18 U.S.C. § 1591(a).

⁵³ See Appendix: State Law Survey of Criminal Liability for Buyers of Sex Acts with a Minor.

⁵⁴ The five year timeframe aligns with the effective dates of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 and the demand-related provisions enacted in the Trafficking Victims Protection Reauthorization Act of 2005. See William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110-457, 122 Stat. 5044 (codified at various sections of 22 U.S.C., 8 U.S.C. and 18 U.S.C.); Trafficking Victims Protection Reauthorization Act of 2005, Pub. L. No. 109-164, § 104(b)(2), 119 Stat. 3558, 3564 (2006) (codified at 22 U.S.C. § 7106).

⁵⁵ Since Phase 1 is a desk review, the ability to track cases was limited by availability of online court records and the time limits of the study period. In some instances, court records that were not available online were requested in-person depending on staff and volunteer capacity, but a small number of records could be accessed in this manner.

Research Goals:

The specific data-analysis goals of the Demanding Justice research include:

- ♦ Track the number of buyer arrests that result in prosecutions. Of those,
 - » quantify the number of prosecutions that result in convictions.
 - » quantify the cases where buyers are charged with sex trafficking or commercial sexual exploitation of children offenses; then compare the charges under which buyers are initially charged with the charges to which buyers plead or are convicted.
- ♦ Track the categories of charges that buyers face: prostitution/patronizing, general sex offenses, commercial sexual exploitation of children, sex trafficking.
 - » Compare the frequency with which different types of charges are used, including the frequency these charges are the basis for prosecutions and/or convictions of buyers.
 - » Compare types of charges used with the age of the minor victim.
 - » Compare the types of charges used by year to evaluate any trends that appear.
- ♦ Compare average age and gender of arrested buyers with average age and gender of minor victims.
- ♦ Compare demographic data of charged buyers with demographic data of prosecuted buyers.
- ♦ Compare the initial charges and final outcomes of law enforcement decoy cases to cases involving an actual minor victim.

Additionally, qualitative analysis of the data may provide some cultural perspectives on the issue of demand. Comparing media reports with the results of targeted research could help identify the extent and nature of media coverage of demand. Tracking the process from arrest to disposition in targeted areas may demonstrate methods of demand enforcement that are being used successfully and indicate best practices for states and localities seeking to improve demand enforcement. Another goal of the research is to promote discussion about barriers in the criminal justice process that may be interfering with demand enforcement.

Research Methods:

The desk review of publicly available online resources was conducted to identify buyers who have been arrested or charged in connection with the offense of purchasing sex acts with a minor. Most buyers were identified through media reports, press releases and other news sources. Media sources that were searched include Google, Meltwater Media, Lexis Nexis and Proquest Newsstand. To help address the gap in cases reported by media and cases actually charged, various law enforcement agencies were invited to contribute cases involving a buyer of sex acts with a minor who was arrested in the past five years. All search results were tracked in a database, and through partnership with the Sex Trafficking Intervention Research Office at Arizona State University, the data was analyzed using quantitative analysis software. The data tracked falls into the following categories, which are explained in more detail below:

- ♦ Buyer information
- ♦ Minor victim information
- ♦ Arrest and prosecution information
- ♦ Charging information

Due to the infrequent use of state sex trafficking laws to prosecute demand and the range of terms used to describe buyers and their victims, search terms had to be carefully chosen to capture cases that relate to purchasing sex acts with a child regardless of the charges actually filed, while also limiting the number of unrelated results. In addition, several different search strings were needed to capture the range of circumstances and get a more complete picture of these cases. The searches used to identify buyer cases were logged and the type of search used to identify a case was recorded in the database. The criminal justice outcomes for buyers identified through these searches were then tracked through online court records, to the extent they were available, and in some instances where a buyer's case could not be tracked through online sources (or the case did not appear in court records), those court records were requested directly from the court.

Explanation of Research Findings

Anonymity of Buyers

The purpose of this report is to measure criminal justice outcomes, not the actual scope of demand. However similar challenges arise as those encountered in measuring the scope of demand because identifying buyers of sex acts with minors is a preliminary and crucial step in the research. One overarching challenge encountered in studying demand is the anonymity of buyers.

The anonymity of buyers presents one of the greatest challenges to investigation and arrest. Victims often do not know or remember the buyers' real names, addresses, or other identifying information. This can be due to the trauma of the sexual exploitation or to the evasive techniques of traffickers in orchestrating the commercial encounter with the buyer. Prostitution is done on a cash basis and buyers frequently use fake names, leaving law enforcement with limited evidence.⁵⁶

Given the challenges law enforcement face in identifying and arresting buyers, the scope of buyers who have come into contact with law enforcement reflects a small subsection of those who are buying sex acts with minors. Within that subset are the cases that were reported by the media with sufficient information to clearly identify the case as involving commercial sexual exploitation of a minor by a buyer, narrowing the field of cases even further. Since prosecutions of traffickers for sex trafficking minors are more prevalent⁵⁷ and generally carry more serious penalties than prosecutions of buyers of sex acts with minors, trafficker cases are more often recognized in media articles as sex trafficking and more often reported.

While the conduct of traffickers is increasingly recognized as human trafficking in the media, there is little consistency in the language used to refer to the conduct of buyers. In some cases, the offense of buying sex acts with a minor is viewed as a type of prostitution case. Out of 407

⁵⁶ National Report, *supra* note 49, at 20 (citing MELISSA SNOW, SALT LAKE CITY ASSESSMENT: IDENTIFICATION OF DOMESTIC MINOR SEX TRAFFICKING VICTIMS AND THEIR ACCESS TO SERVICES 45 (2008), available at http://sharedhope.org/wp-content/uploads/2012/09/SaltLakeCity_PrinterFriendly.pdf).

⁵⁷ Amy Farrell, Ph.D., Jack McDevitt, Ph.D., Rebecca Pfeffer, M.A., Stephanie Fahy, M.A., Colleen Owens, Meredith Dank, Ph.D., William Adams, M.P.P., *Identifying Challenges to Improve the Investigation and Prosecution of State and Local Human Trafficking Cases*. Washington, DC: The Urban Institute, Justice Policy Center and Northeastern University, Institute on Race and Justice School of Criminology and Criminal Justice for National Institute of Justice. ("In none of the cases we reviewed for this study were 'Johns' or customers of sex trafficking prosecuted under federal or state trafficking laws. In some sites, customers were charged with solicitation of a minor or other offenses, but as will be noted in the latter section on prosecution, these charges were often dropped or lessened in exchange for the cooperation of the customer during the prosecution of a case (to corroborate the victim's story and show that a sex act did occur). . . ." *Id.* at 49, n. 15)

Google search:

"sex trafficking arrests"

Page 1 Results:

10 out of 10 links relate to arrested traffickers
0 cases relate to arrested buyers

Google search:

"sex trafficking arrests buyer or john"

Page 1 Results:

2 out of 10 links relate to arrested buyers
1 of these relates to a buyer of sex with minors
(article refers to victims as "teen prostitutes")

Google search:

"sex trafficking arrests buyer or john sex with minor or child"

Page 1 Results:

1 out of 10 links relates to arrested traffickers
0 out of 10 relates to arrested buyers of sex with minors

Google search:

"exchange + sex + minor or child"

Page 1 Results:

1 out of 10 links results in a buyer case
One other is a non-commercial sex offense

Google search:

"exchange + sex + minor or child"

Page 1 Results:

4 out of 10 links relate to arrests for "child prostitution"
3 of these were trafficking arrests
1 of these related to arrest of the minor victim
0 of these related to arrests of the buyers

BUYER:

A person who solicits or engages in, or attempts to engage in commercial sex acts with a minor under the age of 18. This includes buyers arrested as part of a sting operation who believed they were attempting to buy sex acts with a minor, buyers who directly solicited a minor to engage in commercial sex, and buyers who purchased or attempted to purchase sex acts with a minor through a third person.

COMMERCIAL SEX:

Any exchange of sex acts, including sexual performance, for something of value.

buyer cases identified through media and other sources, 25 media outlets referred to a minor victim as a prostitute, reflecting the attitudes that prevent these cases from being reported as serious offenses of commercial sexual exploitation of a child. On the other hand, cases involving buyers of commercial sex acts with minors are often reported and prosecuted as sex offenses, which do not reflect the commercial element of buying a child for sex acts.

Understanding The Buyer's Role

Prevalent misunderstanding of a buyers' role in the sex trafficking of minors perpetuates another set of challenges in identifying these offenders. Low penalties for buying sex acts with a minor discourage law enforcement from treating the offense as a serious offense, leading them to focus their efforts on traffickers who face more substantial penalties and are perceived as more culpable. The media's focus is drawn to reporting these more serious offenses, promoting public perception that traffickers are the only offenders that warrant the most attention. While substantial penalties for traffickers have been a legislative focus for many years, a shift toward focusing on buyers as culpable parties in the sex trafficking of children has begun to take root in the past several years.⁵⁸

Despite this recent shift in legislative priorities, misperceptions about buyers as serious offenders are compounded by legislation that minimizes penalties when a buyer purchases or solicits sex acts with an older minor. While many states have clarified their laws in the past couple years to clearly define a sex trafficking victim as any minor under the age of 18 used for commercial sex,⁵⁹ buyers may enjoy a lower standard of culpability when their victim is older than 14 or 15, and may avoid serious penalties entirely by claiming mistake of age.⁶⁰ Meanwhile, offenses against younger minors are often recognized and charged as sex offenses, regardless of whether there was an exchange or offer of compensation for illegal sex acts, leading to substantial variation in the treatment of buyers depending on the age of the victim.

These perceptions about buyers influenced this demand research in two primary ways. First, there is substantial lack of clarity on how to define and describe buyer cases—the same case could be treated very differently under different state laws, or very differently depending on the age of the minor victim. This impacts how the case is reported by the media, where a substantial number of buyer cases were identified for the desk review phase of this study. As a result, search terms had to anticipate the range of terms that may be used to describe the offense and the range of offenses that may be charged against a buyer. Despite carefully selected search terms, close inspection of the resulting articles was necessary to find cases that fit the parameters of this study, specifically, commercial sexual exploitation of a minor by a sex consumer.⁶¹

⁵⁸ See page 5 for timeline of anti-demand developments under state and federal law.

⁵⁹ See SHARED HOPE INT'L, 2013 Protected Innocence Challenge Progress Report, *available at* <http://sharedhope.org/what-we-do/bring-justice/reportcards/>.

⁶⁰ See Appendix: State Law Survey of Prohibition on Mistake of Age Defense for Buyers of Sex Acts with a Minor, analyzing state commercial sexual exploitation and sex trafficking laws that prohibit a buyer from asserting a mistake of age defense.

⁶¹ See page 17 for search terms flowchart showing sample results of searches for media reports of buyer cases.

Parameters of the Study

Strict parameters were established to define commercial sexual exploitation of a minor by a sex consumer, or “buyer cases,” which is the shorthand term used in this report. The parameters needed to be broad enough to capture the various circumstances under which a minor could be exploited by a sex consumer, but narrow enough to distinguish cases of commercial sexual exploitation of a minor by a sex consumer from non-commercial sex offenses. Unless a commercial element was clearly present from the available facts, the case was not counted in the study.

The availability of this information varied depending on the source.⁶² Information provided by contributing police departments was specifically targeted to the criteria of commercial sexual exploitation of children, while the media sources and public records in the test target review required close inspection to determine which cases involved the essential elements of commercial sexual exploitation of a minor by a sex consumer. Sometimes this meant excluding a case that may have had a commercial element but the facts available through the media source or public record did not clearly identify that element.

When reviewing news articles and police records for cases that met the criteria of commercial sexual exploitation of a minor by a sex consumer, the following definitions were applied to establish the parameters for cases to be included in the study:

Buyer: A person who solicits or engages in, or attempts to engage in commercial sex acts with a minor under the age of 18. This includes buyers arrested as part of a sting operation who believed they were attempting to buy sex acts with a minor, buyers who directly solicited a minor to engage in commercial sex, and buyers who purchased or attempted to purchase sex acts with a minor through a third person.

Commercial sex: Any exchange of sex acts, including sexual performance, for something of value.

Something of Value: Includes, but is not limited to, money, drugs, alcohol, legal representation, paying for travel, food, bills, or a place to stay or a coveted opportunity or advantage where sex replaces currency as a bribe. Since this study focuses on commercial sexual exploitation of minors, cases in the latter category are distinguished from cases of sexual abuse by a person in a position of authority or trust by limiting these cases to sex acts that were clearly requested or provided in exchange for the opportunity or advantage provided by the defendant.

Cases that were not included:

- ♦ Adult prostitution and/or commercial sexual exploitation of adults.
- ♦ Sexual exploitation of a minor that did not involve an exchange of value in order for that minor to engage in sexual conduct.
- ♦ Cases where a defendant engaged in sexual conduct with a minor, or attempted to engage in sexual conduct with a minor for the purpose of filming that conduct, unless the filming was incidental to the purchase of commercial sex acts with a minor.
- ♦ Cases where a defendant engaged in sex acts with a minor, filmed the sex acts, and then threatened to expose the film or photos to coerce the minor into continuing to engage in sex acts with the defendant.
- ♦ Cases involving a defendant who induces a minor to engage in commercial sex acts with a third person (i.e., trafficker cases).
- ♦ Cases arising from sting operations that targeted online child predators but did not include the element of payment or exchange of value for the sexual conduct solicited by the defendants. Where these sting operations were identified through news articles, this does not preclude the possibility that the sting may have included commercial aspects, but if the articles reporting on the arrests arising from the sting did not address the commercial element, then the cases were excluded from the study.
- ♦ Cases where a person in a position of authority or trust coerces a minor into engaging in sex acts with that person in exchange for refraining from an action that would be detrimental to the minor in some way.
- ♦ Possession of child pornography.
- ♦ Disseminating pornography or obscene matter to a minor, with or without the intent to induce that minor to engage in sexual conduct with the defendant or another person.

⁶² See Appendix: Buyer Cases by Source and Year.

Categories of Data Analyzed

Availability of information in some categories varied depending on the source used to identify the buyer. For example, news articles did not consistently include the full list of charges filed against a defendant at the time of arrest. While court records could sometimes be used to confirm the charges brought by the prosecutor, these do not always align with the charges filed at the time of arrest. The availability of information relating to prosecutions, dispositions and penalties also varied according to the availability of online access to court records or the availability of on-the-ground support with accessing court records.

Consequently, within each category certain information was consistently available across sources while other data could not be captured in this study, or the data was insufficient for quantitative analysis. Location information was consistently tracked, allowing the data to be analyzed both nationally and on a state level. Location information was also critical for tracking the cases through the courts to determine outcomes of that process or whether a prosecution had been commenced, where that information was available online.

Categories of tracked data are as follows:

I. BUYER INFORMATION

This category tracked basic demographic information about identified buyers to accomplish two goals: (1) identify the buyer's name in order to track the case through the courts, and (2) capture the characteristics of this subset of commercial sex consumers to contribute to existing research⁶³ that helps to characterize the people who create demand.

The following information about buyers was collected: Total number of identified buyers, overall and by state, age range of buyers, average buyer age, percent of male buyers, average age of male buyers, percent of female buyers, average age of female buyers, buyer professions.

II. MINOR VICTIM INFORMATION

Information about the victim was collected to track the characteristics of buyer cases involving children less than 11 years of age, cases involving younger minors (11–14) and cases involving older minors (15–17).⁶⁴ Information about actual minor victims was tracked separately from information about purported victims in cases where a law enforcement decoy posed as a minor. For purposes of this study, “actual minor victim” refers to cases where real minors were the target of buyers’ conduct, regardless of whether the buyers engaged in sexual conduct with the minor victims.

The following information about actual minor victims was collected: age, gender, number of minors victimized by the defendant, and whether the article or record referred to the minor victim as a “prostitute.” Information was also collected regarding whether the victim was charged with prostitution, trafficked by a family member or guardian, or court or child welfare involved for a small subset of cases where this information was available.

⁶³ THE SCHAPIRO GRP., MEN WHO BUY SEX WITH ADOLESCENT GIRLS: A SCIENTIFIC RESEARCH STUDY (2009), *available at* <http://www.womensfundingnetwork.org/sites/wfnet.org/files/AFNAP/TheSchapiroGroupGeorgiaDemandStudy.pdf>; also THE SCHAPIRO GRP., CSEC DEMAND STUDY RESULTS: RESEARCH HIGHLIGHTS (2009); MICHAEL SHIVELY ET AL., ABT ASSOCS. INC., DEVELOPING A NATIONAL ACTION PLAN FOR ELIMINATING SEX TRAFFICKING (2010), *available at* http://www.demandabolition.org/wp-content/uploads/2011/07/2000_abtnatactplan.pdf; RACHEL DURCHSLAG & SAMIR GOSWAMI, CHI. ALLIANCE AGAINST SEXUAL EXPLOITATION, DECONSTRUCTING THE DEMAND FOR PROSTITUTION: PRELIMINARY INSIGHTS FROM INTERVIEWS WITH CHICAGO MEN WHO PURCHASE SEX (2008), *available at* <http://www.salvationarmychicago.net/promise/files/2012/11/deconstructing.pdf>.

⁶⁴ The age groups of 15–17, 11–14 and under 11 were used for research purposes to delineate between older minors, younger teens (11–14) and prepubescent minors (under 11) consistent with the distinctions between hebephilia and pedophilia. *See supra* note 20.

III. CIRCUMSTANCES OF OFFENSE & ARREST

This category tracked a variety of data relating to how buyers committed the offenses for which they were arrested and how they came into contact with law enforcement. Two primary goals of tracking this data was to determine and compare the types of commercial sexual exploitation of children committed by buyers and the circumstances under which buyers are identified and apprehended by law enforcement. Another important reason for tracking this data was to be able to distinguish between cases involving actual minor victims and cases involving a fictional victim who is actually a law enforcement decoy posing as a minor.

Collected information relating to commercial sexual exploitation of children by buyers and the circumstances of buyer arrests included the following: whether the offense involved a law enforcement decoy or an actual victim, whether there was a third party report to police or a patrol officer identification, and whether the buyer solicited the child directly or through a third party and whether the Internet was used to exploit the minor victim.

Certain challenges were encountered in collecting this data. In particular the information available in news articles was not always sufficient to fully comprehend the circumstances of the exploitation or the investigation/arrest. For example, information about sting operations in news articles sometimes provided limited information about the techniques employed as part of the sting operation, such as whether Internet advertisements and reverse outcalls were employed, however this information was collected for a subset of cases where this information was available.

IV. CHARGES, PROSECUTION & PENALTIES

This category tracked data relating to the initial charges that buyers faced at the time of arrest and final charges upon conviction in order to track and compare prosecution consequences for buyers of sex acts with minors. To account for differences in state law, offenses were categorized as: (1) sex trafficking/commercial sexual exploitation of children (CSEC) consistent with Protected Innocence Challenge state law analysis, (2) prostitution-related offenses that are not specific to minors, (3) child sexual abuse offenses, (4) child abuse offenses, (5) pornography offenses, (6) technology-related offenses, (7) drug offenses and (8) other offenses. Not all identified cases could be tracked through the court process, but initial charges were identified through either news articles or online court records in the majority of cases. This category also tracked whether prosecutions proceeded in state or federal court and the types of charges and outcomes that buyers generally faced in state or federal court.

Research Findings⁶⁵

Buyer Statistics

There were 407 cases of individuals found to have purchased or attempted to purchase sex from a minor. The average age of the buyers ranged from age 18 to 89 years old with an average of 42.5 years old ($SD = 13.6$). Ninety-nine percent (402 cases) of the buyers were males. One percent (4 cases) of the buyers was female. Males ranged in age from 18 to 89 years old and the average age of male buyers was 42.6 years ($SD = 13.7$) while the age of the four female buyers ranged from 30 to 32 years old with an average age of 31 years old ($SD = 1.0$).

Of the 137 cases where this information was available, 77 (18.9% of the total buyer cases) of the buyers' professions involved working with children such as a teacher, sports coach, military recruiter, and boy scout leaders and 88 professions (21.6% of the total buyer cases) involved a position of authority or trust, such as attorney, law enforcement, military, or minister. The identified profession of 34 cases was teacher or school employee. First responder (fire fighter, law enforcement, emergency medical technician) was the identified profession of 21 buyers and faith community leader (pastor, minister) was identified as the profession of the buyer in 5 cases.

Minor Victim Statistics

The 407 buyer cases in this study included 347 known victims from information available within 294⁶⁶ cases that involved an actual victim rather than a decoy. Of the 294 cases involving an actual victim, 61 involved multiple victims ranging from 1 to 12 victims with an average of 1.4 victims. The victim's gender for all cases known (284 cases) was female: 221 (77.8%), male: 59 (20.8%), both male and female: 3 (.1%) and transgender: 1 (.03%). In 25 cases, the minor victim was identified by the media as a 'prostitute'.

In 247 cases, data was obtained regarding the age of 298 actual victims (some cases described the age of the victims but did not identify how many victims were involved), with victim ages ranging from 2 to 17 years old, and an average of 14.8. The age of the youngest victim in each case was placed into three categories including: less than 11 years old, age 11–14, and 15–17. Of the 247 cases where ages of the victims were provided: 29 cases (9.7% of the total known) involved a victim under age 10; 124 cases (41.6%) involved victims ages 11 to 14; and 145 cases (48.7%) involved victims over the age of 15 years old.

In 5 cases the victims were charged with prostitution. These cases were in: Georgia 2 (2010, 2012), Ohio 1 (2009), Kansas 1 (2011), and North Carolina 1 (2012). Of 220 cases known, victims were trafficked by a family member in 28 cases. In seven cases, a victim was identified as a runaway; and in seven cases a victim was identified as involved in child protective services care (with one victim identified as both a runaway and in child protective services care).

Circumstances of Offense & Arrest Statistics

Buyers appear to access their victims through a variety of means. In 119 cases, the buyer attempted to solicit a minor for sex through a third party including the minor's parent, older sibling, a pimp/trafficker, or decoy, but a larger number of cases (238), involved a buyer who directly made contact with a victim to solicit them for sex, either in person, by text message, email or phone. In 115 cases the buyer made contact with the minor through an online ad that they placed or law enforcement placed or through chat on Facebook or in chat rooms.

⁶⁵ Analysis of the data collected for the Benchmark Assessment Report, Phase 1 of the Demanding Justice Project, was completed by: Dominique Roe-Sepowitz, MSW, Ph.D. and Kristine Hickie, MSW, Doctoral Candidate at the Arizona State University, Office of Sex Trafficking Intervention Research.

⁶⁶ Six cases lacked sufficient information to determine whether the case involved an actual victim or a decoy.

Law enforcement similarly employs a variety of means to identify and apprehend buyers. One hundred and seven cases involved a law enforcement decoy posing as a fictional victim. In 11 of the cases where there was not an actual minor involved, the decoy operation had originated from a tip from a potential victim or family member resulting in law enforcement action using undercover techniques to make contact with the buyer. In 53 of the decoy cases, it is known that law enforcement used a reversal or a decoy, either through an online ad or in-person.

Charges, Prosecution & Penalties Statistics

OVERALL CHARGING TRENDS

All 407 buyers identified through the research were arrested for their crimes and of those arrested, 368 were charged. In 355 out of 407 cases, charges could be determined at the time of arrest and/or prosecution. Where information was available regarding both the charges at the time of arrest and the charges brought by the prosecution, initial charges reflect the charges brought by the prosecution.⁶⁷ In 52 cases, information about the charges at the time of arrest was not available because this information was not included in the news article or could not be obtained through online court records searches. Of the 355 cases where information about initial charges was available, many buyers received more than one charge for their solicitation of a minor. The most common charges against buyers identified in the desk review were sex offenses (206 cases, 51%) that do not reflect the commercial act of buying a child for sex acts. The second most common charge against buyers was the commercial sexual exploitation of children (162, 40%), followed by child abuse (39, 9%). Of cases with information about who was prosecuted (249), 194 were state prosecutions (77.9% of known cases) and 55 were federal prosecutions (22.1% of known cases).

RELATIONSHIP BETWEEN CHARGES AND CASE CHARACTERISTICS

STATE VS. FEDERAL: CSEC/TRAFFICKING CHARGES⁶⁸

(using chi square analyses)

Of the 69 cases with information on state or federal prosecution and initial charges including a commercial sexual exploitation of children charge (CSEC), there was a significant difference found (using a chi square analysis, at the .01 level) between state and federal cases that started the case with a CSEC charge as the initial charge and concluded the case with a CSEC charge as the conviction charge. Cases at the state level were found to have a non-significant shift from CSEC to non-CSEC (30 remained CSEC and 25 became non-CSEC) while federal cases had no (zero) cases that shifted from CSEC initial charges to non-CSEC charges upon conviction and 14 remained CSEC charges.

⁶⁷ The reason for this is two-fold. First, the official court records were a more reliable resource for accurately identifying charges and because charges brought by the prosecution were brought later, allowing time for further investigation of the case following the defendant's arrest.

⁶⁸ See Charging Trends map and chart on pages 28-29 for state-level analysis of charges.

VICTIM AGE CATEGORIES

(using chi square analyses)

When the age categories were explored with the buyers' initial charges, significant differences were found. Regarding the charge of commercial sexual exploitation of children, there was a significant difference found between age groups with cases with victims 15 years and older being significantly more likely to be in that charge type. Cases with charges of a sexual offense were significantly more likely to have victims in the age categories of 10 and under and 11 to 14. Prostitution, pornography, child abuse, criminal offense and drug offense did not have any significant differences by age category.

VICTIM GENDER CATEGORIES

(using chi square analyses)

Regarding victim gender, there were no significant differences in buyers' charges related to commercial sexual exploitation of children; however, cases with female victims were significantly more likely to involve a prostitution related charge. No other categories were significant related to gender of the victim.

SENTENCING RANGES AND PATTERNS

Jail/prison sentences ranged from no time to life in prison in the cases that could be tracked to resolution. Of cases with sentencing information (101), the sentences ranged from 1 or less months to 1200 months (100 years) ($M = 104.7$ months, $SD = 167.67$). Two buyers were sentenced to life in prison.

As part of sentencing, 31 cases required the buyer to register as a sex offender as part of their sentence.

Of known cases (40) that resulted in probation sentences, seven were for lifetime probation while the others ranged from 1 to 15 years of supervision ($M = 5.4$ months, $SD = 3.3$ months).

STATE HIGHLIGHTS

While only 46.3% of the buyer cases involved a charge related to CSEC or sex/human trafficking under state or federal law, some states showed a consistent trend with using CSEC or trafficking laws to prosecute buyers. Florida, which had the highest number of buyer cases (38), used a CSEC or trafficking law in the majority of cases (55.3%). Similarly, Washington and Massachusetts used CSEC charges in the majority of cases (65.2% and 57.1%, respectively). Colorado, which had 14 cases identified in the study, used CSEC charges in all 14 cases. Conversely, Pennsylvania, which had the second highest number of identified cases, also had the greatest frequency of charges across all categories with 10 trafficking, 5 prostitution (not child specific), 20 sexual abuse and 8 other child abuse charges. Aligning with the laws available under state law, the charges against buyers charged in California, which has no state CSEC or trafficking law that applies to buyers of sex with minors, were all childhood sexual abuse charges.

In the 79 cases in which sentencing information was available (excluding two with life sentences), the following tables reflect analysis (using t-tests) of whether certain charges brought in a case against a buyer of sex acts with a minor, alone or in combination with other charges stemming from or related to the conduct of the buyer, resulted in a statistically significant increase in the sentence. The following charges did not present significant differences:⁶⁹

CSEC and/or Sex Trafficking Offense = Included Charge	
NO: 47 cases, 115 months	YES: 32 cases, 85 months
Non-CSEC Prostitution Offense = Included Charge	
NO: 72 cases 103 months	YES: 7 cases 95 months
Child Sex Abuse Offense = Included Charge	
NO: 34 cases 127 months	YES: 45 cases 85 months
Child Abuse Offense = Included Charge	
NO: 74 cases 105 months	YES: 5 cases 65 months
Technology Related Offense = Included Charge	
NO: 67 cases 107 months	YES: 12 cases 79 months
Other Criminal Offense = Included Charge⁷⁰	
NO: 74 cases 105 months	YES: 5 cases 76 months
Drug Related Offense = Included Charge	
NO: 74 cases 101 months	YES: 5 cases 139 months

However, significant sentencing differences were found in those cases in which buyers faced charges that included pornography offenses.

Pornography Related Offense = Included Charge	
NO: 69 cases 78 months	YES: 10 cases 270 months

⁶⁹ For each charge category, yes or no relates to the sentence when the offense was/was not charged; the sentence indicated is the average sentence calculated in months.

⁷⁰ This category includes any offenses that do not fall under the other listed categories, for example, kidnapping and extortion.

Recommendations

Phase 1 of the Demanding Justice research provides baseline numbers needed to spark a broader conversation about how demand is addressed and why some of the efforts to address it have not had the intended impact on demand. Data viewed at the national level gives a perspective on the nature of the problem, while data viewed at the state level will hopefully foster the development of collaborative, strategic approaches to combatting demand. With these goals in mind, some recommended next steps include the following:

1. Recognize the crime of sex trafficking to include the conduct of buying sex acts with a minor.

One striking outcome of the desk review data was the broad range of offenses used to prosecute buyers identified in the study and the outcomes of those prosecutions, as well as the variation of circumstances in which buyers of sex acts with minors exploit children for sex acts. While some cases fit the model of what is considered a typical sex trafficking case, in which a child is prostituted by a trafficker and the buyer exchanges something of value for the sex acts, few were this straightforward. Many buyers approached minor victims (or persons they believed were minors) directly, either in person or online, bypassing the third party trafficker. While the end result—a commercially sexually exploited child, whether real or intended—was present in each case, the criminal charges against the buyer and the outcomes varied drastically. The emerging trend of prosecuting persons who purchase sex acts with a minor under the sex trafficking law helps to clarify the role of the buyer under existing laws. In the same way enactment of human trafficking laws has brought clarity to the issue of sex trafficking and helped increase awareness and recognition of the offense, that same clarity is needed in defining the role of the buyer in domestic minor sex trafficking cases.

2. Investigate demand locally, nationally and internationally.

The problem of demand for sex acts with minors is local, national and international in scope, with the pervasive use of the Internet to solicit and purchase sex acts with minors continuously taking the problem across all borders. Collaboration, information sharing and best practices training are crucial tools in the investigation and prosecution of demand. Online information-sharing among anti-demand stakeholders is a critical resource to support anti-demand efforts.

3. Train media to report on demand for sex trafficking.

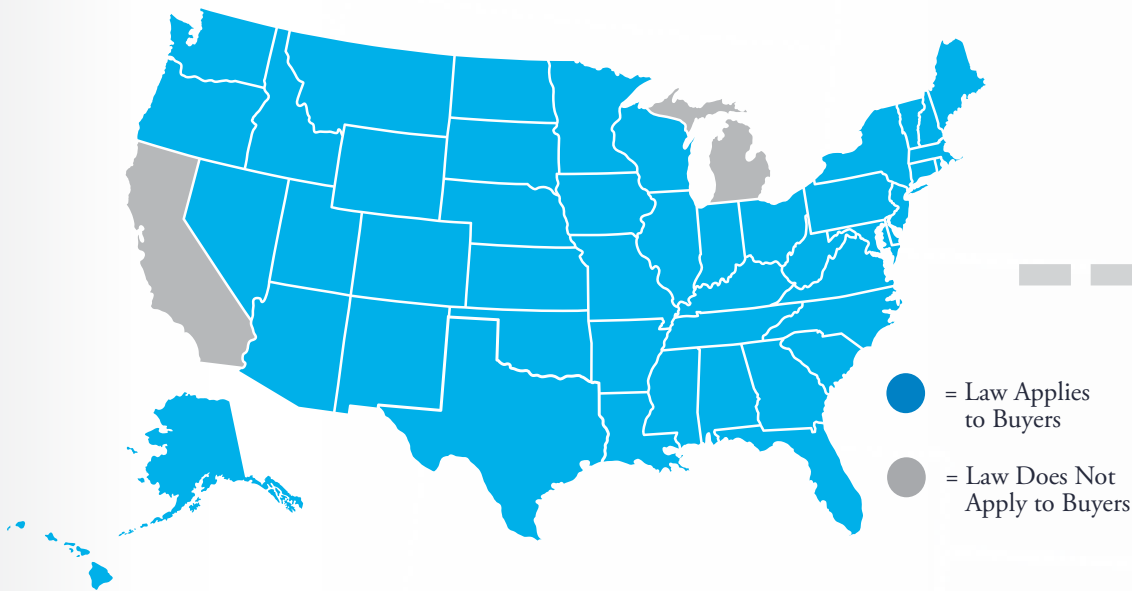
Media impact society's perception of demand. Journalists focus on those cases in which the defendant is a public figure or a person in a position of authority or trust, causing the readers to lose sight of the more commonplace cases and the less sympathetic victims. As with the information regarding buyers, it is important to consider how media sources influence the information about minor victims. Although buyer prosecutions may be less frequent, advocates can assist the efforts of law enforcement and prosecutors by promoting the good work being done around the country through targeted outreach to media outlets and social media campaigns that bring attention, and consequently scrutiny, to buyer cases. Public investment in the outcomes of these cases may shift the treatment of these cases in sentencing and ensure outcomes that deter the crime and bring justice to those who have been exploited.

A State-by-State Comparison

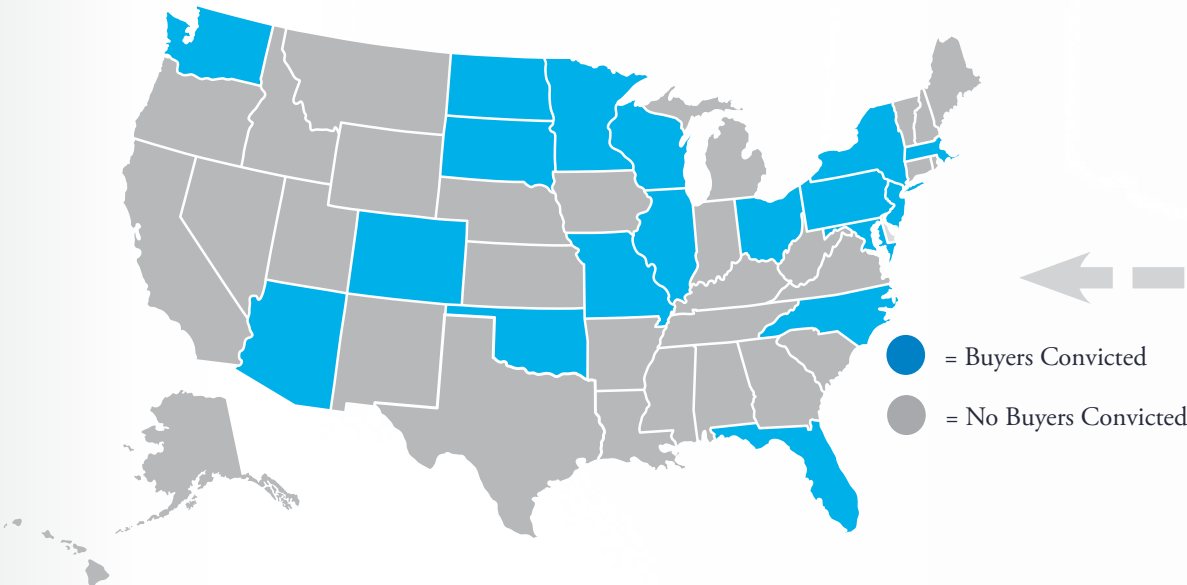
A state-by-state comparison of CSEC laws

While federal CSEC and sex trafficking laws apply in any state, nearly every state also has CSEC and/or trafficking laws that can apply to buyers. Cases may start at the state level but may be referred for federal prosecution. The maps reflect both state and federal action.

State Trafficking or Commercial Sexual Exploitation of Children (CSEC) Law Applies to Buyers

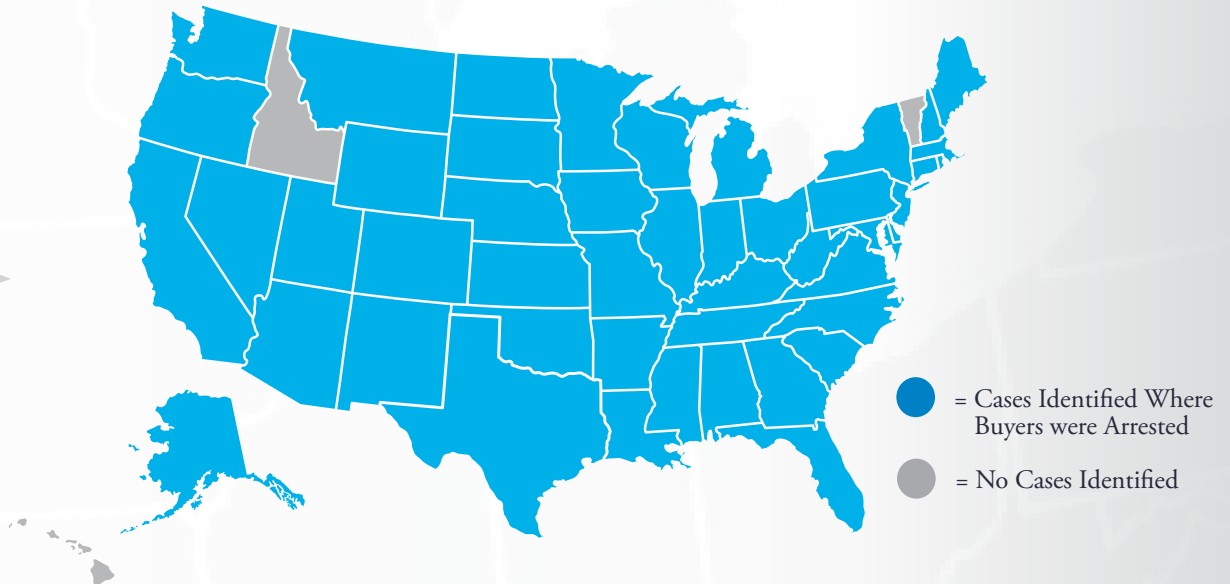


Convicted: Buyers have been Convicted Under Trafficking or CSEC Laws (State or Federal)

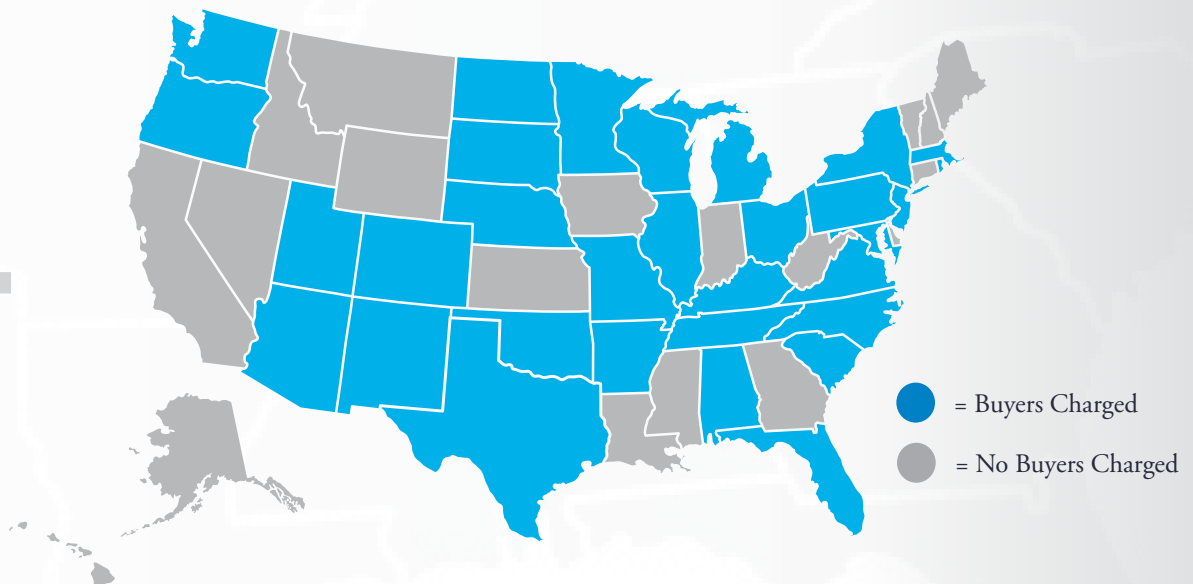


The data for these maps is drawn from the Demanding Justice Benchmark Assessment State Comparison Chart in the Appendix.

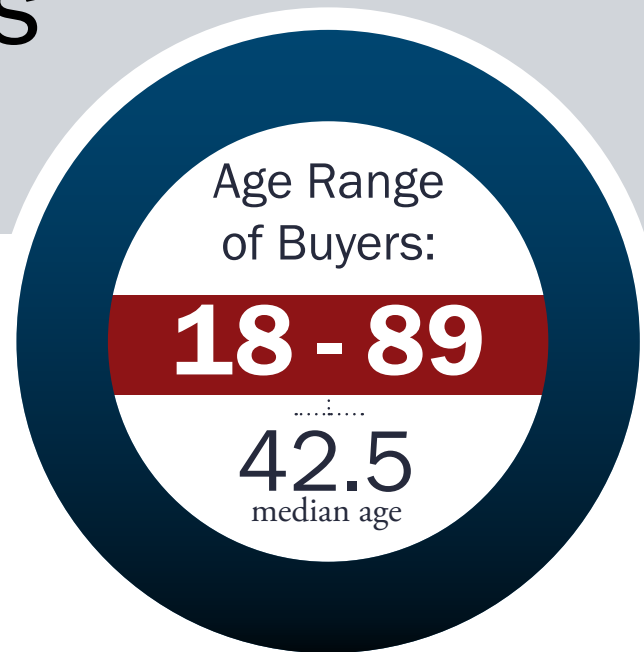
**Arrested: Identified Cases of Buyers of Sex
with Children (State or Federal)**



**Charged: Buyers have been Charged Under
Trafficking or CSEC Laws (State or Federal)**



99% of buyers
were **male**



In 137 cases,
buyer profession
was identified...

18.9%

**of total buyer cases involved direct
contact with minors**

(teacher, sports coach, military recruiter,
boy scout leader, etc.)

21.6%

**of total buyer cases involved a
position of authority or trust**

(law enforcement, attorney, military, etc.)



8.4%

**Teachers/School
Employees**



5.2%

First Responders



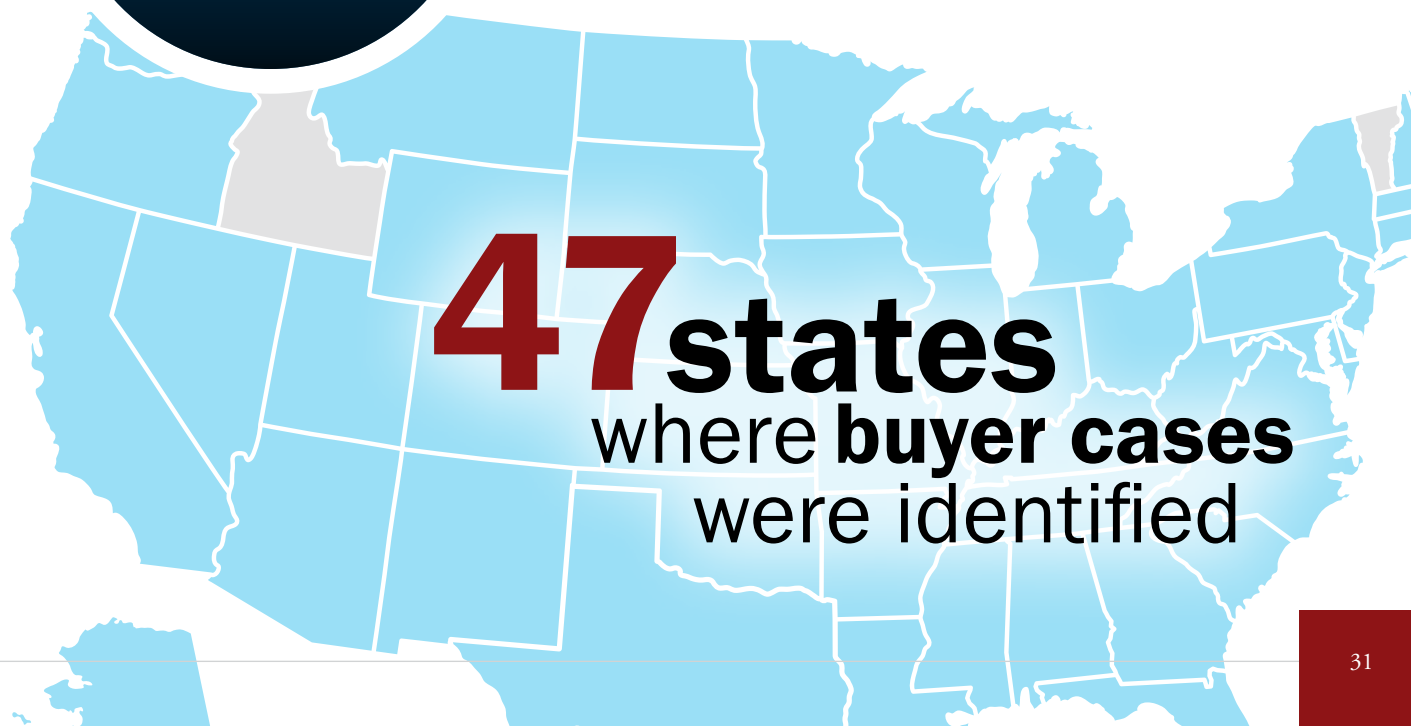
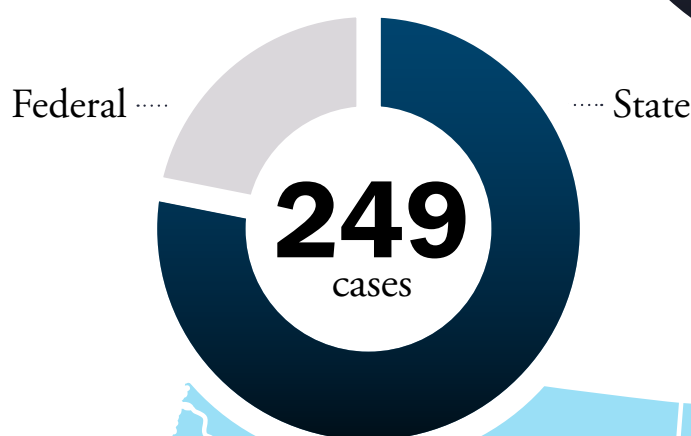
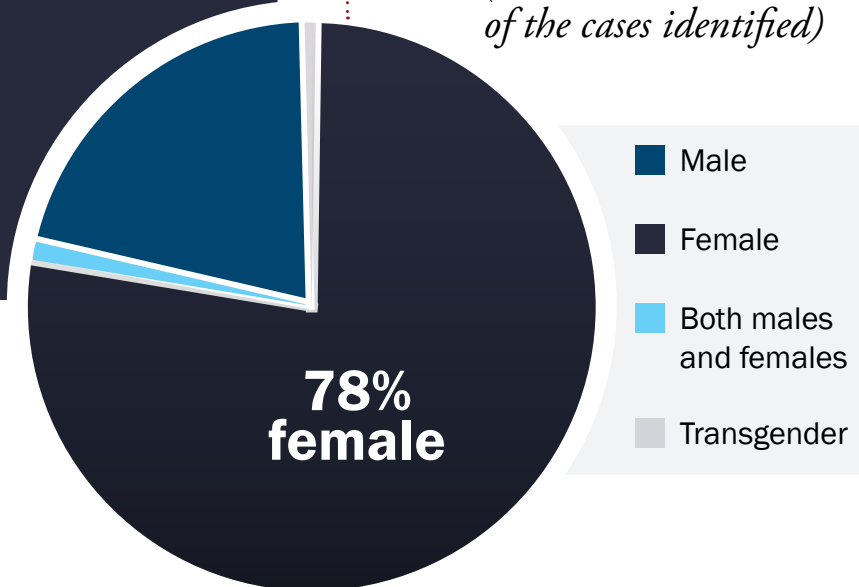
1.2%

**Faith Community
Leaders**

“prostitute”

In 6.1% of all cases, the minor victim was referred to by the media outlet as a “prostitute.”

Gender of victims
(sex was known in 284 of the cases identified)



Appendix: Demanding Justice Benchmark Assessment State Comparison Chart

	Number of Buyer Cases	Case involved a decoy sting	Number of cases involving actual victims	Initial CSEC/trafficking charge	Final charge remained CSEC/trafficking	State Trafficking or CSEC law applies to buyers
Alabama	3	1	2	3	0	Yes
Alaska	1	0	1	0	0	Yes
Arizona	10	2	8	6	1	Yes
Arkansas	1	0	1	1	0	Yes
California	19	6	13	0	0	No
Colorado	14	0	14	14	1	Yes
Connecticut	2	1	1	0	0	Yes
D.C.	0	0	0	0	0	Yes
Delaware	2	0	2	0	0	Yes
Florida*	38	6	29	21	3	Yes
Georgia	8	0	8	0	0	Yes
Hawaii	0	0	0	0	0	Yes
Idaho	0	0	0	0	0	Yes
Illinois	8	1	7	6	3	Yes
Indiana	7	1	6	0	0	Yes
Iowa	2	0	2	0	0	Yes
Kansas	7	3	4	0	0	Yes
Kentucky	3	1	2	1	0	Yes
Louisiana	4	0	4	0	0	Yes
Maine	1	1	4	0	0	Yes
Maryland	6	3	0	2	2	Yes
Massachusetts	21	17	3	12	1	Yes
Michigan	7	0	4	1	0	No
Minnesota	7	2	7	3	2	Yes
Mississippi	1	0	5	0	0	Yes
Missouri	13	12	1	7	7	Yes
Montana	1	0	1	0	0	Yes
New Hampshire	1	0	1	0	0	Yes
Nebraska	6	1	5	1	0	Yes
Nevada	4	3	1	0	0	Yes
New Mexico	3	1	2	1	0	Yes
New Jersey	8	1	7	3	1	Yes
New York	23	2	21	5	2	Yes
North Carolina	5	1	4	1	1	Yes
North Dakota*	5	1	3	3	1	Yes
Ohio	20	1	19	12	8	Yes
Oklahoma	6	2	4	2	1	Yes
Oregon	4	0	4	2	0	Yes
Pennsylvania	33	7	26	10	2	Yes
Rhode Island	1	0	1	1	0	Yes
South Carolina	4	0	4	1	0	Yes
South Dakota	15	14	1	12	4	Yes
Tennessee	10	0	10	6	0	Yes
Texas	21	7	14	6	0	Yes
Utah*	9	1	6	1	0	Yes
Vermont	0	0	0	0	0	Yes
Virginia	9	4	5	3	0	Yes
Washington	23	4	19	15	5	Yes
West Virginia	4	0	4	0	0	Yes
Wisconsin	5	0	5	3	2	Yes
Wyoming	1	0	1	0	0	Yes
US Territories	1	0	0	1	1	(federal)
TOTALS	407 cases	107 cases	296 cases	166 cases	48 cases	48 states & D.C.

* In 6 cases there was insufficient information to determine whether the case involved an actual minor victim or a law enforcement decoy.

** Of the 69 cases with information on both state versus federal prosecution and initial charges that included CSEC/trafficking charges, there was a significant difference found (using a chi square analysis, at the .01 level) between State and Federal cases with CSEC as the initial charge and as the conviction charge. For cases at the state level, 30 remained CSEC/trafficking while 25 shifted to non-CSEC/trafficking upon conviction. By contrast, zero federally prosecuted cases changed from CSEC/trafficking to non-CSEC/trafficking upon conviction; all 14 remained CSEC/trafficking charges upon conviction.

*** See buyer penalties chart for more information about applicable offenses.

Appendix: State Law Survey of Base Penalties for Buyers of Sex Acts with a Minor

State	Relevant laws	Trafficking or CSEC law applies to buyers ¹	Base penalty under CSEC or trafficking law protects all minors under 18
Alabama	Ala. Code § 13A-6-152(a)(2) (Human trafficking in the first degree)	Yes, trafficking**	n/a (age-neutral)
Alaska	Alaska Stat. § 11.66.100(c) (Prostitution)	Yes, CSEC	Yes
Arizona	Ariz. Rev. Stat. Ann. § 13-3212(B) (Child prostitution) Ariz. Rev. Stat. Ann. § 13-1307(B) (Sex trafficking)	Yes, both*	Yes
Arkansas	Ark. Code Ann. § 5-18-103 (Trafficking of persons) Ark. Code Ann. § 5-27-305(a) (Transportation of minors for prohibited sexual conduct)	Yes, both	Yes
California	Cal. Penal Code § 266e (Acquiring prostitute)	No	n/a
Colorado	Colo. Rev. Stat. Ann. § 18-7-406(1) (Patronizing a prostituted child)	Yes, CSEC	Yes
Connecticut	Conn. Gen. Stat § 53a-83(c) (Patronizing a prostitute)	Yes, CSEC	Yes
Delaware	Del. Code Ann. tit. 11, § 787(b)(2)(b) (Trafficking of persons and involuntary servitude)	Yes, trafficking	Yes
DC	D.C. Code § 22-1834 (Sex trafficking of children) D.C. Code § 22-2705 (Pandering; inducing or compelling an individual to engage in prostitution)	Yes, both*	Yes
Florida	Fla. Stat. Ann. § 787.06(3) (Human trafficking) 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)	Yes, both*	Trafficking: Yes CSEC: No (16)
Georgia	Ga. Code Ann. § 16-5-46(c) (Trafficking of persons for labor or sexual servitude) Ga. Code Ann. § 16-6-12 (Pandering)	Yes, both*	Yes
Hawaii	Senate Bill 192, Chapter 712 of Hawaii Revised Statutes (Solicitation of a minor for prostitution)	Yes, CSEC	Yes
Idaho	Idaho Code Ann. § 18-8603 (Penalties) Idaho Code Ann. § 18-5610 (Utilizing a person under eighteen years of age for prostitution)	Yes, both	Yes
Illinois	720 Ill. Comp. Stat. Ann. 5/10-9 (Trafficking in persons, involuntary servitude, and related offenses) 720 Ill. Comp. Stat. Ann. 5/11-18.1(a), (a-5) (Patronizing a minor engaged in prostitution) ⁵	Yes, both*	Yes
Indiana	Ind. Code Ann. § 35-42-3.5-1(d) (Promotion of human trafficking—Sexual trafficking of a minor—Human trafficking)	Yes, trafficking ⁶	n/a (age-neutral)
Iowa	Iowa Code § 710A.2(4) (Human trafficking) Iowa Code § 710A.2A24 (Solicitation of commercial sexual activity)	Yes, both	Yes
Kansas	Kan. Stat. Ann. § 21-5426(b)(4) (Human trafficking) Enacted House Bill 2034 (Commercial sexual exploitation of a child)	Yes, both*	Yes
Kentucky	Ky. Rev. Stat. Ann. § 529.100 (Human trafficking) Ky. Rev. Stat. Ann. § 530.070 (Unlawful transaction with a minor in the third degree)	Yes, both	Yes

Penalty is enhanced for younger minors	Base penalty is sufficient for all minor victims ²	Age of consent under statutory rape law ³	State
n/a (age-neutral)	n/a (age-neutral)	16	Alabama
No	Yes: Class C felony (max. 5yrs, \$50k)	16	Alaska
Yes	No: CSEC—Under 15 = Class 2 felony (13–27yrs, \$150k); Age 15–17 ⁴ = Class 6 felony (max. 2yrs, \$150K) Yes: Trafficking—Under 15 = Class 2 felony (13–27yrs, \$150k); Age 15–17 = felony (3-12.5yrs, \$150k)	18	Arizona
No	Yes: Trafficking = Class Y felony (10–40yrs or life) Yes: CSEC = Class A felony (max. 30 yrs, \$15k)	16	Arkansas
n/a	n/a	18	California
No	Yes: Class 3 felony w/ mandatory enhancement (4yrs–life, \$3k–750k)	17	Colorado
No	Yes: Class C felony (1–10yrs, max. \$10k)	16	Connecticut
No	Yes: Class C felony (max. 15yrs)	18	Delaware
No	Yes: Trafficking = Max. 20yrs, \$200k, Yes: CSEC = max. 20yrs, \$20k	16	DC
Trafficking: Yes CSEC: n/a	Yes: Trafficking = Under 15 (1st degree felony, max. life, \$10k); Age 15–17 (life felony, max. life, \$15k) No: CSEC = Under 16 only (2nd degree felony, max. 15yrs, \$10K)	18	Florida
Yes (CSEC)	Yes: Trafficking = Felony (10–20yrs, \$100k) Yes: CSEC = Under 16 (max. 30yrs, \$100k); Age 16–17 (max. 20yrs, \$10k)	16	Georgia
No	No: Class C felony (max. 5yrs, \$2k–10k)	16	Hawaii
No	Yes: Trafficking = max. 25yrs, \$50k; Yes: CSEC = Felony (2 yrs-life, \$50k)	18	Idaho
Yes (trafficking)	Yes: Trafficking = Under 17 (Class X felony, 6–30yrs, \$25k), Age 17 (Class 1 felony, 4–15yrs, \$25k) No: CSEC = Class 3 felony (max. 5yrs, \$25k)	17	Illinois
No	No: Class C felony (max. 8yrs, \$10k)	16	Indiana
No	Yes: Trafficking = Class C felony (max. 10yrs, \$10k) No: CSEC = Class D felony (max. 5yrs, \$750-7,500)	16	Iowa
Yes	Yes: Trafficking = Under 14 (25yrs–life, \$500k), Age 14–17 (147–165 months, \$300k) No: CSEC = Under 14 (25yrs–life, \$500k), Age 14–17 (31–34 months)	16	Kansas
No	Yes: Trafficking = Class B felony (10–20yrs, \$1k-\$10k); No: CSEC = Class A misdemeanor (max. 1yr, \$500)	16	Kentucky

Appendix: State Law Survey of Base Penalties for Buyers of Sex Acts with a Minor

State	Relevant laws	Trafficking or CSEC law applies to buyers ¹	Base penalty under CSEC or trafficking law protects all minors under 18
Louisiana	La. Rev. Stat. Ann. §§ 14:46.3(A)(1) (Trafficking of children for sexual purposes), 14:82.1(A)(1) (Prostitution; persons under eighteen), 14:82(C)(4), (5) (Prostitution)	Yes, both	Yes
Maine	Me. Rev. Stat. Ann. tit. 17-A, § 855(1)(A) (Patronizing prostitution of minor)	Yes, CSEC	Yes
Maryland	Md. Code Ann., Crim. Law § 3-324(b) (Sexual solicitation of minor)	Yes, CSEC	Yes
Massachusetts	Mass. Gen. Laws ch. 265, § 50 (Human trafficking—Sexual servitude) Mass. Gen. Laws ch. 272, § 53A(c)34 (Engaging in sexual conduct for fee; payors and payees; penalties)	Yes, both	Yes
Michigan	Mich. Comp. Laws Ann. § 750.449a (Engaging services for purpose of prostitution, lewdness, or assignation, offer to engage; penalty)	No	n/a
Minnesota	Minn. Stat. Ann. § 609.324 (Patrons; prostitutes; housing individuals engaged in prostitution; penalties)	Yes, CSEC	Yes
Mississippi	Miss. Code Ann. § 97-3-54.1(1)(c) (Anti-Human Trafficking Act; prohibited conduct; penalty)	Yes, trafficking	Yes
Missouri	Mo. Rev. Stat. § 566.212(1)(2) (Sexual trafficking of a child) and § 566.213(1)(2) (Sexual trafficking of a child under age twelve) Mo. Rev. Stat. § 567.030 (Patronizing prostitution)	Yes, both	Yes
Montana	Mont. Code Ann. § 45-5-601(1) (Prostitution) and Patronizing a child under Enacted House Bill 478	Yes, both	Yes
Nebraska	Neb. Rev. Stat. Ann. § 28-831(2) (Human trafficking; forced labor or services) Neb. Rev. Stat. Ann. § 28-802(1)(d)(Pandering)	Yes, both	Yes
Nevada	Nev. Rev. Stat. Ann. § 201.300(2)(a)(1) (Sex trafficking) Nev. Rev. Stat. Ann. § 201.354 (Engaging in prostitution or solicitation for prostitution)	Yes, both*	Yes
New Hampshire	N.H. Rev. Stat. Ann. § 633:7 (Trafficking in persons)	Yes, trafficking**	Yes
New Jersey	N.J. Stat. Ann. § 2C:13-8 (Human trafficking) N.J. Stat. Ann. § 2C:34-1(b)(7) (Prostitution and related offenses)	Yes, both*	Yes
New Mexico	N.M. Stat. Ann. § 30-52-1(A)(2) (Human trafficking) N.M. Stat. Ann. § 30-6A-4(B) (Sexual exploitation of children by prostitution)	Yes, both*	Trafficking: Yes CSEC: No (13-16 only)
New York	N.Y. Penal Law § 230.06 (Patronizing a prostitute in the first degree) N.Y. Penal Law § 230.05 (Patronizing a prostitute in the second degree) N.Y. Penal Law § 230.04 (Patronizing a prostitute in the third degree)	Yes, CSEC	Yes
North Carolina	N.C. Gen. Stat. § 14-43.13 (Sexual servitude) & N.C. Gen. Stat. § 14-43.11 (Human trafficking) N.C. Gen. Stat. § 14-205.1 (Solicitation of prostitution) N.C. Gen. Stat. § 14-205.2 (Patronizing a prostitute)	Yes, both	Yes
North Dakota	North Dakota Century Code (N.D. Cent. Code) § 12.1-40-01(1) (Human trafficking—Penalty)	Yes, trafficking*	Yes
Ohio	Ohio Rev. Code Ann. § 2907.21(A)(3), (4) (Compelling prostitution)	Yes, CSEC	Yes

Penalty is enhanced for younger minors	Base penalty is sufficient for all minor victims ²	Age of consent under statutory rape law ³	State
Yes (both)	Yes: Trafficking & CSEC = Felony: under 14 (25–50yrs, \$75k0, aged 15–17 (15–50yrs, \$50k)	17	Louisiana
No	No: Class D crime (max. 1yr, \$2k) ⁷	16	Maine
No	Yes: Felony (max. 10yrs, \$25k)	16	Maryland
No	Yes: Trafficking = Felony (5–life, \$25k) Yes: CSEC = Felony (max 10yrs, \$3k–10k)	16	Massachusetts
n/a	n/a	16	Michigan
Yes	No: Under 13 = Felony (max. 20yrs, \$40k); age 13–15 = Felony (max. 10yrs, \$20k); age 16–17 = Felony (max. 5yrs, \$10k)	16	Minnesota
No	Yes: Felony (max. 30yrs, \$10k)	16	Mississippi
Yes (both)	Yes: Trafficking = Under 12 (Felony, max. life, \$250k); Age 13–17 (Felony, 10yrs–life, \$250k) No: CSEC = Under 15 (Class D felony, max. 4yrs); Age 15–17 (Class A misdemeanor, max. 1yr)	17	Missouri
No	Yes: Trafficking & CSEC = Felony (max. 100yrs, \$50k)	16	Montana
Yes (trafficking)	Yes: Trafficking: Under 15 (Class II felony, 1–50yrs); Age 15–17 (Class III felony, max. 20yrs, \$25k) Yes: CSEC = Class III felony (max. 20yrs, \$25k)	16	Nebraska
No	Yes: Trafficking = Category A felony (5yrs–life, \$10k) No: CSEC = Category E felony (1–4yrs or probation, \$5K)	16	Nevada
No	Yes: Class A felony (10–30yrs, \$4k)	16	New Hampshire
No	Yes: Trafficking = 1st degree crime (20yrs–life, \$25–200k) Yes: CSEC = 2nd degree crime (max. 10yrs, \$150k)	16	New Jersey
Yes (trafficking)	No: Trafficking = Under 13 (1st degree felony, max. 18yrs, \$15k), Age 13–15 (2 nd degree felony, 9yrs, \$10k), Age 16–17 (3 rd degree felony, 3yrs, \$5k) No: CSEC = Age 13–15 only (2 nd degree felony, max. 9yrs, \$10k)	16	New Mexico
Yes	No: Under 11 = Class D felony (max. 7yrs, \$5k); Under 14 = Class E felony, (max. 4yrs, \$5k)	17	New York
No	No: Trafficking = Class C felony (max. 73 months) No: CSEC = Class G felony (max. 13 months) or Class F felony (max. 16 months)	16	North Carolina
No	Yes: Class AA felony (max. life)	18	North Dakota
No	No: Felony of the 3 rd degree (max. 36mo, \$10k)	16	Ohio

Appendix: State Law Survey of Base Penalties for Buyers of Sex Acts with a Minor

State	Relevant laws	Trafficking or CSEC law applies to buyers ¹	Base penalty under CSEC or trafficking law protects all minors under 18
Oklahoma	Okla. Stat. Ann. tit. 21, § 748(B) (Human trafficking) Okla. Stat. Ann. tit. 21, § 1029(A)(2) (Engaging in prostitution, etc.)	Yes, both	Yes
Oregon	Or. Rev. Stat. § 163.266 (Trafficking in persons) Enacted Senate Bill 673, Section 4 (Purchasing sex with a minor)	Yes, both**	Yes
Pennsylvania	18 Pa. Cons. Stat. § 6318(a)(3) (Unlawful contact with minor)	Yes, CSEC	Yes
Rhode Island	R.I. Gen. Laws Ann. § 11-67-6(b) (Sex trafficking of a minor) R.I. Gen. Laws Ann. § 11-37-8.8(a) (Indecent solicitation of a child)	Yes, both	Yes
South Carolina	S.C. Code Ann. § 16-3-2020 (Trafficking in persons) S.C. Code Ann. § 16-15-425 (Participating in prostitution of a minor defined)	Yes, both*	Yes
South Dakota	S.D. Codified Laws § 22-49-2 (First degree human trafficking) S.D. Codified Laws § 22-49-3, (Second degree human trafficking)	Yes, trafficking**	Yes
Tennessee	Tenn. Code Ann. § 39-13-309 (Trafficking for commercial sex acts) Tenn. Code Ann. § 39-13-514(b) (Patronizing prostitution)	Yes, both	Yes
Texas	Tex. Penal Code Ann. § 20A.02(a)(8) (Trafficking of persons) Tex. Penal Code Ann. § 43.02(a) (Prostitution)	Yes, both	Yes
Utah	Utah Code Ann. § 76-5-310(2) (Aggravated human trafficking) Utah Code Ann. § 76-10-1303 (Patronizing a prostitute)	Yes, both**	Yes
Vermont	Vt. Stat. Ann. tit. 13, § 2655(a) (Solicitation), codified in the human trafficking chapter	Yes, trafficking	Yes
Virginia	Va. Code Ann. § 18.2-346(B) (Prostitution; commercial sexual conduct; commercial exploitation of a minor; penalties.)	Yes, CSEC	Yes
Washington	Wash. Rev. Code Ann. § 9A.40.100(1)(a) (Trafficking) Wash. Rev. Code Ann. § 9.68A.100(1) (Commercial sexual abuse of a minor)	Yes, both	Yes
West Virginia	W. Va. Code Ann. § 61-2-17(a)(5) (Human trafficking; criminal penalties) W. Va. Code Ann. § 61-3C-14b (Soliciting, etc. a minor via computer; penalty)	Yes, both*	Yes
Wisconsin	Wis. Stat. § 948.051 (Trafficking of a child) Wis. Stat. § 948.08 (Soliciting a child for prostitution)	Yes, both*	Yes
Wyoming	Wyo. Stat. Ann. § 6-2-707 (Patronizing a victim of sexual servitude)	Yes, trafficking	Yes
TOTALS:		49	47

Endnotes

- 1 Evaluations of state laws are based on legislation enacted as of August 1, 2013. Responses with an asterisk (*) indicate that the human trafficking law applies to buyers based on federal precedent, and responses with a double asterisk (**) indicate that the human trafficking law applies to buyers based on federal precedent but is limited in application because proof of force, fraud or coercion is required.
- 2 A sufficient base penalty is a maximum sentence up to 10 or more years, aligning with the minimum sentences provided under the federal sex trafficking law, 18 U.S.C. § 1591.
- 3 See *Statutory Rape: A Guide to State Laws and Reporting Requirements*, U.S. Department of Health and Human Services, Summary of Current State Laws, Table 1 (2004), available at: <http://aspe.hhs.gov/hsp/08/st/statelaws/summary.shtml>. The ages listed here do not account for marital exceptions or the age difference between the defendant and victim which may be necessary for prosecution under state statutory rape laws.

Penalty is enhanced for younger minors	Base penalty is sufficient for all minor victims ²	Age of consent under statutory rape law ³	State
Yes (CSEC)	Yes: Trafficking = Felony (min. 10yrs, max. \$20k) No: CSEC = Under 16 (Felony, max. 10yrs, \$5k); Age 16-17 = (Misdemeanor, 30 days–1yr, \$2.5k)	16	Oklahoma
No	Yes: Trafficking = Class A felony (max. 20yrs, \$375k); No: CSEC = Class C felony (max. 5yr, \$10k mandatory)	18	Oregon
n/a (age-neutral)	No: CSEC = 3 rd degree felony (max. 7yrs, \$15k)	16	Pennsylvania
No	Yes: Trafficking = Felony (max. 40yrs, \$40k) No: CSEC = Felony (max. 5yrs)	16	Rhode Island
No	Yes: Trafficking = Felony (max. 30yrs) No: CSEC = Class F felony (2–5yrs)	16	South Carolina
Yes	Yes: Under 16 (Class 2 felony, max. 25yrs, \$50k); Age 16-17 (Class 4 felony, max. 10yrs, \$20k)	16	South Dakota
Yes	Yes: Trafficking = Under 15 (Class A felony, 15–60yrs, \$50k), Age 15–17 (Class B felony, 8–30, \$25k) No: CSEC = Class E felony (max. 6yrs, \$3k)	18	Tennessee
No	Yes: Trafficking = First degree felony (max. 99yrs, \$10k) Yes: CSEC = Second degree felony (2–20yrs, \$10k)	17	Texas
No	Yes: Trafficking = 1st degree felony (5yrs–life, \$10k) No: CSEC = 3 rd degree felony (max. 5yrs, \$5k)	18	Utah
No	No: Felony (max. 5yrs, \$100k)	16	Vermont
Yes	No: Under 16 = Class 5 felony (1–10yrs, \$2.5k); Age 16-17 = Class 6 felony (1–5yrs, \$2.5k)	18	Virginia
No	Yes: Trafficking = Class A felony, seriousness level XIV (max. 397 months, \$50k); Yes: CSEC = Class B felony, seriousness level VIII (max. 10 years, \$20k)	16	Washington
No	Yes: Trafficking = Felony (3–15yrs, \$200k) Yes: CSEC = Felony (max. 10yrs, \$5k)	16	West Virginia
No	Yes: Trafficking = Class C felony (max. 40yrs, \$100k) Yes: CSEC = Class D felony (max. 25yrs, \$100k)	18	Wisconsin
No	No: Felony (max. 3yrs, \$5k)	16	Wyoming
15		Avg = 17	TOTALS:

⁴ Unless the prosecution can prove the buyer knew the victim was under 18, buyers face a substantially lower penalty for engaging in prostitution with a minor aged 15–17. In cases where a buyer's knowledge of the victim's minority can be shown, the penalty for buying sex with a minor aged 15–17 increases to a Class 2 felony punishable by 7–21 years imprisonment. Ariz. Rev. Stat. Ann. § 13-3212(G)).

⁵ Buyers also face prosecution under 720 Ill. Comp. Stat. Ann. 5/11-26(a) (Traveling to meet a minor) which is punishable as a Class 3 felony by imprisonment for 2–5 years and a possible fine up to \$25,000, and 720 Ill. Comp. Stat. Ann. 5/11-14.1(a) (Solicitation of a sexual act) and 720 Ill. Comp. Stat. Ann. 5/11-25(a) (Grooming) which are punishable as Class 4 felonies by imprisonment for 1–3 years and a possible fine up to \$25,000.

⁶ Subsection (d) of Ind. Code Ann. § 35-42-3.5-1 clearly applies to buyers but is age-neutral and requires knowledge that the victim was forced to engage in prostitution.

⁷ 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 and a fine of up to \$5,000.

Appendix: State Law Survey of Criminal Liability for Buyers of Sex Acts with a Minor

State	Trafficking law could be applied to buyers ¹	CSEC could be applied to buyers	Highest Offense Level and Penalty (max. sentence and fine for first offense)	Applicable offense ²
Alabama	Yes**	No	Class A felony (10-99yrs, \$60k)	Ala. Code § 13A-6-152(a)(2) (Human trafficking in the first degree)
Alaska	No	Yes	Class C felony (max. 5yrs, \$50k)	Alaska Stat. § 11.66.100(c) (Prostitution)
Arizona	Yes*	Yes	Class 2 felony (max. 13-27yrs, \$150k)	Ariz. Rev. Stat. Ann. § 13-1307(B) (Sex trafficking)
Arkansas	Yes* ³	Yes	Class Y felony (10-40yrs or life)	Ark. Code Ann. § 5-18-103 (Trafficking of persons)
California	No	No	Age-neutral felony (max. 3yrs, \$10k)	Cal. Penal Code § 266e (Acquiring prostitute)
Colorado	No	Yes	Class 3 felony subject to mandatory enhancement (4yrs-life, \$3k-750k)	Colo. Rev. Stat. Ann. § 18-7-406(1) (Patronizing a prostituted child)
Connecticut	No	Yes	Class C felony (1-10yrs, max. \$10k)	Conn. Gen. Stat. § 53a-83(a) (Patronizing a prostitute)
Delaware	Yes	No	Class C felony (max. 15yrs)	Del. Code Ann. tit. 11, § 787(b)(2)(b) (Trafficking of persons and involuntary servitude)
DC	Yes*	Yes	Max. 20yrs, \$200k	D.C. Code § 22-1834 (Sex trafficking of children)
Florida	Yes*	Yes	Life felony (max. life, \$15K)	Fla. Stat. Ann. § 787.06(3) (Human trafficking)
Georgia	Yes*	Yes	Felony (10-20yrs, \$100k)	Ga. Code Ann. § 16-5-46(c) (Trafficking of persons for labor or sexual servitude)
Hawaii	n/a	Yes	Class C felony (max. 5yrs, \$10k)	Enacted Senate Bill 192, Chapter 712 (Solicitation of a minor for prostitution)
Idaho	Yes	Yes	Felony (2 yrs-life, \$50k)	Idaho Code Ann. § 18-5610 (Utilizing a person under eighteen years of age for prostitution)
Illinois	Yes*	Yes	Class 1 felony (4-15yrs, \$25k)	720 Ill. Comp. Stat. Ann. 5/10-9 (Trafficking in persons, involuntary servitude, and related offenses)
Indiana	Yes**	No	Class C felony (max. 8yrs, \$10k)	Ind. Code Ann. § 35-42-3.5-1(d) (Promotion of human trafficking Sexual trafficking of a minor Human trafficking)
Iowa	Yes	Yes	Class C felony (max. 10yrs, \$10k)	Iowa Code § 710A.2(4) (Human trafficking)
Kansas	Yes*	Yes	Felony (25-life, \$500k)	Kan. Stat. Ann. § 21-5426(b)(4) (Human trafficking)
Kentucky	Yes	Yes	Class B felony (10-20yrs, \$1k-\$10k)	Ky. Rev. Stat. Ann. § 529.100 (Human trafficking)
Louisiana	Yes	Yes	Felony (15-50yrs, \$50k, OR 25-50yrs, \$75k if under 14)	La. Rev. Stat. Ann. §§ 14:46.3(A)(1) (Trafficking of children for sexual purposes), 14:82.1(A)(1) (Prostitution; persons under eighteen), 14:82(C)(4), (5) (Prostitution)
Maine	No	Yes	Class D crime (max. 1yr, \$2k) If knows <18, Class C (max. 5yrs, \$5k)	Me. Rev. Stat. Ann. tit. 17-A, § 855(1)(A) (Patronizing prostitution of minor)

State	Trafficking law could be applied to buyers ¹	CSEC could be applied to buyers	Highest Offense Level and Penalty (max. sentence and fine for first offense)	Applicable offense ²
Maryland	No	Yes	Felony (max. 10yrs, \$25k)	Md. Code Ann., Crim. Law § 3-324(b) (Sexual solicitation of minor)
Massachusetts	Yes	Yes	Felony (max. life, \$25k)	Mass. Gen. Laws ch. 265, § 50 (Human trafficking—Sexual servitude)
Michigan	No ⁴	No ⁵	Age-neutral prostitution law Misdemeanor (93 days, \$500)	[age neutral prostitution law]
Minnesota	No	Yes	Felony (max. 20yrs, \$40k)	Minn. Stat. Ann. § 609.324 (Patrons; prostitutes; housing individuals engaged in prostitution; penalties)
Mississippi	Yes	Yes	Felony (5–30yrs, \$50–500k)	Miss. Code Ann. § 97-3-54.1(1)(c) (Human Trafficking Act), § 972951 (Procuring the services of a prostitute)
Missouri	Yes	Yes	Felony (max. life, \$250k)	Mo. Rev. Stat. § 566.212(1)(2) (Sexual trafficking of a child) and § 566.213(1)(2) (Sexual trafficking of a child under age twelve)
Montana	Yes ⁶	Yes	Felony (25–100yrs, \$50k)	Mont. Code Ann. § 45-5-601(1) (Prostitution), § 45-5-310 (Sexual servitude of child) and § 45-5-311 (Patronizing of child)
Nebraska	Yes	Yes	Class III felony (max. 20yrs, \$25k)	Neb. Rev. Stat. Ann. § 28-831(2) (Human trafficking; forced labor or services)
Nevada	Yes*	Yes	Category A felony (5yrs–life, \$10k)	Nev. Rev. Stat. Ann. § 201.300(2)(a)(1) (Sex trafficking)
New Hampshire	Yes**	No	Class A felony (10–30yrs, \$4k)	N.H. Rev. Stat. Ann. § 633:7 (Trafficking in persons)
New Jersey	Yes*	Yes	1st degree crime (20yrs–life, \$25-200k)	N.J. Stat. Ann-. § 2C:13-8 (Human trafficking)
New Mexico	Yes*	Yes	1st degree felony (max. 18yrs, \$15k)	N.M. Stat. Ann. § 30-52-1(A)(2) (Human trafficking)
New York	No	Yes	Class A misdemeanor, if 14-17 (max. 1yr, \$1k) Class E felony, if under 14 (max. 4yrs, \$5k) Class D felony, if under 11 (max. 7yrs, \$5k)	N.Y. Penal Law § 230.05 (Patronizing a prostitute in the second degree) if under 14; N.Y. Penal Law § 230.06 (Patronizing a prostitute in the first degree) if under 11
North Carolina	Yes ⁷	Yes	Class C felony (max. 73 months, discretionary fine)	N.C. Gen. Stat. § 14-43.13 (Sexual servitude) & N.C. Gen. Stat. § 14-43.11 (Human trafficking)**
North Dakota	Yes*	No ⁸	Class AA felony (max. life)	North Dakota Century Code (N.D. Cent. Code) § 12.1-40-01(1) (Human trafficking—Penalty)
Ohio	No	Yes	Felony of the 3 rd degree (max. 36mo, \$10k)	Ohio Rev. Code Ann. § 2907.21(A)(3), (4) (Compelling prostitution)
Oklahoma	Yes	Yes	Felony (min. 10yrs, max. \$20k)	Okla. Stat. Ann. tit. 21, § 748(B) (Human trafficking)

Appendix: State Law Survey of Criminal Liability for Buyers of Sex Acts with a Minor

State	Trafficking law could be applied to buyers ¹	CSEC could be applied to buyers	Highest Offense Level and Penalty (max. sentence and fine for first offense)	Applicable offense ²
Oregon	Yes**	Yes	Class A felony (max. 20yrs, \$375k)	Or. Rev. Stat. § 163.266 (Trafficking in persons)
Pennsylvania	No ⁹	Yes	3 rd degree felony (max. 7yrs, \$15k)	18 Pa. Cons. Stat. § 6318(a)(3) (Unlawful contact with minor)
Rhode Island	Yes	Yes	Felony (max. 40yrs, \$40k)	R.I. Gen. Laws Ann. § 11-67-6(b) (Sex trafficking of a minor)
South Carolina	Yes**	Yes	Felony (max. 30yrs)	S.C. Code Ann. § 16-3-2020 (Trafficking in persons)
South Dakota	Yes**	No ¹⁰	Class 2 felony (25yr, \$50k)	S.D. Codified Laws § 22-49-1 (Human trafficking prohibited)
Tennessee	Yes	Yes	Class A felony (15–60yrs, \$50k)	Tenn. Code Ann. § 39-13-309 (Trafficking for commercial sex acts)
Texas	Yes	Yes	Felony of the 1 st degree (max. 99yrs, \$10k)	Tex. Penal Code Ann. § 20A.02(a)(8) (Trafficking of persons)
Utah	Yes**	Yes	1 st degree felony (5yrs–life, \$10k)	Utah Code Ann. § 76-5-310(2) (Aggravated human trafficking)
Vermont	Yes ^{*11}	No	Felony (20yrs–life, \$100k)	Vt. Stat. Ann. tit. 13, § 2653(a)(1) (Aggravated human trafficking)
Virginia	n/a	Yes	Class 5 or 6 felony (max. 10yrs, \$2.5k)	Va. Code Ann. § 18.2-346(B) (Prostitution; commercial sexual conduct; commercial exploitation of a minor; penalties)
Washington	Yes	Yes	Class A felony, seriousness level XIV max. 397 months, \$50k	Wash. Rev. Code Ann. § 9A.40.100(1)(a) (Trafficking)
West Virginia	Yes*	Yes	Felony (3–15yrs, \$200k)	W. Va. Code Ann. § 61-2-17(a)(5) (Human trafficking; criminal penalties)
Wisconsin	Yes*	Yes	Class C felony (max. 40yrs, \$100k)	Wis. Stat. § 948.051 (Trafficking of a child)
Wyoming	Yes	No	Felony (max. 3yrs, \$5k)	Wyo. Stat. Ann. § 6-2-707 (Patronizing a victim of sexual servitude)
TOTALS:	39	41		CSEC or Trafficking law applies to buyers: 49 Neither CSEC nor trafficking law applies to buyers: 2 (CA, MI)

Endnotes

- 1 Evaluations of state laws are based on legislation enacted as of August 1, 2013. Responses with an asterisk (*) indicate that the human trafficking law applies to buyers based on federal precedent, and responses with a double asterisk (**) indicate that the human trafficking law applies to buyers based on federal precedent but is limited in application because proof of force, fraud or coercion is required.
- 2 Reflects only the offenses that carry the highest maximum penalty and does not reflect all offenses with which buyers of sex with a minor could be charged. Where the state does not have a CSEC or trafficking offense applicable to buyers, the age-neutral prostitution law that would instead apply to buyers is listed.
- 3 Buyers face prosecution under two provisions of the state human trafficking law: Ark. Code Ann. § 5-18-103 (Trafficking of persons) following federal precedent based on use of the term “obtains,” and § 5-18-104 (Patronizing a victim of human trafficking) which applies directly to buyers. Since violations of Ark. Code Ann. § 5-18-104 involving a minor victim are punishable as a Class A felony by up to 30 years and a possible fine of \$15,000, the highest buyer applicable penalty is provided under Ark. Code Ann. § 5-18-103(a)(4) (Class Y, 10–40 years or life).

Endnotes, cont.

- 4 While Michigan's human trafficking law might apply to buyers through the term "obtains," the definition of "services" which includes commercial sexual activity, requires "an ongoing relationship" between the defendant and the victim that renders application to buyers unlikely.
- 5 The sex offense, Mich. Comp. Laws Ann. § 750.145a (Accosting, enticing or soliciting child for immoral purpose) may apply to a buyer who "solicits" a minor under 16 for the purpose of a sexual act, however this offense does not expressly apply to solicitation for purposes of commercial sex.
- 6 Buyers face prosecution and equivalent penalties under two provisions of the state human trafficking law: Mont. Code Ann. § 45-5-310 (Sexual servitude of child) following federal precedent based on use of the term "obtains," and Mont. Code Ann. § 45-5-311 (Patronizing of child) which applies directly to buyers.
- 7 Buyers face prosecution and equivalent penalties under two provisions of the human trafficking chapter: N.C. Gen. Stat. § 14-43.13 (Sexual servitude) for subjecting a minor to commercial sexual activity and N.C. Gen. Stat. § 14-43.11 (Human trafficking) following federal precedent based on use of the term "obtains."
- 8 N.D. Cent. Code § 12.1-20-05 (Corruption or solicitation of minors) makes it a distinct offense for adults to "engage[] in, solicit[] with the intent to engage in, or cause[] another to engage in a sexual act with a minor . . .", however this offense does not expressly apply to solicitation for the purpose of commercial sex acts.
- 9 Pennsylvania's human trafficking law does not specifically apply to trafficking of persons for commercial sex.
- 10 S.D. Codified Laws § 22-24A-5(1) (Solicitation of minor) establishes a Class 4 felony when a person 18 or older "(1) Solicits a minor, or someone the person reasonably believes is a minor, to engage in a prohibited sexual act." However this offense does not expressly apply to solicitation of a minor for purposes of commercial sex.
- 11 Buyers face prosecution under four provisions in the human trafficking chapter: Vt. Stat. Ann. tit. 13, § 2652(a)(1) (Human trafficking), § 2653(a) (Aggravated human trafficking) and § 2654(a) (Patronizing or facilitating human trafficking) following federal precedent based on use of the term "obtains," and § 2655(a) (Solicitation), which applies directly to buyers who solicit a minor for commercial sex. Violations of Vt. Stat. Ann. tit. 13, § 2655(a) (Solicitation) and § 2654(a) (Patronizing or facilitating human trafficking) are punishable as a felony by up to 5 years and a possible fine of \$100,000, while § 2652(a)(1) (Human trafficking) are punishable by a maximum of life imprisonment.

Appendix: State Law Survey of Prohibition on Mistake of Age Defense for Buyers of Sex Acts with a Minor

State	Trafficking or CSEC law applies to buyers ¹	Mistake of Age Defense prohibited under buyer-applicable CSEC ² or sex trafficking offense	Buyer-applicable laws under which mistake of age defense is prohibited
Alabama	Yes, trafficking**	Yes	Ala. Code § 13A-6-152(a)(3) (Human trafficking in the first degree)
Alaska	Yes, CSEC	No	n/a
Arizona	Yes, both*	No (only under 15) ³	Ariz. Rev. Stat. Ann. § 13-3212 (Child prostitution)
Arkansas	Yes, both	Yes	Ark. Code Ann. § 5-18-103 (Trafficking of persons)
California	No	n/a ⁴	n/a
Colorado	Yes, CSEC	Yes	Colo. Rev. Stat. Ann. § 18-7-406(1) (Patronizing a prostituted child)
Connecticut	Yes, CSEC	No	n/a
Delaware	Yes, trafficking	Yes	Del. Code Ann. tit. 11, § 787(b)(2)(b) (Trafficking of persons and involuntary servitude) ⁵
DC	Yes, both*	No	n/a
Florida	Yes, both*	No ⁶	n/a
Georgia	Yes, both*	Yes	Ga. Code Ann. § 16-5-46(d) (Trafficking of persons for labor or sexual servitude)
Hawaii	Yes, CSEC	No	n/a
Idaho	Yes, both	No	n/a
Illinois	Yes, both*	No	n/a
Indiana	Yes, trafficking	No	n/a
Iowa	Yes, both	Yes	Ind. Code Ann. § 35-42-3.5-1(d) (Promotion of human trafficking—Sexual trafficking of a minor—Human trafficking)
Kansas	Yes, both*	No	n/a
Kentucky	Yes, both	No ⁷	n/a
Louisiana	Yes, both	Yes	La. Rev. Stat. Ann. §§ 14:46.3(A)(1) (Trafficking of children for sexual purposes), 14:82.1(A)(1) (Prostitution; persons under eighteen), 14:82(C)(4), (5) (Prostitution)
Maine	Yes, CSEC	Yes ⁸	Me. Rev. Stat. Ann. tit. 17-A, § 855(1)(A) (Patronizing prostitution of minor)
Maryland	Yes, CSEC	No	n/a
Massachusetts	Yes, both	No	n/a
Michigan	No ⁹	No	n/a
Minnesota	Yes, CSEC	Yes	Minn. Stat. Ann. § 609.324 (Patrons; prostitutes; housing individuals engaged in prostitution; penalties)
Mississippi	Yes, trafficking	Yes	Miss. Code Ann. § 97-3-54.1(1)(c) (Anti-Human Trafficking Act; prohibited conduct; penalty)
Missouri	Yes, both	Yes	Mo. Rev. Stat. § 566.212(1)(2) (Sexual trafficking of a child) and § 566.213(1)(2) (Sexual trafficking of a child under age twelve) Mo. Rev. Stat. § 567.030 (Patronizing prostitution)
Montana	Yes, both	Yes	Mont. Code Ann. § 45-5-601(1) (Prostitution)

State	Trafficking or CSEC law applies to buyers ¹	Mistake of Age Defense prohibited under buyer-applicable CSEC ² or sex trafficking offense	Buyer-applicable laws under which mistake of age defense is prohibited
Nebraska	Yes, both	No	n/a
Nevada	Yes, both*	Yes	Nev. Rev. Stat. Ann. § 201.300(2)(a)(1) (Sex trafficking)
New Hampshire	Yes, trafficking**	No	n/a
New Jersey	Yes, both*	Yes	N.J. Stat. Ann. § 2C:13-8 (Human trafficking) N.J. Stat. Ann. § 2C:34-1(b)(7) (Prostitution and related offenses)
New Mexico	Yes, both*	No	n/a
New York	Yes, CSEC	No	n/a
North Carolina	Yes, both	No	n/a
North Dakota	Yes, trafficking*	Yes	N.D. Cent. Code § 12.1-40-01(3) (Human trafficking)
Ohio	Yes, CSEC	Yes	Ohio Rev. Code Ann. § 2907.21(A)(3), (4) (Compelling prostitution)
Oklahoma	Yes, both	No	n/a
Oregon	Yes, both**	No (only for second or subsequent CSEC offenses)	Enacted Senate Bill 673, Section 4 (Purchasing sex with a minor)
Pennsylvania	Yes, CSEC	No	n/a
Rhode Island	Yes, both	No ¹⁰	n/a
South Carolina	Yes, both**	Yes	S.C. Code Ann. § 16-3-2020(K)(5) (Trafficking in persons) S.C. Code Ann. § 16-15-425 (Participating in prostitution of a minor defined)
South Dakota	Yes, trafficking**	No	n/a
Tennessee	Yes, both	Yes	Tenn. Code Ann. § 39-13-309 ¹¹ (Trafficking for commercial sex acts) Tenn. Code Ann. § 39-13-514(b) (Patronizing prostitution)
Texas	Yes, both	Yes	Tex. Penal Code Ann. § 20A.02(a)(8) (Trafficking of persons)
Utah	Yes, both*	Yes	Utah Code Ann. § 76-5-310 (Aggravated human trafficking) Utah Code Ann. § 76-10-1303 (Patronizing a prostitute) Utah Code Ann. § 76-10-1313 (Sexual solicitation)
Vermont	Yes, trafficking	No	n/a
Virginia	Yes, CSEC	No	n/a
Washington	Yes, both	Yes, but with exception ¹²	Wash. Rev. Code Ann. § 9.68A.100(1) (Commercial sexual abuse of a minor)
West Virginia	Yes, both*	No	n/a
Wisconsin	Yes, both*	No	n/a
Wyoming	Yes, trafficking	No	n/a
TOTALS:	49	21	13 (trafficking), 13 (CSEC)

Endnotes

- 1 Evaluations of state laws are based on legislation enacted as of August 1, 2013. Responses with an asterisk (*) indicate that the human trafficking law applies to buyers based on federal precedent, and responses with a double asterisk (**) indicate that the human trafficking law applies to buyers based on federal precedent but is limited in application because proof of force, fraud or coercion is required.
- 2 Commercial sexual exploitation of children (CSEC).
- 3 Buyers prosecuted under Ariz. Rev. Stat. Ann. § 13-3212(B) (Child prostitution) involving a victim under 15 years of age can be convicted without proof that the buyer knew the victim was a minor, but the penalty drops substantially when the victim is aged 15–17 unless the prosecution proves the buyer knew the victim was a minor, and the defense is not specifically prohibited.
- 4 Proposition 35 (“C.A.S.E. Act”) eliminated mistake of age defense under trafficking law, but the trafficking law does not apply to buyers.
- 5 However, Delaware permits a defense in certain child pornography prosecutions that the defendant believed a child under 14 years of age was over 16.
- 6 A mistake of age defense is not specifically prohibited under Fla. Stat. Ann. § 787.06(3) (Human trafficking) but the government is not required prove that the defendant knew the minor’s age in a sex trafficking prosecution if the defendant had a reasonable opportunity to observe the victim.
- 7 However there is a presumption as to minority in applicable CSEC and sex trafficking prosecutions that a victim who “appears to be under 18” is under 18.
- 8 While buyers may be prosecuted for patronizing prostitution of minor without regard to their knowledge of the age of the minor, enhanced liability applies if the offender knew the victim was under 18.
- 9 While Michigan’s human trafficking law might apply to buyers through the term “obtains,” the definition of “services” which includes commercial sexual activity, requires “an ongoing relationship” between the defendant and the victim that renders application to buyers unlikely.
- 10 However, the government need not prove that the defendant knew the minor’s age in a sex trafficking prosecution.
- 11 The text of Tenn. Code Ann. § 39-13-309 included here and elsewhere in this report includes amendments made by the passage of Senate Bill 2371 during the Tennessee 107th General Assembly. 2012 Tenn. Public Acts (effective July 1, 2012).
- 12 While an age mistake defense is generally prohibited for CSEC offenses, a buyer may assert an age mistake defense if the buyer made an attempt to ascertain the minor’s age by actions beyond relying on the oral statements or apparent age of the minor, such as requiring a driver’s license.

Appendix: Buyer Cases by Source and Year

Search tools

Researchers used the following sources to identify and search for buyers:

Source	Percent of Cases Identified
Google	37.2%
Meltwater Search	35.2%
Backpage search	4.6%
Library of Congress Proquest database	15.3%
Lexis Advantage	5.4%
Shared Hope employee tip/law enforcement tip/state report	3.1%

Cases by Year

Year	Number of cases found	Percent of total
2008	30	7.4%
2009	39	9.6%
2010	65	16%
2011	42	10.3%
2012	85	20.9%
2013 (to September)	146	35.9%

