

# ISSUE BRIEF

## COMPONENT 2.10

<b>Area of Law</b>	Criminal Provisions Addressing Demand
<b>The Policy Goal</b>	Convicted buyers of commercial sex acts with minors are required to register as sex offenders.
<b>The Reason</b>	Purchasers of sex acts with minors and images of child sexual exploitation (ICSE) are sexual predators—the exchange of money does not sanitize the underlying crime of child rape or molestation, and the consequences that apply to rapists should apply to purchasers. Sex offender registry laws are intended to provide the public with information that will prevent them and their children from victimization. The requirement to register as a sex offender serves as deterrence and as a warning to the public of the potential danger registered sex offenders pose to children. Domestic minor sex trafficking is a sex offense, and state laws should reflect this by requiring registration. The federal Adam Walsh Act’s Sex Offender Registration and Notification Act (SORNA) includes sex trafficking in the definition of “sex offense,” setting the sex offender registry standard for states. Including child sex trafficking as an offense requiring sex offender registration is a relatively easy legislative fix for states to enact and is consistent with the federal government’s definition in the Adam Walsh Act.

### Examples of Legislative Solutions

The following statutes require sex offender registration for individuals convicted of sex trafficking, purchasing sex with minors, and purchasing or possessing images of child sexual exploitation.

#### Arkansas

Ark. Code Ann. § 12-12-905(a)(1) defines a person required to register as a sex offender as, “a person who: (1) is adjudicated guilty on or after August 1, 1997, of a sex offense, aggravated sex offense, or sexually violent offense.” Ark. Code Ann. § 12-12-903(12)(A)(i) defines “sex offense” to include, “(k) Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child, § 5-27-304; . . . . (w) Distributing, possessing, or viewing of matter depicting sexually explicit conduct involving a child, § 5-27-602; . . . . (bb) Sexually grooming a child, § 5-27-307; (cc) Trafficking of person under § 5-18-103(a)(4); and (dd) Patronizing a victim of human trafficking, § 5-18-104.”

#### California

Under Cal. Penal Code § 290(c) (Sex offender registration act; persons required to register), registration is required for an offender convicted of, “subdivision (b) and (c) of Section 236.1 [human trafficking], . . . 266c [Inducing consent to

sexual act by fraud or fear], . . . 288 [Lewd or lascivious acts involving children], . . . 288.3 [Contact or communication with a minor with knowledge or intent to commit specified offenses punishable by imprisonment; additional punishment for repeat violation], 288.4 [Arrangement of meeting with minor for purpose of engaging in certain lewd or lascivious behavior; punishment], . . . [Possession or control of child pornography; person previously convicted guilty of felony] . . . ; any statutory predecessor that includes all elements of one of the above-mentioned offenses; or any person who since that date has been or is hereafter convicted of the attempt or conspiracy to commit any of the above-mentioned offenses.”

#### Hawaii

Pursuant to Haw. Rev. Stat. § 846E-1 (Definitions), “‘Sex offender’ means: (1) A person who is or has been convicted at any time . . . of a ‘sexual offense’ . . . [and] ‘[s]exual offense’ means an offense that is (1) Set forth in section 707-730(1), 707-731(1), 707-733(1)(a), 707-733.6, 712–1202(1) [Sex trafficking] . . . (3) [a]n act that consists of . . . (F) [s]olicitation of a minor for prostitution in violation of section 712-1209.1 . . . (5) An act, as described in chapter 705, that is an attempt, criminal solicitation, or criminal conspiracy to commit one of the offenses designated in paragraphs (1) through (4) . . . .”

## Minnesota

Under Minn. Stat. Ann. § 243.166(1b)(a) (Registration of predatory offenders), “A person shall register under this section if: . . . (2) the person was charged with or petitioned for a violation of, or attempt to violate, or aiding, abetting, or conspiring to commit . . . solicitation, inducement, or promotion of the prostitution of a minor or engaging in the sex trafficking of a minor in violation of section 609.322 [Solicitation, inducement, and promotion of prostitution; sex trafficking]; a prostitution offense involving a minor in violation of section 609.324, subdivision 1, paragraph (a) [Patrons, prostitutes; housing individuals in prostitution; penalties—Engaging in, hiring, or agreeing to hire minor to engage in prostitution; penalties]; soliciting a minor to engage in sexual conduct in violation of section 609.352, subdivision 2 or 2a, clause (1) [Solicitation of children to engage in sexual conduct; communication of sexually explicit materials to children—Prohibited Act; Electronic solicitation of children]; . . . or possessing pornographic work involving a minor in violation of section 716.247 [Possession of pornographic work involving minors], and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances . . . .”

## New Hampshire

N.H. Rev. Stat. Ann. § 651-B:2(I) (Registration) requires, “[e]very sexual offender or offender against children shall be registered within the department of safety, division of state police . . . .” N.H. Rev. Stat. Ann. § 651-B:1(VI) (Definitions) defines “an offender against children” as “a person who is required to register for any offense against a child,” further defined under N.H. Rev. Stat. Ann. § 651-B:1(VII) to mean, “the following offenses, including an accomplice to, or an attempt, conspiracy, or solicitation to commit, any of the following offenses: (a) Any of the following offenses, where the victim was under the age of 18 at the time of the offense: . . . prostitution, RSA 645:2; (b) Intentional contribution to the delinquency of a minor, RSA 632-A:4, I(b) if the actor was 18 years of age or older at the time of the offense; . . . child pornography, RSA 649-A:3, RSA 649-A:3-a and RSA 649-A:3-b; computer pornography, RSA 649-B:3; certain uses of computer services prohibited, RSA 649-B:4; or obscene matters RSA 650:2, II.

## North Carolina

Pursuant to N.C. Gen. Stat. § 14-208.7(a) (Registration), “[a] person who is a State resident and who has a reportable conviction shall be required to maintain registration with the sheriff of the county where the person resides.” The definition of “reportable conviction” includes “a sexually violent

offense.” N.C. Gen. Stat. § 14-208.6(4). The term, “sexually violent offense,” is defined in N.C. Gen. Stat. § 14-208.6(5) to include “. . . G.S. 14-43.11 (human trafficking) if (i) the offense is committed against a minor who is less than 18 years of age or (ii) the offense is committed against any person with the intent that they be held in sexual servitude, a violation of, G.S. 14-43.13 (subjecting or maintaining a person for sexual servitude), . . . G.S. 14-190.17 (second degree sexual exploitation of a minor), G.S. 14-190.17A (third degree sexual exploitation of a minor), . . . G.S. 14-202.3 (Solicitation of child by computer or certain other electronic devices to commit an unlawful sex act) . . . G.S. 14-205.2(c) or (d) (patronizing a prostitute who is a minor or a mentally disabled person), G.S. 14-205.3(b) (promoting prostitution of a minor or a mentally disabled person) . . . .”

## Ohio

Ohio Rev. Code Ann. § 2950.04(A)(1)(a) (Duty to register and comply with registration requirements) requires a person convicted of a “sexually oriented offense” to register as a sex offender. Ohio Rev. Code Ann. § 2950.01(A) (Definitions) defines a “sexually oriented offense” as, “any of the following violations or offenses committed by a person, regardless of the person’s age: . . . . [Compelling prostitution], 2907.22 [Promoting prostitution], 2907.32 [Pandering obscenity], 2907.321 [Pandering obscenity involving a minor], 2907.322 [Pandering sexually oriented matter involving a minor], or 2907.323 [Illegal use of minor in nudity-oriented material or performance] of the Revised Code . . . . (11) A violation of section 2905.32 [Human trafficking] of the Revised Code . . . .”