

<b>Area of Law</b>	Criminal Provisions Addressing Demand
<b>The Policy Point</b>	Buyers of commercial sex acts with a minor can be prosecuted under commercial sexual exploitation of children (CSEC) laws.
<b>The Legislative Solution</b>	Anti-demand provisions are critical. Too often buyers who demand commercial sex acts with children are not prosecuted using CSEC laws because these laws are insufficiently broad to include the criminal purchase, despite the critical role that buyers play in the trafficking transaction. In the absence of provisions to address the buyer under CSEC laws, law enforcement and prosecutors are left with viewing the crime of buying commercial sex acts with a minor as prostitution or a general sex offense, like rape or sexual abuse. The tremendous disparity between the penalties for the vice crime of prostitution and the serious crime of child rape or sexual abuse results in buyers of sex acts with a child being penalized in hugely varying degrees depending upon how they are charged. It also leads to some buyers being registered as sex offenders while others are sent home with a citation for prostitution. State laws on commercial sexual abuse of a minor, child prostitution, commercial sexual exploitation of a minor, etc. that expressly include the crime of buying sex with a minor establish consistency and criminal deterrence.

**Select Statute Highlights**

The following CSEC laws expressly make the purchase of commercial sex acts with a minor a separate and specific crime.

**Colorado**

Colo. Rev. Stat. § 18-7-406 (Patronizing a prostituted child) states, “(1) Any person who performs any of the following with a child not his spouse commits patronizing a prostituted child: (a) Engages in an act which is prostitution of a child or by a child [under the age of 18] . . . or (b) Enters or remains in a place of prostitution with intent to engage in an act which is prostitution of a child or by a child.”

**Idaho**

Under Idaho Code Ann. § 18-5610 (Utilizing a person under eighteen years of age for prostitution—Penalties), “[e]very person who exchanges or offers to exchange anything of value for sexual conduct or sexual contact with a person under the age of eighteen (18) years shall be guilty of a felony punishable by imprisonment in the state penitentiary for a period of not less than two (2) years, which may be extended to life imprisonment, or by a fine not exceeding fifty thousand dollars (\$50,000), or by both such imprisonment and fine.” For purpose of this section, “anything of value” “includes, but is not limited to, a fee, food, shelter, clothing, medical care or membership in a criminal gang . . . .” § 18-5610(2)(c).

**Maine**

Me. Rev. Stat. Ann. tit., 17-A. § 855 (Patronizing prostitution of minor) states, “A person is guilty of patronizing prostitution of a minor if: A. The person, in return for another’s prostitution, gives or agrees to give a pecuniary benefit either to the person whose prostitution is sought or to a 3rd person and the person whose prostitution is sought has not in fact attained 18 years of age. . . .”

**Montana**

Mont. Code. Ann §45-5-601(3)(a) (Prostitution) provides, “If the person patronized was a child and the patron was 18 years of age or older at the time of the offense, whether or not the patron was aware of the child’s age, the patron offender: (i) shall be punished by imprisonment in a state prison for a term of 100 years . . . ; (ii) may be fined an amount not to exceed \$50,000; and (iii) shall be ordered to enroll in and successfully complete the educational phase and the cognitive and behavioral phase of a sexual offender treatment program provided or approved by the department of corrections.”

**North Carolina**

N.C. Gen. Stat. § 14-43.13 (subjecting or maintaining a person for sexual servitude) states, “(a) A person commits the offense of sexual servitude when that person knowingly or in reckless disregard of the consequences of the action subjects

or maintains another in sexual servitude. (b) . . . A person who violates this section is guilty of a Class C felony if the victim of the offense is a minor. (b1) Mistake of age is not a defense to prosecution under this section. Consent of a minor is not a defense to prosecution under this section.”

### South Carolina

Under S.C. Code Ann. § 16-15-425 (Participating in prostitution of a minor defined), “An individual commits the offense of participating in the prostitution of a minor if he is not a minor and he patronizes a minor prostitute,” which includes “(1) soliciting or requesting a minor to participate in prostitution; (2) paying or agreeing to pay a minor, either directly or through the minor’s agent, to participate in prostitution; or (3) paying a minor, or the minor’s agent, for having participated in prostitution, pursuant to a prior agreement.”