



## STATE STATUTES

CURRENT THROUGH JULY 2020

# Definitions of Human Trafficking

To access the statutes for a specific State or territory, visit the [State Statutes Search](#).

Human trafficking can be compared to a modern-day form of slavery. It involves the exploitation of people through force, coercion, threat, and deception and includes human rights abuses such as debt bondage, deprivation of liberty, and lack of control over freedom and labor.<sup>1</sup> Trafficking can be for purposes of sexual exploitation or labor exploitation. Sexual exploitation includes forcing an individual to engage in commercial sex acts, including prostitution or the production of pornography. The types of labor exploitation include domestic servitude, restaurant work, janitorial work, sweatshop factory work, and migrant agricultural work. Victims of trafficking can include adults and minors as well as both U.S. citizens and foreign nationals.

<sup>1</sup> Human trafficking should not be confused with human smuggling. According to the U.S. Department of State, human smuggling is the facilitation, transportation, attempted transportation, or illegal entry of a person across an international border in violation of the laws of one or more countries, either clandestinely or through deception, such as the use of fraudulent documents. Human smuggling generally occurs with the consent of the person being smuggled, although that person subsequently may become a victim of trafficking, and the two crimes often co-occur. For more information, see the factsheet [Human Trafficking & Migrant Smuggling: Understanding the Difference](#) (from the Office to Monitor and Combat Trafficking in Persons, U.S. Department of State).

## WHAT'S INSIDE

Defined in child protection laws

Definitions of labor trafficking

Definitions of sex trafficking of minors

Summaries of State laws

The Federal Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386)<sup>2</sup> defines human trafficking in terms of "involuntary servitude," which includes a condition of servitude induced by means of any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint. A person also may be induced to a condition of servitude by the abuse or threatened abuse of the legal process.<sup>3</sup>

Other definitions from the act include the following:

- **Debt bondage:** The status or condition of a debtor arising from a pledge by the debtor of his or her personal services, or of those of a person under his or her control, as a security for the debt when the value of those services, as reasonably assessed, are not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined
- **Severe forms of trafficking in persons:** Includes (1) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion or in which the person induced to perform such act is younger than age 18 or (2) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery

- **Sex trafficking:** The recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act

The Justice for Victims of Trafficking Act of 2015 (P. L. 114-22 (2015)) amended the Federal definition of child abuse and neglect provided by the Child Abuse Prevention and Treatment Act (P. L. 111-320 (2010)) with the addition of the following special rule:

A child shall be considered a victim of "child abuse and neglect" and of "sexual abuse" if the child is identified, by a State or local agency employee of the State or locality involved, as being a victim of sex trafficking (as defined in § 103(10) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. § 7102)) or a victim of severe forms of trafficking in persons described in § 103(9)(A) [22 U.S.C. § 7102(9)(A)].<sup>4</sup>

## DEFINED IN CHILD PROTECTION LAW

Many States have expanded their civil child protection definitions to include trafficking of children. The inclusion of trafficking within the definitions enables child protective agencies to respond to reports of trafficking as child abuse—regardless of whether the perpetrator of the trafficking is a parent or other caregiver—and to provide services to victims of trafficking. In approximately 20 States, the crime of human trafficking, including labor trafficking, involuntary

<sup>2</sup> P.L. 106-386 has been reauthorized six times since its enactment in 2000 by the Trafficking Victims Protection Reauthorization Act of 2003 (P.L. 108-193); the Trafficking Victims Protection Reauthorization Act of 2005 (P.L. 109-164); the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (P.L. 110-457); title XII of the Violence Against Women Reauthorization Act of 2013 (P.L. 113-4); the Justice for Victims of Trafficking Act of 2015 (P.L. 114-22); and the Trafficking Victims Protection Reauthorization Act of 2017 (P.L. 115-427).

<sup>3</sup> 22 U.S.C. § 7102 (2020). As defined in Federal law, the term "abuse or threatened abuse of the legal process" means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.

<sup>4</sup> 42 U.S.C. § 5106g(b) (2020)

servitude, or trafficking of minors, is included in the definition of physical child abuse.<sup>5</sup>

All States include sexual abuse in their definitions of child abuse, and sexual exploitation is an element of the definition of sexual abuse in most jurisdictions. Sexual exploitation includes allowing the child to engage in prostitution or in the production of child pornography.<sup>6</sup> In 35 States, the definition of child abuse or neglect or sexual abuse includes human trafficking, including sex trafficking or trafficking of children for sexual purposes.<sup>7</sup> These definitions, however, do not always describe in any detail what elements constitute an act of trafficking in persons. For that, it often is necessary to look at a State's criminal definitions of human trafficking.

## DEFINITIONS OF LABOR TRAFFICKING

Labor trafficking occurs when a person knowingly recruits, entices, harbors, transports, provides, or obtains by any means, including, but not limited to, through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, another person for forced labor or services. A person also commits trafficking of persons if he or she benefits, financially or by receiving anything of value, from participation in such activities. In 49 States, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands, there are laws that

prohibit trafficking of persons for the purpose of involuntary servitude.<sup>8</sup>

Federal and most State definitions of labor trafficking do not distinguish between minors and adults, so some element of force, fraud, coercion, or deception must be present for children to be defined as victims of labor trafficking. Conditions that are considered force, fraud, coercion, or deception in the labor trafficking of adults or minors include the following:

- Threatening serious harm to, or physical restraint against, the victim or a third person
- Destroying, concealing, removing, confiscating, or possessing any passport, immigration document, or other government identification document
- Abusing or threatening abuse of the law or legal process against the victim or a third person
- Placing a person in debt bondage
- Providing a drug, including alcohol, to another person with the intent to impair the person's judgment or maintain a state of chemical dependence
- Wrongfully taking, obtaining, or withholding any property of another person
- Blackmail
- Asserting control over the finances of another person
- Withholding or threatening to withhold food or medication

<sup>5</sup> The word "approximately" is used to stress the fact that the States frequently amend their laws. This information is current through July 2020. Arkansas, Colorado, Hawaii, Idaho, Illinois, Indiana, Kansas, Louisiana, Mississippi, Nebraska, New Hampshire, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, Texas, Utah, Virginia, and West Virginia include labor trafficking in their definitions of child abuse.

<sup>6</sup> Commercial sexual exploitation, including the production of child pornography, can be regarded as a type of sex trafficking.

<sup>7</sup> The States that specifically include the term "sex trafficking" in their civil definitions of child abuse include Arizona, Arkansas, California, Colorado, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

<sup>8</sup> Virginia and American Samoa currently do not have laws defining labor trafficking.

## DEFINITIONS OF SEX TRAFFICKING OF MINORS

All States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands have laws prohibiting trafficking of persons for the purpose of commercial sexual activity. The term "sex trafficking" refers to criminal activity whereby one or more persons are subjected to engaging in commercial sexual activity through the use of force, fraud, or coercion, except that if the trafficked person is younger than age 18, the commercial sexual activity need not involve force, fraud, or coercion. In fact, according to the Federal Victims of Trafficking and Violence Protection Act of 2000, any child younger than age 18 who is induced to engage in commercial sexual activity is a victim of sex trafficking.

Human trafficking of a child for sexual exploitation includes all forms of commercial sexual activity with a child, including prostitution and participation in the production of pornography. In 28 States, Guam, the Northern Mariana Islands, and the Virgin Islands, the term "commercial sexual activity" includes sexually explicit performance, such as performance in a strip club or exotic dancing.<sup>9</sup> The term "commercial sexual activity" also means any sexual activity, such as those described in this paragraph, for which anything of value is given to or received by any person.

<sup>9</sup> Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Idaho, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Mexico, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, Utah, Vermont, Washington, and Wisconsin

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be as complete as possible, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures.

### SUGGESTED CITATION:

Child Welfare Information Gateway. (2020). *Definitions of human trafficking*. Washington, DC: U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau.

## ALABAMA

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Ala. Code § 26-14-1(1)-(3)**

The term 'sexual abuse' includes the following:

- The employment, use, persuasion, inducement, enticement, or coercion of a child to engage in or have a child assist any other person to engage in sexually explicit conduct
- Any simulation of the conduct for the purpose of producing a visual depiction of the conduct
- The rape, molestation, prostitution, or other form of sexual exploitation of children

The term 'sexual exploitation' includes the following:

- Allowing, permitting, or encouraging a child to engage in prostitution
- Allowing, permitting, encouraging, or engaging in obscene or pornographic photographing, filming, or depicting a child for commercial purposes

### **Definitions of Labor Trafficking**

**Citation: Ala. Code § 13A-6-151**

The term 'labor servitude' means work or service of economic or financial value that is performed or provided by another person and is induced or obtained by coercion or deception.

The term 'coercion' means any of the following:

- Causing or threatening to cause physical injury or mental suffering to any person, physically restraining or confining any person, or threatening to physically restrain or confine any person or otherwise causing the person performing or providing labor or services to believe that the person or another person will suffer physical injury or mental suffering
- Implementing any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in physical injury, mental suffering, or physical restraint of any person
- Destroying, concealing, removing, confiscating, or withholding from the person or another person; or threatening to destroy, conceal, remove, confiscate, or withhold from the person or another person, the person's or any person's actual or purported government records, immigration documents, identifying information, or personal or real property
- Exposing or threatening to expose any fact or information that if revealed would tend to subject a person to criminal prosecution, criminal or immigration proceedings, hatred, contempt, or ridicule
- Threatening to report the person or another person to immigration officials or to other law enforcement officials or otherwise blackmailing or extorting the person or another person
- Controlling a person's access to a controlled substance
- Rape or sodomy or threatened rape or sodomy of any person

The term 'deception' means any of the following:

- Creating or confirming an impression of any existing fact or past event that is false and that the accused knows or believes to be false
- Exerting financial control over the person or another person by placing the person or another person under the actor's control as a security or payment of a debt, if the value of the services as reasonably assessed is not applied toward the liquidation of the debt, the length and nature of those services are not respectively limited and defined, the principal amount of the debt does not reasonably reflect the value of the items or services for which debt was incurred, or by preventing a person from acquiring information pertinent to the disposition of the debt
- Promising benefits or the performance of services that the accused does not intend to be delivered



- Using any scheme, plan, or pattern, whether overt or subtle, intended to cause any person to believe that, if the person did not perform such labor, services, acts, or performances, the person or another person would suffer physical injury or mental suffering

The term 'mental suffering' means a high degree of mental pain or emotional disturbances, such as distress, anxiety, public humiliation, or psychosomatic physical symptoms. It is more than mere disappointment, anger, resentment, wounded pride, or embarrassment and must be a direct result of the crime of human trafficking.

The term 'trafficking victim' means any person, including a minor, who has been subjected to labor servitude, sexual servitude, or involuntary servitude.

### **Definitions of Sex Trafficking of Minors**

**Citation:** Ala. Code §§ 13A-6-151(7)-(8); 13A-6-152

The term 'sexual conduct' includes any of the following acts:

- Sexual intercourse
- Sexual contact: Any known touching for the purpose of sexual arousal, gratification, or abuse of the following:
  - The sexual or other intimate parts of the victim by the actor
  - The sexual or other intimate parts of the actor by the victim
  - The clothing covering the immediate area of the sexual or other intimate parts of the victim or actor
- Sexually explicit performances, including an act or show intended to arouse, satisfy the sexual desires of, or appeal to the prurient interests of patrons or viewers, whether public or private, live, photographed, recorded, videotaped, or projected over the internet
- Commercial sex acts, meaning any sex act on account of which anything of value is given, promised to, or received, directly or indirectly, by any person

The term 'sexual servitude' includes any sexual conduct for which anything of value is directly or indirectly given, promised to, or received by any person, which conduct is induced or obtained by coercion or deception from a person. If, however, the sexual conduct is with a minor (a person under age 19), no coercion or deception is required.

A person commits the crime of human trafficking in the first degree if the person knowingly does any of the following:

- Subjects another person to labor servitude or sexual servitude
- Obtains, recruits, entices, solicits, induces, threatens, isolates, harbors, holds, restrains, transports, provides, or maintains any minor for the purpose of causing a minor to engage in sexual servitude
- Gives monetary consideration or any other thing of value to engage in any sexual conduct with a minor or an individual he or she believes to be a minor

For purposes of this section, it is not required that the defendant have knowledge of a minor victim's age, nor is reasonable mistake of age a defense to liability.

## **ALASKA**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation:** Alaska Stat. § 47.17.290

The term 'child abuse or neglect' includes sexual abuse or sexual exploitation. The term 'sexual exploitation' includes the following conduct by a person responsible for the child's welfare:

- Allowing, permitting, or encouraging a child to engage in prostitution, as prohibited by §§ 11.66.100 through 11.66.150
- Allowing, permitting, or encouraging a child to engage in actual or simulated activities of a sexual nature that are prohibited by criminal statute

### **Definitions of Labor Trafficking**

**Citation: Alaska Stat. §§ 11.41.360; 11.81.900**

A person commits the crime of human trafficking in the first degree if the person compels or induces another person to engage in sexual conduct, adult entertainment, or labor in the State by force, threat of force against any person, or by deception.

The term 'deception' means to knowingly do the following:

- Create or confirm another's false impression that the defendant does not believe to be true, including false impressions as to law or value and false impressions as to intention or other state of mind
- Fail to correct another's false impression that the defendant previously has created or confirmed
- Prevent another from acquiring information pertinent to the disposition of the property or service involved
- Sell or otherwise transfer or encumber property and fail to disclose a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether or not that impediment is a matter of official record
- Promise performance of an action that the defendant does not intend to perform or knows will not be performed

### **Definitions of Sex Trafficking of Minors**

**Citation: Alaska Stat. § 11.66.110**

A person commits the crime of sex trafficking in the first degree if the person does any of the following:

- Induces or causes a person to engage in prostitution through the use of force
- As other than a patron of a prostitute, induces or causes a person younger than age 20 to engage in prostitution
- Induces or causes a person in that person's legal custody to engage in prostitution

In a prosecution, it is not a defense that the defendant reasonably believed that the person induced or caused to engage in prostitution was age 20 or older.

## **AMERICAN SAMOA**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Ann. Code § 45.2001(a)(1)**

The terms 'abuse' or 'child abuse or neglect' include the following acts or omissions:

- When a child is subjected to sexual offenses, including rape, sexual assault, sexual abuse, or indecent exposure
- When a child is allowed, permitted, or encouraged to engage in prostitution
- When a child is allowed, permitted, or encouraged to be the subject of obscene or pornographic photographing, filming, or depicting

### **Definitions of Labor Trafficking**

This issue is not addressed in the statutes reviewed.

## **Definitions of Sex Trafficking of Minors**

**Citation: Ann. Code § 46.3705**

A person commits the crime of promoting prostitution in the first degree if he or she knowingly does the following:

- Promotes prostitution by compelling a person to enter into, engage in, or remain in prostitution
- Promotes prostitution of a person younger than age 16

The term 'compelling' includes the following:

- The use of forcible compulsion
- The use of a drug or intoxicating substance to render a person incapable of controlling his or her conduct or appreciating its nature
- Withholding or threatening to withhold dangerous drugs or a narcotic from a drug-dependent person

## **ARIZONA**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Rev. Stat. § 8-201**

The term 'abuse' includes the following:

- Commercial sexual exploitation of a minor
- Sexual exploitation of a minor
- Child sex trafficking

'Serious physical injury' means an injury that is diagnosed by a medical doctor and that is the result of sexual abuse, sexual conduct with a minor, sexual assault, molestation of a child, child sex trafficking, commercial sexual exploitation of a minor, sexual exploitation, or incest.

### **Definitions of Labor Trafficking**

**Citation: Rev. Stat. §§ 13-1306; 13-1308**

It is unlawful for a person to knowingly obtain the labor or services of another person by doing any of the following:

- Causing or threatening to cause bodily injury to that person or another person
- Restraining or threatening to restrain that person or another person without lawful authority and against that person's will
- Withholding that person's governmental records, identifying information, or other personal property

It is unlawful for a person to do any of the following:

- Knowingly traffic another person with the intent to or knowledge that the other person will be subject to forced labor or services
- Knowingly benefit, financially or by receiving anything of value, from participation in a venture that has engaged in an act in violation of §§ 13-1306, 13-1307, 13-3212, or this section

The term 'forced labor or services' means the following:

- Labor or services that are performed or provided by another person and that are obtained through a person's actions, such as the following:
  - Causing or threatening to cause serious physical injury to any person
  - Restraining or threatening to physically restrain another person



- Knowingly destroying, concealing, removing, confiscating, possessing, or withholding another person's actual or purported passport or other immigration document, government-issued identification document, government record, or personal property
- Abusing or threatening to abuse the law or the legal system
- Extortion
- Causing or threatening to cause financial harm to any person
- Facilitating or controlling another person's access to a controlled substance
- Does not include ordinary household chores and reasonable disciplinary measures between a parent or legal guardian and the parent's or legal guardian's child

The term 'traffic' means to entice, recruit, harbor, provide, transport, or otherwise obtain another person by deception, coercion, or force.

### **Definitions of Sex Trafficking of Minors**

**Citation: Rev. Stat. § 13-3212**

A person commits child sex trafficking by knowingly doing any of the following:

- Causing any minor to engage in prostitution
- Using any minor for the purposes of prostitution
- Permitting a minor who is under the person's custody or control to engage in prostitution
- Receiving any benefit for or on account of procuring or placing a minor in any place or in the charge or custody of any person for the purpose of prostitution
- Receiving any benefit pursuant to an agreement to participate in the proceeds of prostitution of a minor
- Financing, managing, supervising, controlling or owning, either alone or in association with others, prostitution activity involving a minor
- Transporting or financing the transportation of any minor with the intent that the minor engage in prostitution
- Providing a means by which a minor engages in prostitution
- Enticing, recruiting, harboring, providing, transporting, making available to another, or otherwise obtaining a minor with the intent to cause the minor to engage in prostitution or any sexually explicit performance
- Enticing, recruiting, harboring, providing, transporting, making available to another, or otherwise obtaining a minor with the knowledge that the minor will engage in prostitution or any sexually explicit performance

A person who is at least age 18 commits child sex trafficking by knowingly doing any of the following:

- Engaging in prostitution with a minor who is younger than age 15
- Engaging in prostitution with a minor who the person knows or should have known is age 15, 16, or 17
- Engaging in prostitution with a minor who is age 15, 16, or 17

It is not a defense to a prosecution under this section that the other person is a peace officer posing as a minor or a person assisting a peace officer posing as a minor.

## **ARKANSAS**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Ann. Code §§ 9-27-303; 12-18-1201**

The term 'abuse' includes recruiting, harboring, transporting, or obtaining a child for labor or services, through force, fraud, or coercion, for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

The term 'sexual abuse' includes the recruiting, harboring, transporting, obtaining, patronizing, or soliciting of a child who is younger than age 18 for the purpose of a commercial sex act by a person who is age 18 or older.

The term 'sexually exploited child' means a person younger than age 18 who has been subject to sexual exploitation because any of the following apply:

- The person is a victim of trafficking of persons under § 5-18-103.
- The person is a victim of child sex trafficking under 18 U.S.C. § 1591.
- The person engages in an act of prostitution or sexual solicitation.

### **Definitions of Labor Trafficking**

**Citation: Ann. Code §§ 5-18-102; 5-18-103**

The term 'involuntary servitude' means the inducement or compulsion of a person to engage in labor, services, or commercial sexual activity by means of the following:

- A scheme, plan, or pattern of behavior with a purpose to cause a person to believe that if he or she does not engage in labor, services, or commercial sexual activity, he or she or another person will suffer serious physical injury or physical restraint
- Abuse or threatened abuse of the legal process
- The causing of or the threat to cause serious harm to a person
- Physically restraining or threatening to physically restrain another person
- The kidnapping of or threat to kidnap a person
- The taking of another person's property
- The knowing destruction, concealment, confiscation, or possession of an actual or purported passport, other immigration document, or other government identification document of another person
- Extortion, blackmail, deception, fraud, coercion, duress, or menace
- Debt bondage or peonage
- The facilitation or control of a victim's access to an addictive controlled substance

The term 'debt bondage' means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of the personal services of a person under his or her control as a security for debt, if the following apply:

- The value of the debtor's personal services is not applied toward the liquidation of the debt.
- The length and nature of the debtor's personal services are not respectively limited and defined.
- The principal amount of the debt does not reasonably reflect the value of the items or services for which the debt was incurred.

The term 'extortion' means the obtaining of property, labor, a service, credit, a commercial sexual activity, or a sexually explicit performance from another person through a wrongful use of force or fear.

The term 'serious harm' means any harm, whether physical or nonphysical, including without limitation psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances as the victim to perform or to continue performing labor or a service, a commercial sex act, or a sexually explicit performance in order to avoid incurring that harm.

The term 'victim of human trafficking' means a person who has been subjected to trafficking of persons.

A person commits the offense of trafficking of persons if he or she knowingly does any of the following:

- Recruits, harbors, transports, obtains, entices, solicits, isolates, provides, or maintains a person knowing that the person will be subjected to involuntary servitude
- Benefits financially or by receiving anything of value from participation in a venture described above
- Subjects a person to involuntary servitude
- Recruits, entices, solicits, isolates, harbors, transports, provides, maintains, or obtains a pregnant woman for the purpose of causing the pregnant woman by the use of or threatened use of physical force to place the baby who is not yet born for adoption
- Benefits financially or benefits by receiving anything of value from participating in an act described above to procure an infant for adoption

### **Definitions of Sex Trafficking of Minors**

**Citation: Ann. Code §§ 5-18-102; 5-18-103**

The term 'commercial sexual activity' means a sexual act or sexually explicit performance for which anything of value is given, promised, or received, directly or indirectly, by a person.

The term 'sex act' means any touching of the sexual or other intimate parts of another person for the purpose of gratifying the sexual desire of a person. 'Sex act' includes without limitation the touching of the person as well as touching by the person, whether directly or through clothing.

The term 'sexually explicit performance' means an act or show, whether public or private, live, photographed, recorded, or videotaped, with a purpose to either appeal to the prurient interest or depict, in a patently offensive way, a sex act and do so in a way that lacks literary, artistic, political, or scientific value.

The term 'sexually explicit performance' includes, without limitation, any performance that depicts a sex act by a minor or that would create criminal liability under §§ 5-27-303 or 5-27-304.

A person commits the offense of trafficking of persons if he or she knowingly does any of the following:

- Recruits, entices, solicits, isolates, harbors, transports, provides, maintains, or obtains a minor for commercial sexual activity
- Sells or offers to sell travel services that he or she knows includes an activity prohibited above

It is not a defense to prosecution for an act described above that the actor did not have knowledge of a victim's age or mistakenly believed a victim was not a minor.

## **CALIFORNIA**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Welf. & Inst. Code § 300; Penal Code § 11165.1**

The legislature finds and declares that a child who is sexually trafficked, as described in § 236.1 of the Penal Code, or who receives food or shelter in exchange for or who is paid to perform, sexual acts, and whose parent or guardian failed to or was unable to protect the child is within the description of this subdivision, and these children shall be known as commercially sexually exploited children.

The term 'sexual abuse' includes sexual exploitation, which refers to any of the following:

- Depicting a minor engaged in obscene acts; preparing, selling, or distributing obscene matter that depicts minors; employing a minor to perform obscene acts

- Knowingly permitting or encouraging a child to engage in, or assisting others to engage in, prostitution or a live performance involving obscene sexual conduct, or to either pose or model alone or with others for purposes of preparing a film, photograph, negative, slide, drawing, painting, or other pictorial depiction involving obscene sexual conduct
- Depicting a child in, or knowingly developing, duplicating, printing, or exchanging, any film, photograph, videotape, negative, or slide in which a child is engaged in an act of obscene sexual conduct

### **Definitions of Labor Trafficking**

**Citation: Penal Code §§ 236.1; 236.2**

A person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services is guilty of human trafficking. A person who deprives or violates the personal liberty of another with the intent to commit procurement, pimping, pandering, procurement of a child, abduction of a child for prostitution, sexual exploitation of a child, child pornography, or extortion is guilty of human trafficking.

The term 'coercion' includes any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; the abuse or threatened abuse of the legal process; debt bondage; or providing and facilitating the possession of a controlled substance to a person with the intent to impair the person's judgment.

'Deprivation or violation of the personal liberty of another' includes substantial and sustained restriction of another's liberty accomplished through force, fear, fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person under circumstances where the person receiving or apprehending the threat reasonably believes that it is likely that the person making the threat would carry it out.

The term 'duress' includes a direct or implied threat of force, violence, danger, hardship, or retribution sufficient to cause a reasonable person to acquiesce in or perform an act that he or she would otherwise not have submitted to or performed; a direct or implied threat to destroy, conceal, remove, confiscate, or possess an actual or purported passport or immigration document of the victim; or knowingly destroying, concealing, removing, confiscating, or possessing an actual or purported passport or immigration document of the victim.

'Forced labor or services' means labor or services that are performed or provided by a person and are obtained or maintained through force, fraud, duress, or coercion, or equivalent conduct that would reasonably overbear the will of the person.

The term 'serious harm' includes any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor, services, or commercial sexual acts in order to avoid incurring that harm.

Law enforcement agencies shall use due diligence to identify all victims of human trafficking, regardless of the citizenship of the person. When a peace officer comes into contact with a person who has been deprived of his or her personal liberty, a minor who has engaged in a commercial sex act, a person suspected of violating § 647(a) or (b), or a victim of a crime of domestic violence or sexual assault, the peace officer shall consider whether the following indicators of human trafficking are present:

- There are signs of trauma, fatigue, injury, or other evidence of poor care.
- The person is withdrawn, afraid to talk, or his or her communication is censored by another person.
- The person does not have freedom of movement.

- The person lives and works in one place.
- The person owes a debt to his or her employer.
- Security measures are used to control who has contact with the person.
- The person does not have control over his or her own government-issued identification or over his or her worker immigration documents.

### **Definitions of Sex Trafficking of Minors**

#### **Citation: Penal Code § 236.1**

A person who causes, induces, or persuades, or attempts to cause, induce, or persuade, a person who is a minor at the time of commission of the offense to engage in a commercial sex act, with the intent to commit any of the offenses listed above is guilty of human trafficking.

In determining whether a minor was caused, induced, or persuaded to engage in a commercial sex act, the totality of the circumstances, including the age of the victim, his or her relationship to the trafficker or agents of the trafficker, and any handicap or disability of the victim, shall be considered. Consent by a victim of human trafficking who is a minor at the time of the commission of the offense is not a defense to a criminal prosecution under this section. Mistake of fact as to the age of a victim of human trafficking who is a minor at the time of the commission of the offense is not a defense to a criminal prosecution under this section.

The term 'commercial sex act' means sexual conduct on account of which anything of value is given or received by any person.

## **COLORADO**

*Current Through July 2020*

### **Defined in Child Protection Law**

#### **Citation: Rev. Stat. §§ 19-1-103(1), (23.5); 16-22-102**

The term 'abuse' or 'child abuse or neglect' includes any case in which a child is subjected to human trafficking of a minor for involuntary servitude, as described in § 18-3-503, or human trafficking of a minor for sexual servitude, as described in § 18-3-504(2).

'Commercial sexual exploitation of a child' means a crime of a sexual nature committed against a child for financial or other economic reasons.

The term 'unlawful sexual behavior' includes any of the following offenses or criminal attempt, conspiracy, or solicitation to commit any of the following offenses:

- Human trafficking of a minor for sexual servitude, as described in § 18-3-504(2)
- Sexual exploitation of children
- Procurement of a child for sexual exploitation
- Soliciting for child prostitution
- Pandering or pimping of a child
- Keeping a place of child prostitution
- Inducement of child prostitution
- Patronizing a prostituted child
- Promotion of obscenity to a minor
- Internet luring of a child
- Internet sexual exploitation of a child

## Definitions of Labor Trafficking

**Citation:** Rev. Stat. §§ 18-3-503; 18-3-502

A person who knowingly sells, recruits, harbors, transports, transfers, isolates, entices, provides, receives, or obtains by any means another person for the purpose of coercing the other person to perform labor or services commits human trafficking for involuntary servitude.

The term 'coercing' means inducing a person to act or to refrain from acting, if the inducement is accomplished by any one or more of the following means:

- The use or threat of the use of force against, abduction of, causing of serious harm to, or physical restraint of a person
- The use of a plan, pattern, or statement for the purpose of causing the person to believe that failure to perform the act or failure to refrain from performing the act will result in the use of force against, abduction of, causing of serious harm to, or physical restraint of that person or another person
- Using or threatening to use the law or the legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed
- Threatening to notify law enforcement officials that a person is present in the United States in violation of Federal immigration laws
- The destruction or taking, or a threat to destroy or take, a person's identification document or other property
- Controlling or threatening to control a person's access to a controlled substance
- The use of debt bondage
- The exploitation of a person's physical or mental impairment, when such impairment has a substantial adverse effect on the person's cognitive or volitional functions

The term 'debt bondage' includes the following:

- Demanding labor or services as payment toward or satisfaction of a real or purported debt and failing to apply the reasonable value of the labor or services toward the liquidation of the debt
- Demanding labor or services when the length of the labor or services is not limited and the nature of the labor or services is not defined

The term 'identification document' means a real or purported passport, driver's license, immigration document, travel document, or other government-issued identification document, including a document issued by a foreign government.

The term 'maintain' means to provide sustenance or care for a minor and includes, but is not limited to, providing shelter, food, clothing, drugs, medical care, or communication services. A minor is a person younger than age 18.

The term 'serious harm' means bodily injury or any other harm, whether physical or nonphysical, including psychological, financial, or reputational harm, which is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person to perform or continue to perform labor or services or sexual activity to avoid incurring the harm.

The term 'victim' means a person who is alleged to have been or who has been subjected to human trafficking.



## **Definitions of Sex Trafficking of Minors**

**Citation:** Rev. Stat. §§ 18-3-504; 18-3-502

A person commits human trafficking of a minor for sexual servitude if the person does either of the following:

- Knowingly sells, recruits, harbors, transports, transfers, isolates, entices, provides, receives, obtains by any means, maintains, or makes available a minor for the purpose of commercial sexual activity
- Knowingly advertises, offers to sell, or sells travel services that facilitate an activity prohibited by the above subsection

In any prosecution under this section, the following is not a defense to that prosecution:

- The minor consented to being sold, recruited, harbored, transported, transferred, isolated, enticed, provided, received, obtained, or maintained by the defendant for the purpose of engaging in commercial sexual activity.
- The minor consented to participating in commercial sexual activity.
- The defendant did not know the minor's age or reasonably believed the minor to be age 18 or older.
- The minor or another person represented the minor to be age 18 or older.

A person does not need to receive any of the proceeds of any commercial sexual activity to commit an offense described in this section.

The term 'debt bondage' includes demanding commercial sexual activity as payment toward or satisfaction of a real or purported debt. The term 'commercial sexual activity' means sexual activity for which anything of value is given to, promised to, or received by a person. The term 'makes available' means to facilitate contact between a minor and another person.

The term 'sexual activity' means the following:

- Sexual contact, sexual intrusion, or sexual penetration, as defined in § 18-3-401
- Sexual exploitation of a child, pursuant to § 18-6-403(3)(a) and (3)(d)
- An obscene performance, as defined in § 18-7-101

## **CONNECTICUT**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation:** Gen. Stat. § 46b-120

The term 'abuse' includes sexual molestation or exploitation.

### **Definitions of Labor Trafficking**

**Citation:** Gen. Stat. §§ 53a-192a(A)(1); 53a-192

A person is guilty of trafficking in persons when such person compels or induces another person to engage in conduct involving more than one occurrence of sexual contact with one or more third persons, or provide labor or services that such person has a legal right to refrain from providing, by means of the following:

- The use of force or by the threat of use of force against the other person or a third person
- Fraud
- Coercion, as provided in § 53a-192

A person is guilty of coercion when he compels or induces another person to engage in conduct that the other person has a legal right to abstain from engaging in or to abstain from engaging in conduct in which the other

person has a legal right to engage in by means of instilling in such other person a fear that, if the demand is not complied with, the actor or another will do the following:

- Commit any criminal offense
- Accuse any person of a criminal offense
- Expose any secret tending to subject any person to hatred, contempt, or ridicule, or to impair any person's credit or business reputation
- Take or withhold action as an official or cause an official to take or withhold action

### **Definitions of Sex Trafficking of Minors**

**Citation:** Gen. Stat. § 53a-192a(A)(2)-(3)

A person is guilty of trafficking in persons when such person does the following:

- Compels or induces another person who is under age 18 to engage in conduct involving sexual contact with one or more third persons that constitutes sexual contact for which such third person may be charged with a criminal offense
- Otherwise commits an act that constitutes sex trafficking

For the purposes of this subsection, 'sexual contact' means any contact with the intimate parts of another person, and 'sex trafficking' means the recruitment, harboring, transportation, or provision of a person for the purpose of engaging in sexual conduct with another person for a fee.

## **DELAWARE**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation:** Ann. Code Tit. 10, § 901; Tit. 11, § 787

The term 'sexual abuse' means any act against a child that is described as a sex offense in § 761 of title 11, including, but not limited to, unlawful sexual contact, child pornography, promoting child prostitution, and incest. The term 'exploitation' means taking advantage of a child for unlawful or unjustifiable personal or sexual gain.

A minor who has engaged in commercial sexual activity is presumed to be a neglected or abused child under title 10, § 901, et seq. Whenever a police officer has probable cause to believe that a minor has engaged in commercial sexual activity, the police officer shall make an immediate report to the Department of Services for Children, Youth and Their Families pursuant to title 16, § 901, et seq.

### **Definitions of Labor Trafficking**

**Citation:** Ann. Code Tit. 11, § 787

The term 'human trafficking' means the commission of any of the offenses described in this section. A person is guilty of trafficking an individual if the person knowingly recruits, transports, harbors, receives, provides, obtains, isolates, maintains, advertises, solicits, or entices an individual in furtherance of forced labor. A person is guilty of forced labor if the person knowingly uses coercion to compel an individual to provide labor or services.

The term 'coercion' means the following:

- The use or threat of force against, abduction of, serious harm to, or physical restraint of an individual
- The use of a plan, pattern, or statement with intent to cause an individual to believe that failure to perform an act will result in the use of force against, abduction of, serious harm to, or physical restraint of an individual

- The abuse or threatened abuse of law or legal process
- Controlling or threatening to control an individual's access to a controlled substance
- The destruction of, taking of, or the threat to destroy or take an individual's identification document or other property
- The use of debt bondage
- The use of an individual's physical, cognitive disability, or mental impairment, when such impairment has substantial adverse effects on the individual's cognitive or volitional functions
- The commission of civil or criminal fraud

The term 'debt bondage' includes the following:

- Commercial sexual activity in payment toward or satisfaction of a real or purported debt
- Inducing an individual to provide labor or services in payment toward or satisfaction of a real or purported debt if:
  - The reasonable value of the labor or services is not applied toward the liquidation of the debt.
  - The length of the labor or services is not limited and the nature of the labor or services is not defined.

The term 'forced labor or services' means labor or services that are performed or provided by another person and are obtained or maintained through coercion. 'Labor or services' means activity having economic or financial value, including commercial sexual activity.

The term 'identification document' means a passport, driver's license, immigration document, travel document, or other government-issued identification document, including a document issued by a foreign government, whether actual or purported.

The term 'serious harm' means harm, whether physical or nonphysical, including psychological, economic, or reputational, to an individual that would compel a reasonable individual of the same background and in the same circumstances to perform or continue to perform labor or services or sexual activity to avoid incurring the harm.

### **Definitions of Sex Trafficking of Minors**

**Citation: Ann. Code Tit. 11, § 787**

A person is guilty of trafficking an individual if the person knowingly recruits, transports, harbors, receives, provides, obtains, isolates, maintains, advertises, solicits, or entices an individual in furtherance of sexual servitude. A person commits the offense of sexual servitude if the person knowingly does the following:

- Maintains or makes available a minor for the purpose of engaging the minor in commercial sexual activity
- Uses coercion or deception to compel an adult to engage in commercial sexual activity

It is not a defense in a prosecution under this section that the minor consented to engage in commercial sexual activity or that the defendant believed the minor was an adult.

The term 'commercial sexual activity' means any sexual activity for which anything of value is given, promised to, or received by any person.

The term 'sexual activity' means any sex-related act, including sexual contact, prostitution, or sexually explicit performances. The term 'sexually explicit performance' means a live public act or show, production of pornography, or the digital transfer of any of such intended to arouse or satisfy the sexual desires or appeal to the prurient interest of viewers.

An aggravating circumstance during the commission of a trafficking offense under this section occurs under the following circumstances:

- The person recruited, enticed, or obtained the victim from a shelter designed to serve victims of human trafficking, victims of domestic violence, victims of sexual assault, runaway youth, foster children, or the homeless.
- The person used or threatened use of force against, abduction of, serious harm to, or physical restraint of the victim.

## **DISTRICT OF COLUMBIA**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Ann. Code § 16-2301**

'Sexual exploitation' occurs when a parent, guardian, or other custodian allows a child to engage in prostitution or engages a child or allows a child to engage in obscene or pornographic photography, filming, or other forms of illustrating or promoting sexual conduct.

### **Definitions of Labor Trafficking**

**Citation: Ann. Code §§ 22-1831; 22-1832; 22-1833; 22-1835**

The term 'abuse or threatened abuse of law or legal process' means the use or threatened use of law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed to exert pressure on another person to cause that person to take some action or refrain from taking some action.

The term 'coercion' means any one, or a combination, of the following:

- Force, threats of force, physical restraint, or threats of physical restraint
- Serious harm or threats of serious harm
- The abuse or threatened abuse of law or legal process
- Fraud or deception
- Any scheme, plan, or pattern intended to cause a person to believe that if that person did not perform labor or services, that person or another person would suffer serious harm or physical restraint
- Facilitating or controlling a person's access to an addictive or controlled substance or restricting a person's access to prescription medication
- Knowingly participating in conduct with the intent to cause a person to believe that he or she is the property of a person or business and that would cause a reasonable person in that person's circumstances to believe that he or she is the property of a person or business

The term 'debt bondage' means the status or condition of a person who provides labor, services, or commercial sex acts for a real or alleged debt when:

- The value of the labor, services, or commercial sex acts, as reasonably assessed, is not applied toward the liquidation of the debt.
- The length and nature of the labor, services, or commercial sex acts are not respectively limited and defined.
- The amount of the debt does not reasonably reflect the value of the items or services for which the debt was incurred.

The term 'labor' means work that has economic or financial value. The term 'services' means legal or illegal duties or work done for another, whether or not the work was compensated.

The term 'serious harm' means any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue to perform labor, services, or commercial sex acts to avoid incurring that harm.

It is unlawful for an individual or a business to knowingly use coercion to cause a person to provide labor or services or to place or keep any person in debt bondage. It is unlawful for an individual or a business to recruit, entice, harbor, transport, provide, obtain, or maintain by any means a person, knowing, or in reckless disregard of, the fact that:

- Coercion will be used or is being used to cause the person to provide labor or services or to engage in a commercial sex act.
- The person is being placed or will be placed or kept in debt bondage.

It is unlawful for an individual or business to knowingly destroy, conceal, remove, confiscate, or possess any actual or purported government identification document, including a passport or other immigration document, or any other actual or purported document, of any person to prevent or restrict, or attempt to prevent or restrict, without lawful authority, the person's liberty to move or travel in order to maintain the labor or services of that person.

### **Definitions of Sex Trafficking of Minors**

**Citation: Ann. Code §§ 22-1831; 22-1833; 22-1834**

The term 'commercial sex act' means any sexual act or sexual contact on account of which or for which anything of value is given to, promised to, or received by any person. The term 'commercial sex act' includes a violation of any prostitution-related offense described in §§ 22-2701 through 22-2722.

The terms 'sexual act' and 'sexual contact' shall have the same meanings as provided in § 22-3001.

The term 'victim of trafficking' means the following:

- A person against whom any of the following offenses were committed:
  - Forced labor under § 22-1832
  - Trafficking in labor or commercial sex acts under § 22-1833
  - Sex trafficking of children under § 22-1834
- A person who has been subjected to an act or practice described in section 103(9) or (10) of the Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102.

It is unlawful for an individual or a business to recruit, entice, harbor, transport, provide, obtain, or maintain by any means a person, knowing, or in reckless disregard of, the fact that coercion will be used or is being used to cause the person to engage in a commercial sex act.

It is unlawful for an individual or a business to knowingly recruit, entice, harbor, transport, provide, obtain, or maintain by any means a person who, as a result, will be caused to engage in a commercial sex act knowing or in reckless disregard of the fact that the person is younger than age 18. In a prosecution under this section in which the defendant had a reasonable opportunity to observe the person recruited, enticed, harbored, transported, provided, obtained, or maintained, the government need not prove that the defendant knew that the person was younger than age 18.

## FLORIDA

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Ann. Stat. § 39.01**

The term 'sexual abuse of a child' includes 'sexual exploitation of a child.' 'Sexual exploitation of a child' includes the act of a child offering to engage in or engaging in prostitution or the act of allowing, encouraging, or forcing a child to do any of the following:

- Solicit for or engage in prostitution
- Engage in a sexual performance, as defined by chapter 827
- Participate in the trade of human trafficking, as provided in § 787.06(3)(g)

'Harm' to a child's health or welfare can occur when a person inflicts or allows to be inflicted upon the child physical, mental, or emotional injury. Such injury may occur when the person does any of the following:

- Commits or allows to be committed sexual battery or lewd or lascivious acts against the child
- Allows, encourages, or forces the sexual exploitation of a child, including allowing, encouraging, or forcing a child to do either of the following:
  - Solicit for or engage in prostitution
  - Engage in a sexual performance
- Exploits a child or allows a child to be exploited, as provided in § 450.151

### **Definitions of Labor Trafficking**

**Citation: Ann. Stat. § 787.06**

The term 'human trafficking' means transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining another person for the purpose of exploitation of that person. Any person who knowingly, or in reckless disregard of the facts, engages in human trafficking, or attempts to engage in human trafficking, or benefits financially by receiving anything of value from participation in a venture that has subjected a person to human trafficking, commits a felony, including any of the following circumstances:

- For labor or services of any child younger than age 18
- Using coercion for the labor or services of an adult
- For the labor or services of any child younger than age 18 who does so by the transfer or transport of that child from outside this State to within the State

The term 'coercion' means the following:

- Using or threatening to use physical force against any person
- Restraining, isolating, or confining, or threatening to restrain, isolate, or confine, any person without lawful authority and against his or her will
- Using lending or other credit methods to establish a debt by any person when labor or services are pledged as a security for the debt, if:
  - The value of the labor or services as reasonably assessed is not applied toward the liquidation of the debt.
  - The length and nature of the labor or services are not respectively limited and defined.
- Destroying, concealing, removing, confiscating, withholding, or possessing any actual or purported passport, visa, or other immigration document, or any other actual or purported government identification document, of any person
- Causing or threatening to cause financial harm to any person
- Enticing or luring any person by fraud or deceit
- Providing a controlled substance to any person for the purpose of exploitation of that person



As used in this section, the terms listed are defined as follows:

- 'Financial harm' includes extortionate extension of credit, loan sharking as defined in § 687.071, or employment contracts that violate the statute of frauds as provided in § 725.01.
- 'Labor' means work of economic or financial value.
- 'Maintain' means, in relation to labor or services, to secure or make possible continued performance thereof, regardless of any initial agreement on the part of the victim to perform such type service.
- 'Obtain' means, in relation to labor or services, to secure performance thereof.
- 'Services' means any act committed at the behest of, under the supervision of, or for the benefit of another. The term includes, but is not limited to, forced marriage, servitude, or the removal of organs.

### **Definitions of Sex Trafficking of Minors**

**Citation: Ann. Stat. § 787.06**

The term 'commercial sexual activity' means any violation of chapter 796 or an attempt to commit any such offense and includes sexually explicit performances and the production of pornography. 'Sexually explicit performance' means an act or show, whether public or private, that is live, photographed, recorded, or videotaped and is intended to arouse or satisfy the sexual desires or appeal to the prurient interest.

Any person who knowingly, or in reckless disregard of the facts, engages in human trafficking, or attempts to engage in human trafficking, or benefits financially by receiving anything of value from participation in a venture that has subjected a person to human trafficking commits a felony, including any of the following circumstances:

- For commercial sexual activity in which any child younger than age 18
- For commercial sexual activity of any child younger than age 18 who does so by the transfer or transport of that child from outside this State to within the State

Any parent, legal guardian, or other person having custody or control of a minor who sells or otherwise transfers custody or control of such minor, or offers to sell or otherwise transfer custody of such minor, with knowledge or in reckless disregard of the fact that, as a consequence of the sale or transfer, the minor will be subject to human trafficking commits a life felony.

In a prosecution under this section, the defendant's ignorance of the victim's age, the victim's misrepresentation of his or her age, or the defendant's bona fide belief of the victim's age cannot be raised as a defense. A victim's lack of chastity or the willingness or consent of a victim is not a defense to prosecution if the victim was younger than age 18 at the time of the offense.

## **GEORGIA**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Ann. Code § 19-7-5(b)**

The term 'child abuse' includes sexual abuse or sexual exploitation of a child.

The term 'sexual abuse' means a person's employing, using, persuading, inducing, enticing, or coercing any minor who is not such person's spouse to engage in any act that involves conduct described by § 16-5-46(c) (trafficking of persons for sexual servitude).

The term 'sexual exploitation' means conduct by any person who allows, permits, encourages, or requires a child to engage in either of the following:

- Prostitution
- Sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct, as defined in § 16-12-100

### **Definitions of Labor Trafficking**

**Citation: Ann. Code § 16-5-46**

A person commits the offense of trafficking a person for labor servitude when that person knowingly subjects another person to or maintains another person in labor servitude or knowingly recruits, entices, harbors, transports, provides, or obtains by any means another person for the purpose of labor servitude.

The term 'labor servitude' means work or service of economic or financial value that is performed or provided by another person and is induced or obtained by coercion or deception.

The term 'coercion' means the following:

- Causing or threatening to cause bodily harm to any person, physically restraining or confining any person, or threatening to physically restrain or confine any person
- Exposing or threatening to expose any fact or information or disseminating or threatening to disseminate any fact or information that would tend to subject a person to criminal or immigration proceedings, hatred, contempt, or ridicule
- Destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of any person
- Providing a controlled substance to such person for the purpose of compelling such person to engage in labor or sexual servitude against his or her will
- Causing or threatening to cause financial harm to any person or using financial control over any person

The term 'deception' means the following:

- Creating or confirming another's impression of an existing fact or past event that is false and that the accused knows or believes to be false
- Maintaining the status or condition of a person arising from a pledge by that person of his or her personal services as security for a debt, if the following are true:
  - The value of those services as reasonably assessed is not applied toward the liquidation of the debt.
  - The length and nature of those services are not respectively limited and defined.
  - The person is prevented from acquiring information pertinent to the disposition of such debt.
- Promising benefits or the performance of services that the accused does not intend to deliver or perform or knows will not be delivered or performed

Evidence of failure to deliver benefits or perform services standing alone shall not be sufficient to authorize a conviction under this section.

### **Definitions of Sex Trafficking of Minors**

**Citation: Ann. Code §§ 16-5-46; 16-12-100**

A person commits the offense of 'trafficking an individual for sexual servitude' when that person knowingly does any of the following:

- Subjects an individual to or maintains an individual in sexual servitude
- Recruits, entices, harbors, transports, provides, solicits, patronizes, or obtains by any means an individual for the purpose of sexual servitude
- Benefits financially or by receiving anything of value from the sexual servitude of another

The age of consent for sexual activity or the accused's lack of knowledge of the age or developmental disability of the individual being trafficked shall not constitute a defense in a prosecution for a violation of this section.

The term 'sexual servitude' means any sexually explicit conduct, or performance involving sexually explicit conduct, for which anything of value is directly or indirectly given, promised to, or received by any individual, which conduct is induced or obtained as follows:

- By coercion or deception
- From a person who is younger than age 18
- From a person whom the accused believes to be under age 18
- From an individual who has a developmental disability
- From an individual whom the accused believes to have a developmental disability

The term 'sexually explicit conduct' has the same meaning as set forth in § 16-12-100.

## **GUAM**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation:** Ann. Code Tit. 19, § 13101

'Harm to a child's physical health or welfare' occurs in a case in which there exists evidence of injury, including but not limited to a case in which the child has been the victim of a sexual offense, as defined in the Criminal and Correctional Code.

### **Definitions of Labor Trafficking**

**Citation:** Ann. Code Tit. 9, §§ 26.02; 26.01

A person commits the crime of 'trafficking in persons' when that person knowingly does any of the following:

- Recruits, entices, solicits, isolates, harbors, transports, provides, or obtains by any means or attempts to recruit, entice, solicit, isolate, harbor, transport, provide, or obtain by any means, another person, knowing that the person will be subjected to involuntary servitude
- Benefits, financially or by receiving anything of value, from participation in a venture that has engaged in an act described above

A person commits the crime of 'involuntary servitude' when that person knowingly subjects, or attempts to subject, another person to labor or services through the use of any of the following means:

- Causing or threatening to cause serious harm to any person
- Physically restraining or threatening to physically restrain another person
- Abusing or threatening to abuse the law or legal process
- Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person
- Extortion or blackmail
- Deception or fraud
- Debt coercion
- Causing or threatening to cause financial harm to any person
- Facilitating or controlling a victim's access to an addictive controlled substance
- Using any scheme, plan, or pattern, whether overt or subtle, intended to cause any person to believe that, if the person did not perform such labor, services, acts or performances, that person or another person would suffer serious harm or physical restraint

The term 'debt coercion' means exploitation of the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or those of a person under his or her control as a security or payment for debt, if the following are true:

- The value of those services as reasonably assessed is not applied toward the liquidation of the debt.
- The length and nature of those services are not respectively limited and defined.
- The principal amount of the debt does not reasonably reflect the value of the items or services for which the debt was incurred.

The following terms mean:

- 'Extortion' is to be given its ordinary meaning as defined by existing Guam law.
- 'Financial harm' includes credit extortion, criminal violation of the usury laws, or employment contracts that violate relevant statutes and Federal laws and regulations.
- 'Labor' means work of economic or financial value.
- 'Services' means any act committed at the behest of, under the supervision of, or for the benefit of another.

The term 'victim of trafficking in persons' means any person, whether a U.S. citizen or foreign national, who has been subjected to the crime of trafficking in persons, involuntary servitude, sexual servitude of a minor, or transported in violation of trafficking of persons for forced labor or service as set forth herein.

### **Definitions of Sex Trafficking of Minors**

**Citation: Ann. Code Tit. 9, §§ 26.02; 26.01**

A person commits the crime of 'trafficking in persons' when that person knowingly recruits, entices, solicits, isolates, harbors, transports, provides, or obtains by any means or attempts to recruit, entice, solicit, isolate, harbor, transport, provide, or obtain by any means, another person, knowing that the person will be subjected to sexual servitude of a minor.

A person commits the crime of 'sexual servitude of a minor' when that person knowingly does any of the following:

- Recruits, entices, solicits, isolates, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, solicit, isolate, harbor, transport, provide, or obtain by any means, any minor for the purpose of commercial sex acts or sexually explicit performance
- Benefits, financially or by receiving anything of value, from participation in a venture that has engaged in an act described above

A person commits the crime of 'involuntary servitude' when that person knowingly subjects, or attempts to subject, another person to commercial sex acts or a sexually explicit performance.

The term 'commercial sex acts' means any sex act on account of which anything of value is given, promised to, or received, or exchanged, directly or indirectly, by any person.

The term 'sex act' refers to criminal sexual conduct, including sexual penetration and sexual contact, as defined in title 9, chapter 25 (sexual offenses); and any other crime as defined in title 9, chapter 25A (solicitation of children and child pornography), chapter 28 (prostitution and obscenity-related offenses), and chapter 89 (crimes against minors).

The term 'sexually explicit performance' means an act or show, intended to arouse, satisfy the sexual desires of, or appeal to the prurient interests of patrons or viewers, whether public or private, live, photographed, recorded, or videotaped.

## HAWAII

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Rev. Stat. § 350-1**

The term 'child abuse or neglect' means acts or omissions that have resulted in the physical health or welfare of the child who is under age 18 to be harmed or to be subject to a reasonably foreseeable, substantial risk of being harmed. The acts or omissions are indicated for the purposes of reports by circumstances that include, but are not limited to, when the child has been the victim of labor trafficking under chapter 707.

The term 'child abuse or neglect' includes instances when the child has been the victim of any of the following:

- Prostitution
- Obscene or pornographic photographing, filming, or depiction, or other similar forms of sexual exploitation
- Other similar forms of sexual exploitation, including, but not limited to, acts that constitute an offense pursuant to § 712-1202(1)(b) (promoting prostitution of a person younger than age 18)

### **Definitions of Labor Trafficking**

**Citation: Rev. Stat. §§ 707-781; 707-780**

A person commits the offense of labor trafficking if the person intentionally or knowingly provides or obtains, or attempts to provide or obtain, another person for labor or services by any of the following means committed against the other person:

- Extortion
- Kidnapping
- Unlawful imprisonment
- Assault or sexual assault
- Force, deadly force, or unlawful force
- An act of fraud, including making material false statements, misstatements, or omissions to induce or maintain the person to engage or continue to engage in the labor or services
- Requiring that labor or services be performed to retire, repay, or service a real or purported debt, if:
  - Performing the labor or services is the exclusive method allowed to retire, repay, or service the debt.
  - The indebted person is required to repay the debt with direct labor in place of currency.
  - The above does not include labor or services performed by a child for the child's parent or guardian.
- Withholding any of the person's government-issued identification documents with the intent to impede the movement of the person
- Using any scheme, plan, or pattern intended to cause the person to believe that if the person did not perform the labor or services, then the person or a friend or a member of the person's family would suffer serious harm, serious financial loss, or physical restraint
- Using or threatening to use any form of domination, restraint, or control over the person which, given the totality of the circumstances, would have the reasonably foreseeable effect of causing the person to engage in or to remain engaged in the labor or services

The term 'labor' means work of economic or financial value (not including prostitution-related and obscenity-related activities). The term 'services' means a relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor or a third party. 'Services' does not include prostitution-related and obscenity-related activities.

### **Definitions of Sex Trafficking of Minors**

**Citation: Rev. Stat. § 712-1202**

A person commits the offense of promoting prostitution in the first degree if the person knowingly does either of the following:

- Advances prostitution by compelling or inducing a person by force, threat, fraud, or intimidation to engage in prostitution, or profits from such conduct by another
- Advances or profits from prostitution of a person younger than age 18

### **IDAHO**

*Current Through July 2020*

#### **Defined in Child Protection Law**

**Citation: Idaho Code § 16-1602**

The term 'abused' applies to any case in which a child has been the victim of sexual conduct, including rape; molestation; incest; prostitution; obscene or pornographic photographing, filming, or depiction for commercial purposes; human trafficking, as defined in § 18-8602; or other similar forms of sexual exploitation that harms or threatens the child's health, welfare, or mental health.

#### **Definitions of Labor Trafficking**

**Citation: Idaho Code § 18-8602**

The term 'human trafficking' means the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion, for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. Human trafficking may include, but is not limited to, the use of the following types of force, fraud, or coercion:

- Threatening serious harm to, or physical restraint against, that person or a third person
- Destroying, concealing, removing, or confiscating any passport, immigration document, or other government-issued identification document
- Abusing or threatening abuse of the law or legal process against the person or a third person
- Using a condition of a person being a debtor due to a pledge of the debtor's personal services or the personal services of a person under the control of the debtor as a security for debt when the reasonable value of the services is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined
- Using a condition of servitude by means of any scheme, plan, or pattern intended to cause a reasonable person to believe that if the person did not enter into or continue in a condition of servitude, that person or a third person would suffer serious harm or physical restraint or would be threatened with abuse of legal process

#### **Definitions of Sex Trafficking of Minors**

**Citation: Idaho Code § 18-8602**

The term 'human trafficking' includes 'sex trafficking' in which commercial sexual activity is induced by force, fraud, or coercion, or in which the person induced to perform such act has not reached age 18.

'Sex trafficking' includes all forms of commercial sexual activity, which may include the following conduct:

- Sexual conduct, as defined in § 18-5610(2)(a)
- Sexual contact, as defined in § 18-5610(2)(b)
- Sexually explicit performance
- Prostitution
- Participation in the production of pornography



## ILLINOIS

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation:** **Comp. Stat. Ch. 325, § 5/3**

The term 'abused child' includes a child whose parent, immediate family member, any person responsible for the child's welfare, any individual residing in the same home as the child, or a paramour of the child's parent does the following:

- Commits or allows to be committed the offense of involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons, as defined in chapter 720, § 5/10-9, against the child
- Commits or allows to be committed any sex offense against the child, as such sex offenses are defined in chapter 720, § 5/1-1, et seq.; chapter 720, § 150/0.01, et seq.; and extending those definitions of sex offenses to include children younger than age 18

### **Definitions of Labor Trafficking**

**Citation:** **Comp. Stat. Ch. 720, § 5/10-9**

A person commits 'trafficking in persons' when he or she knowingly does the following:

- Recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, transport, provide, or obtain by any means, another person, intending or knowing that the person will be subjected to involuntary servitude
- Benefits, financially or by receiving anything of value, from participation in a venture that has engaged in an act of involuntary servitude or involuntary sexual servitude of a minor

A company commits trafficking in persons when the company knowingly benefits, financially or by receiving anything of value, from participation in a venture that has engaged in an act of involuntary servitude or involuntary sexual servitude of a minor.

A person commits 'involuntary servitude' when he or she knowingly subjects, attempts to subject, or engages in a conspiracy to subject another person to labor or services obtained or maintained through any of the following means, or any combination of these means:

- Causes or threatens to cause physical harm to any person
- Physically restrains or threatens to physically restrain another person
- Abuses or threatens to abuse the law or legal process
- Knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person
- Uses intimidation or exerts financial control over any person
- Uses any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform the labor or services, that person or another person would suffer serious harm or physical restraint

The term 'serious harm' means any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm.

The term 'services' means activities resulting from a relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor. Commercial sexual activity and sexually explicit performances are forms of activities that are 'services' under this section. Nothing in this definition may be construed to legitimize or legalize prostitution.

## **Definitions of Sex Trafficking of Minors**

**Citation:** *Comp. Stat. Ch. 720, § 5/10-9*

A person commits 'involuntary sexual servitude of a minor' when he or she knowingly recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, provide, or obtain by any means, another person younger than age 18, knowing that the minor will engage in commercial sexual activity, a sexually explicit performance, or the production of pornography, or causes or attempts to cause a minor to engage in one or more of those activities, and the following are true:

- There is no overt force or threat and the minor is between the age 17 and 18.
- There is no overt force or threat and the minor is younger than age 17.
- There is overt force or threat.

The term 'commercial sexual activity' means any sex act on account of which anything of value is given, promised to, or received by any person.

The term 'sexually explicit performance' means a live, recorded, broadcast (including over the Internet), or public act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons.

## **INDIANA**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation:** *Ann. Code §§ 31-34-1-3.5; 31-9-2-133.1*

A child is a child in need of services if, before the child becomes age 18, the child is the victim of human or sexual trafficking, as defined in § 31-9-2-133.1.

A child is considered a victim of human or sexual trafficking regardless of whether the child consented to the conduct described above.

The term 'victim of human or sexual trafficking' refers to a child who is recruited, harbored, transported, or engaged in any of the following:

- Forced labor
- Involuntary servitude
- Prostitution
- Juvenile prostitution, as defined in § 35-31.5-2-178.5
- Child exploitation, as defined in § 35-42-4-4(b)
- Marriage, unless authorized by a court under § 31-11-1-6
- Trafficking for the purpose of prostitution, juvenile prostitution, or participation in sexual conduct, as defined in § 35-42-4-4(a)(4)
- Human trafficking, as defined in § 35-42-3.5-0.5

### **Definitions of Labor Trafficking**

**Citation:** *Ann. Code §§ 35-42-3.5-0.5; 35-42-3.5-1*

The terms 'force,' 'threat of force,' 'coercion,' or 'fraud' mean, but are not limited to, a person doing any of the following:

- Causing or threatening to cause physical harm to a human trafficking victim
- Physically restraining or threatening to physically restrain a human trafficking victim

- Abusing or threatening to abuse the law or legal process to further the act of human trafficking
- Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document or any other actual or purported government identification document of the human trafficking victim
- Using blackmail or threatening to cause financial harm for the purpose of exercising financial control over the human trafficking victim
- Facilitating or controlling a human trafficking victim's access to a controlled substance

A person who, by force, threat of force, coercion, or fraud, knowingly or intentionally recruits, harbors, provides, obtains, or transports an individual to engage the individual in labor or services commits promotion of human labor trafficking, a level-4 felony.

### **Definitions of Sex Trafficking of Minors**

**Citation: Ann. Code § 35-42-3.5-1.2**

A person commits the crime of promotion of child sexual trafficking, a level-3 felony, if that person knowingly or intentionally recruits, entices, harbors, or transports a child younger than age 18 with the intent of causing the child to engage in either of the following:

- Prostitution or juvenile prostitution
- A performance or incident that includes sexual conduct, in violation of § 35-42-4-4(b) or (c) (child exploitation)

It is not a defense to a prosecution under this section that the child consented to engage in prostitution or juvenile prostitution or to participate in sexual conduct or that the intended victim of the offense is a law enforcement officer.

A person who knowingly or intentionally recruits, entices, harbors, or transports a child younger than age 16 with the intent of inducing or causing the child to participate in sexual conduct commits promotion of sexual trafficking of a younger child, a level-3 felony.

## **IOWA**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Ann. Stat. § 232.68**

The terms 'child abuse' or 'abuse' include the following:

- Committing a sexual offense with or to a child as a result of the acts or omissions of the person responsible for the care of the child or of a person who is age 14 or older and resides in a home with the child
- Allowing, permitting, or encouraging the child to engage in prostitution
- The recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a child for the purpose of commercial sexual activity, as defined in § 710A.1

'Sex trafficking' means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of commercial sexual activity. 'Sex trafficking victim' means a victim of sex trafficking.

## **Definitions of Labor Trafficking**

**Citation: Ann. Stat. § 710A.1**

The term 'human trafficking' means participating in a venture to recruit, harbor, transport, supply provisions, or obtain a person for the purpose of forced labor or service that results in involuntary servitude, peonage, debt bondage, or slavery. The term 'forced labor or services' means labor or services that are performed or provided by another person and that are obtained or maintained through any of the following:

- Causing or threatening to cause serious physical injury to any person
- Physically restraining or threatening to physically restrain another person
- Abusing or threatening to abuse the law or legal process
- Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person

The term 'involuntary servitude' means a condition of servitude induced by means of any scheme, plan, or pattern intended to cause a person to believe that if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint or the threatened abuse of legal process.

The term 'debt bondage' means the status or condition of a debtor arising from a pledge of the debtor's personal services or a person under the control of a debtor's personal services as a security for debt, if the reasonable value of such services is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined. The term 'peonage' means a status or condition of involuntary servitude based upon real or alleged indebtedness.

The term 'services' means an ongoing relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor, including commercial sexual activity and sexually explicit performances. The term 'victim' means a person subjected to human trafficking.

## **Definitions of Sex Trafficking of Minors**

**Citation: Ann. Stat. § 710A.1**

The term 'human trafficking' means participating in a venture to recruit, harbor, transport, supply provisions, or obtain a person for the purpose of commercial sexual activity through the use of force, fraud, or coercion, except that if the trafficked person is younger than age 18, the commercial sexual activity need not involve force, fraud, or coercion. 'Human trafficking' also means knowingly purchasing or attempting to purchase services involving commercial sexual activity from a victim or another person engaged in human trafficking.

The term 'commercial sexual activity' means any sex act or sexually explicit performance for which anything of value is given, promised to, or received by any person and includes, but is not limited to, prostitution, participation in the production of pornography, and performance in strip clubs. The term 'sexually explicit performance' means a live or public act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interest of patrons.

The term 'services' means an ongoing relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor, including commercial sexual activity and sexually explicit performances.

## KANSAS

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Ann. Stat. § 38-2202**

The term 'child in need of care' means a person younger than age 18 who has been subjected to an act that would constitute human trafficking or aggravated human trafficking, as defined by § 21-5426, or commercial sexual exploitation of a child, as defined by § 21-6422, or has committed an act that, if committed by an adult, would constitute selling sexual relations, as defined by § 21-6419.

The term 'sexual abuse' means any contact or interaction with a child in which the child is being used for the sexual stimulation of the perpetrator, the child, or another person. Sexual abuse shall include, but is not limited to, allowing, permitting, or encouraging the following:

- A child to be photographed, filmed, or depicted in pornographic material
- A child to be subjected to aggravated human trafficking, as defined in § 21-5426(b), if committed in whole or in part for the purpose of the sexual gratification of the offender or another, or be subjected to an act that would constitute conduct proscribed by chapter 21, article 55 of the statutes or § 21-6419 or 21-6422

### **Definitions of Labor Trafficking**

**Citation: Ann. Stat. § 21-5426**

'Human trafficking' is defined as the following:

- Intentionally recruiting, harboring, transporting, providing, or obtaining a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjecting the person to involuntary servitude or forced labor
- Intentionally benefitting financially or by receiving anything of value from participation in a venture that the person has reason to know has engaged in acts set forth above
- Knowingly coercing employment by obtaining or maintaining labor or services that are performed or provided by another person through any of the following:
  - Causing or threatening to cause physical injury to any person
  - Physically restraining or threatening to physically restrain another person
  - Abusing or threatening to abuse the law or legal process
  - Threatening to withhold food, lodging, or clothing
  - Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported government identification document of another person
- Knowingly holding another person in a condition of peonage in satisfaction of a debt owed the person who is holding such other person

'Aggravated human trafficking' is human trafficking, as defined above, when the act meets the following criteria:

- Involves the commission or attempted commission of kidnapping
- Is committed in whole or in part for the purpose of the sexual gratification of the defendant or another
- Results in a death

### **Definitions of Sex Trafficking of Minors**

**Citation: Ann. Stat. §§ 21-5426; 21-6422**

'Aggravated human trafficking' is defined as the following:

- Recruiting, harboring, transporting, providing, or obtaining by any means a child knowing that the child, with or without force, fraud, threat, or coercion, will be used to engage in the following:
  - Forced labor
  - Involuntary servitude
  - Sexual gratification of the defendant or another involving the exchange of anything of value

- Hiring a child by giving, offering, or agreeing to give anything of value to any person, to engage in manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another; sexual intercourse, sodomy, or any unlawful sexual act; and the offender recklessly disregards the age of the child

'Commercial sexual exploitation of a child' is knowingly doing any of the following:

- Hiring a person younger than age 18 by giving or offering or agreeing to give anything of value to any person to engage in a manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another, sexual intercourse, sodomy, or any unlawful sexual act
- Establishing, owning, maintaining, or managing any property, whether real or personal, where sexual relations are being sold or offered for sale by a person younger than age 18, or participating in the establishment, ownership, maintenance, or management thereof
- Permitting any property, whether real or personal, partially or wholly owned or controlled by the defendant to be used as a place where sexual relations are being sold or offered for sale by a person who is younger than age 18

## KENTUCKY

*Current Through July 2020*

### Defined in Child Protection Law

**Citation: Rev. Stat. § 600.020**

The term 'abused or neglected child' includes a child whose health or welfare is harmed or threatened with harm by the following:

- The child's parent or guardian; person in a position of authority or special trust, as defined in § 532.045; or other person exercising custodial control or supervision of the child does the following:
  - Commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon the child
  - Creates or allows to be created a risk that an act of sexual abuse, sexual exploitation, or prostitution will be committed upon the child
- A person age 21 or older commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon a child younger than age 16.

The term 'sexual abuse' includes, but is not necessarily limited to, any contacts or interactions in which the parent, guardian, person in a position of authority or special trust, or other person having custodial control or supervision of the child or responsibility for his or her welfare, uses or allows, permits, or encourages the use of the child for the purposes of sexual stimulation of the perpetrator or another person.

The term 'sexual exploitation' includes, but is not limited to, the following situations:

- A parent; guardian; person in a position of authority or special trust; or other person having custodial control, supervision, or responsibility for the welfare of a child allows, permits, or encourages the child to engage in an act that constitutes prostitution.
- A parent; guardian; person in a position of authority or special trust; or other person having custodial control, supervision, or responsibility for the welfare of a child allows, permits, or encourages the child to engage in an act of obscene or pornographic photographing, filming, or depicting of a child.



## **Definitions of Labor Trafficking**

**Citation: Rev. Stat. §§ 529.010; 529.110**

The term 'human trafficking' refers to criminal activity whereby one or more persons are subjected to engaging in forced labor or services. 'Forced labor or services' means labor or services that are performed or provided by another person and that are obtained through force, fraud, or coercion.

'Force, fraud, or coercion' includes, but is not limited to, the following:

- The use or threat of force against, abduction of, restraint, or serious harm of an individual
- The abuse or threatened abuse of law or legal process
- Facilitating, controlling, or threatening to control an individual's access to a controlled substance
- Knowingly destroying, concealing, removing, confiscating, or possessing, or attempting to destroy, conceal, remove, confiscate, or possess, any actual or purported passport or other immigration documents or any other actual or purported governmental identification documents of the person or family member
- Use of debt bondage
- The use of an individual's physical or mental impairment when the impairment has a substantial adverse effect on the individual's cognitive or volitional function

The term 'debt bondage' means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for the debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

A 'victim of human trafficking' is a person who has been subjected to human trafficking.

A person is guilty of promoting human trafficking when the person intentionally does the following:

- Benefits financially or receives anything of value from knowing participation in human trafficking
- Recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, transport, provide, or obtain by any means, another person, knowing that the person will be subject to human trafficking

## **Definitions of Sex Trafficking of Minors**

**Citation: Rev. Stat. § 529.010**

The term 'human trafficking' refers to criminal activity whereby one or more persons are subjected to engaging in commercial sexual activity through the use of force, fraud, or coercion, except that if the trafficked person is younger than age 18, the commercial sexual activity need not involve force, fraud, or coercion.

The term 'commercial sexual activity' means any of the following:

- Any sex act, for which anything of value is given to, promised to, or received by any person
- Participation in the production of obscene material
- Engaging in a sexually explicit performance

The term 'serious harm' means any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious to compel a reasonable person to perform or to continue performing commercial sexual activity in order to avoid incurring that harm. The term 'services' means an ongoing relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor. The term 'sexual conduct' means sexual intercourse or any act of sexual gratification involving the sex organs.

## LOUISIANA

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Ch. Code Art. 603**

The term 'abuse' means an act that seriously endangers the physical, mental, or emotional health and safety of the child, including exploitation or overwork of a child by a parent or any other person, including, but not limited to, commercial sexual exploitation of the child.

The term 'crime against the child' means the commission or attempted commission of a crime, including the following:

- The sale of minor children
- Human trafficking
- Pornography involving juveniles
- Trafficking of children for sexual purposes

The term 'commercial sexual exploitation' means involvement of the child in human trafficking or trafficking of children for sexual purposes, as prohibited by Rev. Stat. §§ 14:46.2 and 46.3, or any prostitution-related offense, as prohibited by Rev. Stat. §§ 81.1, 81.3, 82, 82.1, 82.2, 83, 83.1, 83.2, 83.3, 83.4, 84, 85, 86, 89.2, 104, 105, and 282. The term 'child pornography' means visual depiction of a child engaged in actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, sadomasochistic abuse, or lewd exhibition of the genitals.

### **Definitions of Labor Trafficking**

**Citation: Rev. Stat. § 14:46.2**

It shall be unlawful for any person to knowingly do any of the following:

- Recruit, harbor, transport, provide, solicit, receive, isolate, entice, obtain, or maintain the use of another person through fraud, force, or coercion to provide services or labor
- Benefit from activity prohibited by this section
- Facilitate any of the activities prohibited by this section by any means, including, but not limited to, helping, aiding, abetting, or conspiring, regardless of whether a thing of value has been promised to or received by the person

The term 'debt bondage' means inducing an individual to provide any of the following:

- Commercial sexual activity in payment toward or satisfaction of a real or purported debt
- Labor or services in payment toward or satisfaction of a real or purported debt if either of the following occur:
  - The reasonable value of the labor or services provided is not applied toward the liquidation of the debt.
  - The length of the labor or services is not limited, and the nature of the labor or services is not defined.

The term 'fraud, force, or coercion' shall include, but not be limited to, any of the following:

- Causing or threatening to cause serious bodily injury
- Physically restraining or threatening to physically restrain another person
- Abduction or threatened abduction of an individual
- The use of a plan, pattern, or statement with intent to cause an individual to believe that failure to perform an act will result in the use of force against, abduction of, serious harm to, or physical restraint of an individual

- The abuse or threatened abuse of law or legal process
- The actual or threatened destruction, concealment, removal, confiscation, or possession of any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person
- Controlling or threatening to control an individual's access to a controlled dangerous substance
- The use of an individual's physical or mental impairment, when such impairment has substantial adverse effects on the individual's cognitive or volitional functions
- The use of debt bondage or civil or criminal fraud
- Extortion as defined in Rev. Stat. § 14:66

### **Definitions of Sex Trafficking of Minors**

**Citation: Rev. Stat. §§ 14:46.2; 14:46.3**

It shall be unlawful for any person to knowingly recruit, harbor, transport, provide, solicit, sell, purchase, receive, isolate, entice, obtain, or maintain the use of a person under age 21 for the purpose of engaging in commercial sexual activity, regardless of whether the person was recruited, harbored, transported, provided, solicited, sold, purchased, received, isolated, enticed, obtained, or maintained through fraud, force, or coercion. It shall not be a defense to prosecution that the person did not know the age of the victim or that the victim consented to the prohibited activity.

It shall be unlawful for any person to knowingly do any of the following:

- To knowingly recruit, harbor, transport, provide, sell, purchase, receive, isolate, entice, obtain, or maintain the use of a person younger than age 18 for the purpose of engaging in commercial sexual activity
- To knowingly benefit from activity prohibited by this section
- For any parent, legal guardian, or person having custody of a person younger than age 18 to knowingly permit or consent to such minor entering into any activity prohibited by this section
- To knowingly facilitate any of the activities prohibited by this section by any means, including, but not limited to, helping, aiding, abetting, or conspiring, regardless of whether a thing of value has been promised to or received by the person
- To knowingly advertise any of the activities prohibited by this section
- To knowingly sell or offer to sell travel services that include or facilitate any of the activities prohibited by this section

The term 'commercial sexual activity' means any sexual act performed or conducted when anything of value has been given, promised, or received by any person.

Consent of the minor or lack of knowledge of the victim's age shall not be a defense to a prosecution pursuant to this section.

## **MAINE**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Ann. Stat. Tit. 22, § 4002**

The term 'abuse or neglect' means a threat to a child's health or welfare by sexual abuse or exploitation, including under title 17-A, §§ 282 (sexual exploitation of minor), 852 (aggravated sex trafficking), 853 (sex trafficking), and 855 (patronizing prostitution of a minor), by a person responsible for the child.

### **Definitions of Labor Trafficking**

**Citation:** Rev. Stat. Tit. 17-A, §§ 304; 305

A person is guilty of criminal forced labor if the actor, without the legal right to do so, intentionally or knowingly does the following as a means to compel a person to provide labor or services having economic value:

- Withholds or threatens to withhold a scheduled drug or alcohol from a person who is in a state of psychic or physical dependence, or both, arising from the use of the drug or alcohol on a continuing basis
- Withholds or threatens to withhold a substance or medication from a person who has a prescription or medical need for the substance or medication
- Uses a person's physical or mental impairment that has substantial adverse effects on that person's cognitive or volitional functions
- Makes material false statements, misstatements, or omissions
- Withholds, destroys, or confiscates an actual or purported passport or other immigration document or other actual or purported government identification document
- Compels a person to provide labor or services having economic value to retire, repay, or service an actual or purported debt if the following apply:
  - The reasonable value of the labor or services is not applied toward the liquidation of the debt.
  - The length of labor or services is not limited, and the nature of the labor or services is not defined.
- Uses force or engages in any scheme, plan, or pattern to instill in a person a fear that, if that person does not provide labor or services having economic value, the actor or another person will do the following:
  - Cause physical injury to or death of a person
  - Cause destruction of or consequential damage to property, other than property of the actor
  - Engage in other conduct constituting a class A, B, or C crime or criminal restraint
  - Accuse a person of a crime or cause criminal charges or deportation proceedings to be instituted against a person
  - Expose a secret or publicize an asserted fact, regardless of veracity, that would subject a person, except the actor, to hatred, contempt, or ridicule
  - Testify or provide information or withhold testimony or information regarding a person's legal claim or defense
  - Use a position as a public servant to perform some act related to an official duty or fail or refuse to perform an official duty in a manner that affects a person
  - Perform any other act that would not in itself materially benefit the actor but that is calculated to harm the person being compelled with respect to that person's health, safety, or immigration status

A person is guilty of aggravated criminal forced labor if the person violates § 304 and the person compelled to provide labor or services having economic value is younger than age 18.

### **Definitions of Sex Trafficking of Minors**

**Citation:** Ann. Stat. Tit. 17-A, §§ 853; 854

A person is guilty of sex trafficking if the person knowingly promotes prostitution.

A person is guilty of aggravated sex trafficking if the person knowingly does any of the following:

- Promotes prostitution by compelling a person to enter into, engage in, or remain in prostitution
- Promotes prostitution of a person younger than age 18
- Promotes prostitution of a person who suffers from a mental disability that is reasonably apparent or known to the actor and that in fact renders the other person substantially incapable of appraising the nature of the conduct involved

The term 'compelling' includes the following:

- The use of a drug or intoxicating substance to render a person incapable of controlling that person's conduct or appreciating its nature
- Withholding or threatening to withhold a scheduled drug or alcohol from a drug- or alcohol-dependent person
- Making material false statements
- Withholding, destroying, or confiscating a passport, immigration document, or other government identification document with the intent to impair a person's freedom of movement
- Requiring prostitution to be performed to retire, repay, or service an actual or purported debt
- Using force or engaging in any scheme, plan, or pattern to instill in a person a fear that, if the person does not engage or continue to engage in prostitution, the actor or another person will cause harm to the person or the person's property

## MARYLAND

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Fam. Law § 5-701**

'Sex trafficking' means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a child for the purpose of a commercial sex act.

'Sexual abuse' means any act that involves the following:

- Sexual molestation or exploitation of a child by any of the following:
  - A parent
  - A household member or family member
  - A person who has permanent or temporary care or custody of the child
  - A person who has responsibility for supervision of the child
  - A person who, because of the person's position or occupation, exercises authority over the child
- Sex trafficking of a child by any individual

'Sexual molestation or exploitation' includes the following:

- Allowing or encouraging a child to engage in any of the following:
  - Obscene photography, films, poses, or similar activity
  - Pornographic photography, films, poses, or similar activity
  - Prostitution
- Incest
- Rape
- A sexual offense in any degree
- Sodomy
- Unnatural or perverted sexual practices

## **Definitions of Labor Trafficking**

**Citation: Crim. Law. §§ 3-1202; 3-1201**

A person may not knowingly do either of the following:

- Take, place, harbor, persuade, induce, or entice another by force, fraud, or coercion to provide services or labor
- Receive a benefit or thing of value from the provision of services or labor by another that was induced by force, fraud, or coercion

The term 'coercion' includes any of the following, actual or threatened:

- Use of physical force against an individual
- Restraint, abduction, isolation, or confinement of an individual against the individual's will and without lawful authority
- Control or direction of the activity of an individual through debt bondage
- Destruction, concealment, removal, confiscation, withholding, or possession of an actual or purported passport, immigration document, or governmental identification document of an individual
- Infliction of serious psychological harm to an individual
- Control of an individual's access to a controlled dangerous substance
- Exposure or dissemination of any fact or information that would tend to subject an individual to criminal or immigration proceedings
- Notification to an agency or unit of the State or Federal government that an individual is present in the United States in violation of Federal immigration law
- Exploitation of a vulnerable adult

The term 'debt bondage' means the status or condition of an individual who provides labor, services, or sex acts to pay a real or alleged debt, when any of the following apply:

- The value of the labor, services, or sex act is not applied toward the liquidation of the debt.
- The nature of the labor, services, or sex act is not limited or defined.
- The amount of the debt does not reasonably reflect the value of items, services, or other things of value for which the debt was incurred.

## **Definitions of Sex Trafficking of Minors**

**Citation: Crim. Law. § 3-1102**

A person may not knowingly do any of the following:

- Take or cause another to be taken to any place for prostitution
- Place, cause to be placed, or harbor another in any place for prostitution
- Persuade, induce, entice, or encourage another to be taken to or placed in any place for prostitution
- Receive consideration to procure for or place in a house of prostitution or elsewhere another with the intent of causing the other to engage in prostitution or assignment
- Engage in a device, scheme, or continuing course of conduct intended to cause another to believe that if the other did not take part in a sexually explicit performance, the other or a third person would suffer physical restraint or serious physical harm
- Destroy, conceal, remove, confiscate, or possess an actual or purported passport, immigration document, or government identification document of another while otherwise violating or attempting to violate this subsection

A parent, guardian, or person who has permanent or temporary care or custody or responsibility for supervision of another may not consent to the taking or detention of the other for prostitution.

A person may not violate this section involving a victim who is a minor. A person may not violate with the use of or intent to use force, threat, coercion, or fraud. It is not a defense to a prosecution under this section that the person did not know the age of the victim.



## MASSACHUSETTS

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Ann. Laws. Ch. 119, §§ 21; 51B**

A 'sexually exploited child' is any person younger than age 18 who has been subjected to sexual exploitation because of the following:

- The person is the victim of the crime of sexual servitude, pursuant to chapter 265, § 50, or is the victim of the crime of sex trafficking, as defined in 22 U.S.C. § 7105.
- The person engages, agrees to engage, or offers to engage in sexual conduct with another person in return for a fee or in exchange for food, shelter, clothing, education, or care.
- The person is a victim of the crime, whether or not prosecuted, of inducing a minor into prostitution under chapter 272, § 4A.
- The person engages in common night walking or common streetwalking under chapter 272, § 53.

The Department of Children and Families shall immediately report to the district attorney and local law enforcement authorities when early evidence indicates there is reasonable cause to believe that a child has been sexually exploited, including child prostitution or child pornography, is a sexually exploited child, or a child who is otherwise a human trafficking victim, and the condition resulted from abuse or neglect.

### **Definitions of Labor Trafficking**

**Citation: Ann. Laws Ch. 265, §§ 51; 49**

A person commits the crime of trafficking of persons for forced services when that person knowingly does any of the following:

- Subjects, or attempts to subject, another person to forced services or recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, another person intending or knowing that such person will be subjected to forced services
- Benefits, financially or by receiving anything of value, as a result of the above

Whoever commits the crime of trafficking of persons for forced services upon a person younger than age 18 shall be punished by imprisonment in the State prison for life or for any term of years, but no less than 5 years.

The term 'forced services' means services performed or provided by a person that are obtained or maintained by another person who does any of the following:

- Causes or threatens to cause serious harm to any person
- Physically restrains or threatens to physically restrain another person
- Abuses or threatens to abuse the law or legal process
- Knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person
- Engages in extortion
- Causes or threatens to cause financial harm to any person

The term 'financial harm' means a detrimental position in relation to wealth, property, or other monetary benefits that occurs as a result of another person's illegal act including, but not limited to, extortion, usury, or illegal employment contracts.

## **Definitions of Sex Trafficking of Minors**

**Citation:** Ann. Laws Ch. 265, §§ 50; 49

A person commits the crime of trafficking of persons for sexual servitude when that person knowingly does any of the following:

- Subjects, or attempts to subject, or recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, transport, provide, or obtain by any means, another person to engage in commercial sexual activity, a sexually explicit performance, or the production of unlawful pornography; or causes a person to engage in commercial sexual activity, a sexually explicit performance, or the production of unlawful pornography
- Benefits, financially or by receiving anything of value, as a result of the above

Whoever commits the crime of trafficking of persons for sexual servitude upon a person younger than age 18 shall be punished by imprisonment in the State prison for life or for any term of years, but no less than 5 years.

The term 'commercial sexual activity' means any sexual act on account of which anything of value is given, promised to, or received by any person.

The term 'services' means acts performed by a person under the supervision of or for the benefit of another including, but not limited to, commercial sexual activity and sexually explicit performances. The term 'sexually explicit performance' means an unlawful live or public act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons.

## **MICHIGAN**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation:** Comp. Laws § 722.622

The term 'sexual abuse' means engaging in sexual contact or sexual penetration with a child as those terms are defined in the penal code. The term 'sexual exploitation' includes allowing, permitting, or encouraging a child to engage in prostitution, or allowing, permitting, encouraging, or engaging in photographing, filming, or depicting a child engaged in a sexual act.

### **Definitions of Labor Trafficking**

**Citation:** Comp. Laws §§ 750.462d; 750.462e; 750.462a

It is unlawful for a person to do either of the following:

- Knowingly recruit, entice, harbor, transport, provide, or obtain an individual by any means, knowing that individual will be subjected to forced labor or services or debt bondage
- Knowingly benefit financially or receive anything of value from participation in an enterprise that has engaged in an act prohibited by this chapter

It is unlawful for a person to recruit, entice, harbor, transport, provide, or obtain by any means a minor for forced labor or services, regardless of whether the person knows the age of the minor.

The term 'forced labor or services' means labor or services that are obtained or maintained by force, fraud, or coercion. The term 'force' includes, but is not limited to, physical violence or threat of physical violence or actual physical restraint or confinement or threat of actual physical restraint or confinement without regard to whether injury occurs. The term 'fraud' includes, but is not limited to, a false or deceptive offer of employment or marriage.

The term 'coercion' includes, but is not limited to, any of the following:

- Threatening to harm or physically restrain any individual or the creation of any scheme, plan, or pattern intended to cause an individual to believe that failure to perform an act would result in psychological, reputational, or financial harm to, or physical restraint of, any individual
- Abusing or threatening abuse of the legal system, including threats of arrest or deportation, without regard to whether the individual being threatened is subject to arrest or deportation under the laws of this State or the United States
- Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document or any other actual or purported government identification document from any individual without regard to whether the documents are fraudulent or fraudulently obtained
- Facilitating or controlling an individual's access to a controlled substance for other than a legitimate medical purpose

The term 'debt bondage' includes, but is not limited to, the status or condition of a debt arising from a pledge by the debtor of his or her personal services or those of an individual under his or her control as a security for a debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not specifically limited and defined.

The term 'financial harm' means any of the following:

- Criminal usury, as prohibited by § 438.41
- Extortion
- Unlawful employment contracts
- Any other adverse financial consequence

### **Definitions of Sex Trafficking of Minors**

**Citation: Comp. Laws §§ 750.462e; 750.462a**

It is unlawful for a person to recruit, entice, harbor, transport, provide, or obtain by any means a minor for commercial sexual activity, regardless of whether the person knows the age of the minor.

The term 'minor' means an individual who is younger than age 18.

The term 'commercial sexual activity' means one or more of the following for which anything of value is given or received by any person:

- An act of sexual penetration or sexual contact as those terms are defined in § 750.520a
- Any conduct prohibited under § 750.145c (pertaining to child sexually abusive activity or material)
- Any sexually explicit performance as that term is defined in § 722.673

The term 'services' means an ongoing relationship between a person and an individual in which the individual performs activities under the supervision of or for the benefit of the person, including, but not limited to, commercial sexual activity and sexually explicit performances.

## **MINNESOTA**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Ann. Stat. § 260C.007, Subd. 31**

The term 'sexually exploited youth' refers to the following:

- A person who is alleged to have engaged in conduct that would, if committed by an adult, violate any Federal, State, or local law relating to being hired, offering to be hired, or agreeing to be hired by another individual to engage in sexual penetration or sexual conduct

- A person who is a victim of the crime criminal sexual conduct, criminal sexual predatory conduct, use of minors in sexual performances, or possession of child pornography
- A person who is a victim of the Federal offenses of child pornography or child sex trafficking
- A person who is a sex trafficking victim

### **Definitions of Labor Trafficking**

**Citation: Ann. Stat. § 609.281**

The term 'labor trafficking' means the following:

- The recruitment, transportation, transfer, harboring, enticement, provision, obtaining, or receipt of a person by any means, for the following purposes:
  - Debt bondage or forced labor or services
  - Slavery or practices similar to slavery
  - The removal of organs through the use of coercion or intimidation
- Receiving profit or anything of value, knowing or having reason to know it is derived from an act described above

The term 'debt bondage' means the status or condition of a debtor arising from a pledge by the debtor of the debtor's personal services or those of a person under the debtor's control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

The term 'forced labor or services' means labor or services that are performed or provided by another person and are obtained or maintained through an actor's following actions:

- Threat, either implicit or explicit, scheme, plan, or pattern, or other action intended to cause a person to believe that, if the person did not perform or provide the labor or services, that person or another person would suffer bodily harm or physical restraint
- Physically restraining or threatening to physically restrain a person
- Abuse or threatened abuse of the legal process
- Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person
- Use of blackmail

The term 'blackmail' means a threat to expose any fact or alleged fact tending to cause shame or to subject any person to hatred, contempt, or ridicule.

### **Definitions of Sex Trafficking of Minors**

**Citation: Ann. Stat. §§ 609.321; 609.322; 609.325**

The term 'sex trafficking' means the following:

- Receiving, recruiting, enticing, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual
- Receiving profit or anything of value, knowing or having reason to know it is derived from an act described above

A person commits the crime of 'sex trafficking in the first degree' if he or she does any of the following:

- Solicits or induces an individual younger than age 18 to practice prostitution
- Promotes the prostitution of an individual younger than age 18

- Receives profit, knowing or having reason to know that it is derived from the prostitution, or the promotion of the prostitution, of an individual younger than age 18
- Engages in the sex trafficking of an individual younger than age 18

Consent or mistake as to age shall be no defense to prosecutions under § 609.322.

## MISSISSIPPI

*Current Through July 2020*

### Defined in Child Protection Law

**Citation:** Ann. Code § 43-21-105

The term 'abused child' includes the following:

- A child whose parent, guardian, or custodian or any person responsible for his or her care or support, whether legally obligated to do so or not, has caused or allowed to be caused upon the child sexual abuse, sexual exploitation, or commercial sexual exploitation
- A child who is or has been trafficked within the meaning of the Mississippi Human Trafficking Act by any person, without regard to the relationship of the person to the child

The term 'sexual abuse' means obscene or pornographic photographing, filming, or depiction of children for commercial purposes, or the rape, molestation, incest, prostitution, or other such forms of sexual exploitation of children under circumstances that indicate that the child's health or welfare is harmed or threatened.

The term 'commercial sexual exploitation' means any sexual act or crime of a sexual nature that is committed against a child for financial or economic gain, to obtain a thing of value, for quid pro quo exchange of property, or for any other purpose.

### Definitions of Labor Trafficking

**Citation:** Ann. Code §§ 97-3-54.1; 97-3-54.4

A person commits the crime of human trafficking when he or she coerces, recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to obtain by any means, another person, intending or knowing that the person will be subjected to forced labor or services.

The term 'forced labor or services' means labor or services that are performed or provided by another person and are obtained or maintained through any of the following:

- Causing or threatening to cause serious harm to any person
- Physically restraining or threatening to physically restrain any person
- Abusing or threatening to abuse the law or legal process
- Destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person
- Using blackmail or coercion
- Causing or threatening to cause financial harm to any person
- Abusing a position of power
- Using an individual's personal services as payment or satisfaction of a real or purported debt when the following apply:
  - The reasonable value of the services is not applied toward the liquidation of the debt.
  - The length of the services is not limited, and the nature of the services is not defined.

- The principal amount of the debt does not reasonably reflect the value of the items or services for which the debt is incurred.
- The individual is prevented from acquiring accurate and timely information about the disposition of the debt.
- Using any scheme, plan, or pattern of conduct intended to cause any person to believe that, if the person did not perform the labor or services, that person or another person would suffer serious harm or physical restraint

The term 'coerce' or 'coercion' means the following:

- Causing or threatening to cause bodily harm to any person, physically restraining or confining any person, or threatening to physically restrain or confine any person
- Exposing or threatening to expose any fact or information or disseminating or threatening to disseminate any fact or information that would tend to subject a person to criminal or immigration proceedings, hatred, contempt, or ridicule
- Destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document or any other actual or purported government identification document of any person
- Providing a controlled substance to a person for the purpose of compelling the person to engage in labor or sexual servitude against the person's will
- Causing or threatening to cause financial harm to any person or using financial control over any person
- Abusing or threatening to abuse a position of power, the law, or legal process
- Using blackmail
- Using an individual's personal services as payment or satisfaction of a real or purported debt when:
  - The reasonable value of the services is not applied toward the liquidation of the debt.
  - The length of the services is not limited, and the nature of the services is not defined.
  - The principal amount of the debt does not reasonably reflect the value of the items or services for which the debt is incurred.
  - The individual is prevented from acquiring accurate and timely information about the disposition of the debt.
- Using any scheme, plan, or pattern of conduct intended to cause any person to believe that, if the person did not perform the labor or services, that the person or another person would suffer serious harm or physical restraint

The term 'blackmail' means obtaining property or things of value of another by threatening to do the following:

- Inflict bodily injury on anyone
- Commit any other criminal offense
- Expose any secret tending to subject any person to hatred, contempt, or ridicule

### **Definitions of Sex Trafficking of Minors**

**Citation: Ann. Code §§ 97-3-54.1; 97-3-54.4**

A person commits the crime of procuring sexual servitude of a minor when he or she knowingly subjects or attempts to subject; or recruits, entices, harbors, transports, provides, or obtains by any means; or attempts to provide or obtain by any means, a minor, knowing that the minor will engage in commercial sexual activity, sexually explicit performance, or the production of sexually oriented material or causes or attempts to cause a minor to engage in commercial sexual activity, sexually explicit performance, or the production of sexually oriented material. It is not a defense in a prosecution under this section that a minor consented to engage in the commercial sexual activity, sexually explicit performance, or the production of sexually oriented material, or that the defendant reasonably believed that the minor was age 18 or older.



The term 'commercial sexual activity' means any sex act on account of which anything of value is given to, promised to, or received by any person.

The term 'services' means an ongoing relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor or a third party and includes, without limitation, commercial sexual activity, sexually explicit performances, or the production of sexually explicit materials.

The term 'sexually explicit performance' means a live or public act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons.

The term 'sexually oriented material' shall have the meaning ascribed in § 97-5-27, including any material that contains representations or descriptions, actual or simulated, of masturbation, sodomy, homosexuality, bestiality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast or breasts of a female for the purpose of sexual stimulation, gratification, or perversion.

## **MISSOURI**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Ann. Stat. § 210.110**

The term 'abuse' includes any physical injury, sexual abuse, or emotional abuse inflicted on a child by other than accidental means by those responsible for the child's care, custody, and control. Victims of abuse or neglect also shall include any victims of sex trafficking or severe forms of trafficking, as those terms are defined in 22 U.S.C. § 7102(9)-(10).

### **Definitions of Labor Trafficking**

**Citation: Ann. Stat. §§ 566.206; 566.215; 566.200**

A person commits the offense of trafficking for the purposes of slavery, involuntary servitude, peonage, or forced labor if he or she knowingly recruits, entices, harbors, transports, provides, or obtains by any means, including, but not limited to, through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, another person for labor or services, for the purposes of slavery, involuntary servitude, peonage, or forced labor, or benefits, financially or by receiving anything of value, from participation in such activities.

A person commits the offense of contributing to human trafficking through the misuse of documentation when he or she knowingly does any of the following:

- Destroys, conceals, removes, confiscates, or possesses a valid or purportedly valid passport, government identification document, or other immigration document of another person while committing offenses or with the intent to commit a human trafficking offense, pursuant to §§ 566.203 to 566.218
- Prevents, restricts, or attempts to prevent or restrict, without lawful authority, a person's ability to move or travel by restricting the proper use of identification in order to maintain the labor or services of a person who is the victim of a human trafficking offense

The term 'involuntary servitude or forced labor' means a condition of servitude induced by means of the following:

- Any scheme, plan, or pattern of behavior intended to cause a person to believe that, if the person does not enter into or continue the servitude, such person or another person will suffer serious physical injury or physical restraint
- The abuse or threatened abuse of the legal process

The term 'coercion' includes the following:

- Threats of serious harm to or physical restraint against any person
- Any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person
- The abuse or threatened abuse of the legal process

The term 'peonage' means illegal and involuntary servitude in satisfaction of a debt.

The term 'blackmail' means any threat to reveal damaging or embarrassing information about a person to that person's spouse, family, associates, or the public at large, including a threat to expose any secret tending to subject any person to hatred, contempt, or ridicule.

The term 'commercial sex act' means any sex act on account of which anything of value is given to, promised, or received by any person.

The term 'sexual conduct' includes sexual intercourse; deviate sexual intercourse; actual or simulated acts of human masturbation; physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification; or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification.

The term 'sexual performance' includes any play, motion picture, still picture, film, videotape, video recording, dance, or exhibition that includes sexual conduct or nudity, performed before an audience of one or more, whether in person or online or through other forms of telecommunication.

### **Definitions of Sex Trafficking of Minors**

**Citation: Ann. Stat. §§ 566.210; 566.211**

A person commits the offense of 'sexual trafficking of a child' in the first degree if he or she knowingly does any of the following:

- Recruits, entices, harbors, transports, provides, or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, a person younger than age 12 to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material, or benefits financially or by receiving anything of value from participation in such activities
- Causes a person younger than age 12 to engage in a commercial sex act, a sexual performance, or the production of explicit sexual material

It shall not be a defense that the defendant believed that the person was age 12 or older.

A person commits the offense of 'sexual trafficking of a child' in the second degree if he or she knowingly does any of the following:

- Recruits, entices, harbors, transports, provides, or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, a person younger than age 18 to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material, or benefits financially or by receiving anything of value from participation in such activities
- Causes a person younger than age 18 to engage in a commercial sex act, a sexual performance, or the production of explicit sexual material

It shall not be a defense that the defendant believed that the person was age 18 or older.

## **MONTANA**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Ann. Code § 41-3-102**

The term 'child abuse or neglect' means the following:

- Actual physical or psychological harm to a child
- Substantial risk of physical or psychological harm to a child
- Abandonment

The term includes any form of child sex trafficking or human trafficking.

The term 'sexual abuse' means the commission of sexual assault, sexual intercourse without consent, indecent exposure, sexual abuse, ritual abuse of a minor, or incest.

The term 'sexual exploitation' means the following:

- Allowing, permitting, or encouraging a child to engage in a prostitution offense
- Allowing, permitting, or encouraging sexual abuse of children
- Allowing, permitting, or encouraging sexual servitude, as described in § 45-5-704 or 45-5-705

### **Definitions of Labor Trafficking**

**Citation: Ann. Code §§ 45-5-701; 45-5-702; 45-5-703; 45-5-706**

The term 'human trafficking' means the commission of an offense under §§ 45-5-702 and 45-5-703.

A person commits the offense of trafficking of persons if the person purposely or knowingly does the following:

- Recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains, or entices another person intending or knowing that the person will be subjected to involuntary servitude or sexual servitude
- Benefits, financially or by receiving anything of value, from facilitating any conduct described above or participation in a venture that has subjected another person to involuntary servitude or sexual servitude

A person commits the offense of involuntary servitude if the person purposely or knowingly uses coercion to compel another person to provide labor or services, unless the conduct is otherwise permissible under Federal or State law.

An aggravating circumstance during the commission of an offense under this chapter occurs when the defendant recruited, enticed, or obtained the victim of the offense from a shelter that serves runaway youth,

foster children, homeless persons, or persons subjected to human trafficking, domestic violence, or sexual assault.

The term 'coercion' means the following:

- The use or threat of force against, abduction of, serious harm to, or physical restraint of a person
- The use of a plan, pattern, or statement with the intent to cause a person to believe that failure to perform an act will result in the use of force against, abduction of, serious harm to, or physical restraint of a person
- The abuse or threatened abuse of law or legal process
- Controlling or threatening to control a person's access to any substance defined as a dangerous drug
- The actual or threatened destruction or taking of a person's identification document or other property
- The use of debt bondage
- The use of a person's physical or mental impairment when the impairment has a substantial adverse effect on the person's cognitive or volitional function
- The commission of civil or criminal fraud

The term 'debt bondage' means inducing a person to provide the following:

- Commercial sexual activity in payment toward or satisfaction of a real or purported debt
- Labor or services in payment toward or satisfaction of a real or purported debt if:
  - The reasonable value of the labor or services is not applied toward the liquidation of the debt.
  - The length of the labor or services is not limited, and the nature of the labor or services is not defined.

The term 'identification document' means a passport, driver's license, immigration document, travel document, or other government-issued identification document, including a document issued by a foreign government.

The term 'serious harm' means physical or nonphysical harm, including psychological, economic, or reputational harm to a person that would compel a reasonable person of the same background and in the same circumstances to perform or continue to perform labor or services or sexual activity to avoid incurring the harm.

### **Definitions of Sex Trafficking of Minors**

**Citation: Ann. Code §§ 45-5-701; 45-5-704; 45-5-705; 45-5-709**

The term 'human trafficking' means the commission of an offense under §§ 45-5-704 or 45-5-705.

A person commits the offense of sexual servitude if the person purposely or knowingly does the following:

- Uses fraud, coercion, or deception to compel an adult to engage in commercial sexual activity
- Recruits, transports, transfers, harbors, receives, provides, obtains by any means, isolates, entices, maintains, or makes available a child for the purpose of commercial sexual activity

It is not a defense in a prosecution under this section that the child consented to engage in commercial sexual activity or that the defendant believed the child was an adult.

A person commits the offense of patronizing a victim of sexual servitude if the person purposely or knowingly gives, agrees to give, or offers to give anything of value so that a person may engage in commercial sexual activity with a child.

A person is not criminally liable or subject to proceedings for prostitution, promoting prostitution, or other nonviolent offenses if the person was a child at the time of the offense and committed the offense as a direct result of being a victim of human trafficking.

The term 'commercial sexual activity' means sexual activity for which anything of value is given to, promised to, or received by a person. The term 'sexual activity' means any sex act or simulated sex act intended to arouse or gratify the sexual desire of any person. The term includes a sexually explicit performance. 'Sexually explicit performance' means a live, public, private, photographed, recorded, or videotaped act or simulated act intended to arouse or gratify the sexual desire of any person.

## **NEBRASKA**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Rev. Stat. § 28-710**

The term 'child abuse or neglect' means knowingly, intentionally, or negligently causing or permitting a minor child to be subjected to any of the following:

- Placed in a situation to be sexually abused
- Placed in a situation to be sexually exploited through sex trafficking of a minor, as defined in § 28-830, or by allowing, encouraging, or forcing such person to engage in debauchery; public indecency; or obscene or pornographic photography, films, or depictions
- Placed in a situation to be a trafficking victim, as defined in § 28-830

### **Definitions of Labor Trafficking**

**Citation: Rev. Stat. § 28-830**

The term 'labor trafficking' means knowingly recruiting, enticing, harboring, transporting, providing, or obtaining by any means, or attempting to recruit, entice, harbor, transport, provide, or obtain by any means, a person age 18 or older intending or knowing that the person will be subjected to forced labor or services.

The term 'labor trafficking of a minor' means knowingly recruiting, enticing, harboring, transporting, providing, or obtaining by any means or attempting to recruit, entice, harbor, transport, provide, or obtain by any means a minor intending or knowing that the minor will be subjected to forced labor or services.

The term 'labor or services' means work or activity of economic or financial value.

The term 'forced labor or services' means labor or services that are performed or provided by another person and are obtained or maintained through the following:

- Inflicting or threatening to inflict serious personal injury on another person
- Physically restraining or threatening to physically restrain the other person
- Abusing or threatening to abuse the legal process against another person to cause arrest or deportation for violation of Federal immigration law
- Controlling or threatening to control another person's access to a controlled substance
- Exploiting another person's substantial functional impairment or substantial mental impairment
- Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document or any other actual or purported government identification document of the other person
- Causing or threatening to cause financial harm to another person, including debt bondage

The term 'debt bondage' means inducing another person to provide the following:

- Commercial sexual activity in payment toward or satisfaction of a real or purported debt
- Labor or services in payment toward or satisfaction of a real or purported debt if:

- The reasonable value of the labor or services is not applied toward the liquidation of the debt.
- The length of the labor or services is not limited, and the nature of the labor or services is not defined.

The term 'financial harm' means theft by extortion as described by § 28-513.

### **Definitions of Sex Trafficking of Minors**

**Citation: Rev. Stat. § 28-830**

The term 'sex trafficking' means knowingly recruiting, enticing, harboring, transporting, providing, soliciting, or obtaining by any means or knowingly attempting to recruit, entice, harbor, transport, provide, solicit, or obtain by any means a person age 18 or older for the purpose of having such person engage without consent in commercial sexual activity, sexually explicit performance, or the production of pornography or to cause or attempt to cause a person age 18 or older to engage without consent in commercial sexual activity, sexually explicit performance, or the production of pornography.

The term 'sex trafficking of a minor' means knowingly recruiting, enticing, harboring, transporting, providing, soliciting, or obtaining by any means or knowingly attempting to recruit, entice, harbor, transport, provide, solicit, or obtain by any means a minor for the purpose of having such minor engage in commercial sexual activity, sexually explicit performance, or the production of pornography or to cause or attempt to cause a minor to engage in commercial sexual activity, sexually explicit performance, or the production of pornography.

The term 'commercial sexual activity' means any sex act on account of which anything of value is given, promised to, or received by any person. The term 'sexually explicit performance' means a live or public play, dance, show, or other exhibition intended to arouse or gratify sexual desire or to appeal to prurient interests.

## **NEVADA**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Rev. Stat. §§ 432B.100; 432B.110; 432C.050; 432C.060**

The term 'sexual abuse' includes acts upon a child constituting the following:

- Incest
- Lewdness with a child
- Sadomasochistic abuse
- Sexual assault
- Statutory sexual seduction
- Open or gross lewdness
- Mutilation of the genitalia of a female child

The term 'sexual exploitation' includes forcing, allowing, or encouraging a child:

- To solicit for or engage in prostitution
- To engage in filming, photographing, recording on videotape, posing, modeling, depiction, or a live performance before an audience that involves the exhibition of a child's genitals or any sexual conduct with a child

'Commercial sexual exploitation' means the sex trafficking of a child in violation of § 201.300 or the sexual abuse or sexual exploitation of a child for the financial benefit of any person or in exchange for anything of value, including, without limitation, monetary or nonmonetary benefits given or received by any person.

A 'commercially sexually exploited child' is any child who is sex trafficked, sexually abused, or sexually exploited for the financial benefit of any person or in exchange for anything of value, including, without limitation, monetary or nonmonetary benefits given or received by any person.

### **Definitions of Labor Trafficking**

**Citation: Rev. Stat. §§ 200.463; 200.4631**

A person is guilty of holding a person in involuntary servitude if he or she knowingly subjects, or attempts to subject, another person to forced labor or services by doing any of the following:

- Causing or threatening to cause physical harm to any person
- Physically restraining or threatening to physically restrain any person
- Abusing or threatening to abuse the law or legal process
- Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of the person
- Extortion
- Causing or threatening to cause financial harm to any person

A person who has physical custody of a minor, allows a minor to reside in his or her residence, is in a position of authority over a minor, or provides care for any length of time to a minor is guilty of holding a minor in involuntary servitude if he or she knowingly does the following:

- Obtains labor or services from the minor by causing or threatening to cause serious harm to the minor or by engaging in a pattern of conduct that results in physical injury to the minor
- Benefits, financially or by receiving anything of value, from the labor or services obtained by the conduct specified above

Consent of the victim to the performance of any labor or services is not a valid defense to a prosecution conducted pursuant to this section. Nothing in this section shall be construed to prohibit a parent or guardian of a child from requiring his or her child to perform common household chores under the threat of the reasonable exercise of discipline by the parent or guardian of the child.

For the purposes of this section, 'physical injury' includes, without limitation, the following:

- A sprain or dislocation
- Damage to cartilage
- A fracture of a bone or the skull
- An injury causing an intracranial hemorrhage or injury to another internal organ
- Permanent or temporary disfigurement, including, without limitation, a burn, scalding, cut, laceration, puncture, or bite
- Permanent or temporary loss or impairment of a part or organ of the body

The term 'serious harm' means any harm, whether physical or nonphysical, including, without limitation, psychological, financial, or reputational harm, that is sufficiently serious, under the circumstances, to compel a reasonable person of the same background and in the same circumstances as the victim to perform or to continue to provide labor or services to avoid incurring that harm.



## **Definitions of Sex Trafficking of Minors**

**Citation: Rev. Stat. §§ 200.4631; 201.300**

A person who has physical custody of a minor, allows a minor to reside in his or her residence, is in a position of authority over a minor, or provides care for any length of time to a minor is guilty of holding a minor in involuntary servitude if he or she knowingly does any of the following:

- Obtains labor or services from the minor by causing or threatening to cause serious harm to the minor or by engaging in a pattern of conduct that results in sexual abuse or sexual assault of the minor
- Benefits, financially or by receiving anything of value other than sexual gratification, from the labor or services obtained by the conduct specified above

Consent of the victim to the performance of any labor or services is not a valid defense to a prosecution conducted pursuant to this section.

The term 'sexual abuse' includes acts upon a child constituting the following:

- Lewdness with a child pursuant to § 201.230
- Sadomasochistic abuse pursuant to § 201.262
- Sexual assault pursuant to § 200.366
- Open or gross lewdness pursuant to § 201.210
- Mutilation of the genitalia of a female child; aiding, abetting, encouraging, or participating in the mutilation of the genitalia of a female child; or removal of a female child from this State for the purpose of mutilating the genitalia of the child, pursuant to § 200.5083

A person is guilty of sex trafficking if the person induces, causes, recruits, harbors, transports, provides, obtains, or maintains a child to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged, or allowed for the purpose of sexual conduct or prostitution.

## **NEW HAMPSHIRE**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Rev. Stat. § 169-C:3**

An 'abused child' is any child who has been subjected to any of the following:

- Sexual abuse
- Intentional physical injury
- Psychological injury so that the child exhibits symptoms of emotional problems generally recognized to result from consistent mistreatment or neglect
- Physical injury by other than accidental means
- Human trafficking, by any person, as defined in § 633:7
- Female genital mutilation

The term 'sexual abuse' includes the following:

- The employment, use, persuasion, inducement, enticement, or coercion of any child to engage in or having a child assist any other person to engage in any sexually explicit conduct or any simulation of such conduct for the purpose of producing any visual depiction of such conduct
- The rape, molestation, prostitution, other form of sexual exploitation of children, or incest

With respect to the definition of sexual abuse, the term 'child' means any individual who is younger than age 18.

## Definitions of Labor Trafficking

**Citation:** Rev. Stat. §§ 633.7; 633.6; 633.5

A person commits the felony of 'trafficking in persons' if that person knowingly compels another person against his or her will to perform a service or labor, including a commercial sex act or a sexually explicit performance, for the benefit of another, where the compulsion is accomplished by any of the following means:

- Causing or threatening to cause serious harm to any person
- Confining the person unlawfully or threatening to confine the person
- Abusing or threatening abuse of law or legal process
- Destroying, concealing, removing, confiscating, or otherwise making unavailable to that person any actual or purported passport or other immigration document or any other actual or purported government identification document
- Threatening to commit a crime against the person
- Making false promises relating to the terms and conditions of employment, education, marriage, or financial support
- Threatening to reveal any information sought to be kept concealed by the person that relates to the person's legal status or that would expose the person to criminal liability
- Facilitating or controlling the person's access to an addictive controlled substance
- Engaging in any scheme, plan, or pattern, whether overt or subtle, intended to cause the person to believe that, if he or she did not perform such labor, services, commercial sex acts, or sexually explicit performances, that such person or any person would suffer serious harm or physical restraint
- Withholding or threatening to withhold food or medication that the actor has an obligation or has promised to provide to the person
- Coercing a person to engage in any of the foregoing acts by requiring such in satisfaction of a debt owed to the actor

A person performs a service or labor against his or her will if the person is coerced into performing the service or labor, or if the person willingly begins to perform the service or labor but later attempts to withdraw from performance and is compelled to continue performing. The payment of a wage or salary shall not be determinative on the question of whether a person was compelled to perform a service or labor against his or her will.

The term 'serious harm' includes physical and nonphysical harm. It can be any improper threat of a consequence sufficient under the circumstances to compel or coerce a reasonable person in the same situation to provide or continue to provide labor or services, or to engage in commercial sex acts or sexually explicit performances.

The term 'abusing or threatening abuse of law or legal process' means using or threatening to use a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed to exert pressure on another person to cause that person to take some action or refrain from taking some action.

A person commits 'peonage' if that person knowingly holds a victim in a condition of involuntary servitude in satisfaction of a debt owed to the actor. The term 'involuntary servitude' means a condition of servitude in which the victim is forced to work for a person by the use or threat of physical restraint or physical injury or by the use or threat of coercion through law or the legal process.

## **Definitions of Sex Trafficking of Minors**

**Citation:** Rev. Stat. §§ 633:7; 633.6

A person shall be guilty of a class A felony if that person maintains or makes available an individual younger than age 18 for the purpose of engaging the individual in a commercial sex act or sexually explicit performance for the benefit of another.

The term 'commercial sex act' means any sex act for which anything of value is given, promised to, or received, directly or indirectly, by any person. The term 'sex act' means any act of sexual contact as defined in § 632-A:1(IV), any act of sexual penetration as defined in § 632-A:1(V), or any other sexually explicit conduct as defined in § 649-A:2.

The term 'sexually explicit performance' means an act or show involving one or more sex acts, intended to arouse, satisfy the sexual desires of, or appeal to the prurient interests of patrons or viewers, whether public or private, live, photographed, recorded, or videotaped.

## **NEW JERSEY**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation:** Ann. Stat. § 9:6-8.21

The terms 'abused child' or 'abused or neglected child' include a child younger than age 18 whose parent, guardian, or other person having custody and control commits or allows to be committed an act of sexual abuse against the child.

### **Definitions of Labor Trafficking**

**Citation:** Ann. Stat. §§ 2C:13-8; 2C:13-9

A person commits the crime of human trafficking if he or she does any of the following:

- Knowingly holds, recruits, lures, entices, harbors, transports, provides, or obtains, by any means, another to provide labor or services:
  - By causing or threatening to cause serious bodily harm or physical restraint against the person or any other person
  - By means of any scheme, plan, or pattern intended to cause the person to believe that the person or any other person would suffer serious bodily harm or physical restraint
  - By committing a violation of § 2C:13-5 [criminal coercion] against the person
  - By destroying, concealing, removing, confiscating, or possessing any passport, immigration-related document, or other document issued by a government agency to any person that could be used as a means of verifying the person's identity or age or any other personal identifying information
  - By means of the abuse or threatened abuse of the law or legal process
  - By means of fraud, deceit, or misrepresentation against the person
  - By facilitating access to a controlled dangerous substance
- Receives anything of value from participation as an organizer, supervisor, financier, or manager in a scheme or course of conduct that involves human trafficking

A person commits a crime of the second degree if he or she does any of the following:

- Provides services, resources, or assistance, including financial support, lodging, transportation, the provision of false documentation or identification, equipment, facilities, or any other service or property, with the knowledge that the services, resources, or assistance are intended to be used in furtherance of the commission of the crime of human trafficking
- Procures or attempts to procure a person to engage in sexual activity or to provide labor or services, knowing that the person provided or to be provided was a victim of human trafficking, or under circumstances in which a reasonable person would conclude that there was a substantial likelihood that the person was a victim of human trafficking

There shall be a rebuttable presumption that the defendant knew, and that a reasonable person would conclude there was a substantial likelihood, that a person was a victim of human trafficking if the person does the following:

- Could not leave the premises where the person provided labor or services without accompaniment of another person or was otherwise subjected to significant restrictions on the person's freedom of movement
- Did not possess or have access to any means of communication, including, but not limited to, a cellular or other wireless telephone or other electronic communication device, and was not permitted or was otherwise unable to communicate with another person without supervision or permission

There shall be a rebuttable presumption that the following are true:

- A person knew that a child younger than age 18 procured to engage in sexual activity or for whom attempts were made to procure for that activity was a victim of human trafficking.
- A reasonable person would conclude that there was a substantial likelihood that a child younger than age 18 procured to engage in sexual activity or for whom attempts were made to procure for that activity was a victim of human trafficking.

### **Definitions of Sex Trafficking of Minors**

**Citation: Ann. Stat. §§ 2C:13-8; 2C:13-10**

A person commits the crime of human trafficking if he or she does any of the following:

- Knowingly holds, recruits, lures, entices, harbors, transports, provides, or obtains, by any means, another person to engage in sexual activity as defined in § 2C:34-1(a)(2)
- Knowingly holds, recruits, lures, entices, harbors, transports, provides, or obtains, by any means, a child younger than age 18 to engage in sexual activity, whether or not the actor mistakenly believed that the child was age 18 or older, even if that mistaken belief was reasonable

A person commits the offense of advertising commercial sexual abuse of a minor if the person does any of the following:

- Knowingly publishes, disseminates, or displays, or causes directly or indirectly to be published, disseminated, or displayed, any advertisement for a commercial sex act that is to take place in this State and that includes the depiction of a minor
- Knowingly purchases advertising in this State for a commercial sex act that includes the depiction of a minor

The term 'advertisement for a commercial sex act' means any advertisement or offer in electronic or print media, including the Internet, which includes either an explicit or implicit offer for a commercial sex act to occur in this State. The term 'commercial sex act' means any act of sexual contact or sexual penetration, as defined in § 2C:14-1, or any prohibited sexual act, as defined in § 2C:24-4, for which something of value is given or received by any person.

## NEW MEXICO

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Ann. Stat. § 32A-4-2**

The term 'abused child' includes a child who has suffered sexual abuse or sexual exploitation inflicted by the child's parent, guardian, or custodian.

The term 'sexual abuse' includes, but is not limited to, criminal sexual contact, incest, or criminal sexual penetration, as those acts are defined by State law. 'Sexual exploitation' includes, but is not limited to, the following:

- Allowing, permitting, or encouraging a child to engage in prostitution
- Allowing, permitting, encouraging, or engaging a child in obscene or pornographic photographing
- Filming or depicting a child for obscene or pornographic commercial purposes

### **Definitions of Labor Trafficking**

**Citation: Ann. Stat. § 30-52-1**

'Human trafficking' consists of a person knowingly doing the following:

- Recruiting, soliciting, enticing, transporting, or obtaining by any means another person with the intent or knowledge that force, fraud, or coercion will be used to subject the person to labor or services
- Benefiting, financially or by receiving anything of value, from the labor or services of another person with the knowledge that force, fraud, or coercion was used to obtain the labor or services

The term 'coercion' means the following:

- Causing or threatening to cause harm to any person
- Using or threatening to use physical force against any person
- Abusing or threatening to abuse the law or legal process
- Threatening to report the immigration status of any person to government authorities
- Knowingly destroying, concealing, removing, confiscating, or retaining any actual or purported government document of any person

### **Definitions of Sex Trafficking of Minors**

**Citation: Ann. Stat. § 30-52-1**

'Human trafficking' consists of a person knowingly doing the following:

- Recruiting, soliciting, enticing, transporting, or obtaining by any means another person with the intent or knowledge that force, fraud, or coercion will be used to subject the person commercial sexual activity
- Recruiting, soliciting, enticing, transporting, or obtaining by any means a person younger than age 18 with the intent or knowledge that the person will be caused to engage in commercial sexual activity
- Benefiting, financially or by receiving anything of value, from the commercial sexual activity of another person with the knowledge that force, fraud, or coercion was used to obtain the commercial sexual activity

Whoever commits human trafficking is guilty of a third-degree felony, except as follows:

- If the victim is younger than age 16, the person is guilty of a second-degree felony.
- If the victim is younger than age 13, the person is guilty of a first-degree felony.

The term 'commercial sexual activity' means any sexual act or sexually explicit exhibition for which anything of value is given, promised to, or received by any person.

## NEW YORK

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Family Court Act § 1012**

The term 'abused child' includes a child younger than age 18 whose parent or other person legally responsible for his or her care does the following:

- Commits or allows to be committed any sex offense against the child, as defined in article 130 of the penal law, including sexual misconduct, rape, and sexual abuse
- Allows, permits, or encourages the child to engage in child prostitution, as described in §§ 230.25, 230.30, and 230.32 of the penal law
- Commits incest against the child
- Allows the child to engage in acts or conduct to produce, promote, or possess child pornography, as described in article 263 of the penal law
- Permits or encourages the child to engage in any act or commits or allows to be committed against the child any offense that would render the child either a victim of sex trafficking or a victim of severe forms of trafficking in persons, pursuant to 22 U.S.C. § 7102

### **Definitions of Labor Trafficking**

**Citation: Penal Code §§ 135.35; 135.37**

A person is guilty of 'labor trafficking' if he or she compels or induces another to engage in labor or recruits, entices, harbors, or transports such other person by means of intentionally doing the following:

- Requiring that the labor be performed to retire, repay, or service a real or purported debt that the actor has caused by a systematic ongoing course of conduct with intent to defraud such person
- Withholding, destroying, or confiscating any actual or purported passport, immigration document, or any other actual or purported government identification document of another person with intent to impair that person's freedom of movement
- Using force or engaging in any scheme, plan, or pattern to compel or induce that person to engage in or continue to engage in labor activity by means of instilling a fear in the person that, if the demand is not complied with, the actor or another will do one or more of the following:
  - Cause physical injury, serious physical injury, or death to a person
  - Cause damage to property, other than the property of the actor
  - Engage in other conduct constituting a felony or unlawful imprisonment
  - Accuse some person of a crime or cause criminal charges or deportation proceedings to be instituted against such person
  - Expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt, or ridicule
  - Testify or provide information or withhold testimony or information with respect to another's legal claim or defense
  - Use or abuse his or her position as a public servant by performing some act within or related to his or her official duties, or by failing or refusing to perform an official duty, in such manner as to affect some person adversely

A person is guilty of 'aggravated labor trafficking' if he or she compels or induces another to engage in labor or recruits, entices, harbors, or transports such other person to engage in labor by means of intentionally and unlawfully providing a controlled substance to such person with intent to impair that person's judgment.

## **Definitions of Sex Trafficking of Minors**

**Citation: Penal Code §§ 230.33; 230.34-A**

A person is guilty of 'compelling prostitution' when, being age 18 or older, he or she knowingly compels a person younger than age 18, by force or intimidation, to engage in prostitution.

A person is guilty of sex trafficking of a child when he or she, being age 21 or older, intentionally advances or profits from prostitution of another person and such person is a child younger than age 18. Knowledge by the defendant of the age of the child is not an element of this offense, and it is not a defense to a prosecution that the defendant did not know the age of the child or believed the child's age to be 18 or older.

## **NORTH CAROLINA**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Gen. Stat. § 7B-101**

The term 'abused juvenile' includes the following:

- Any juvenile younger than age 18 who is found to be a minor victim of human trafficking under § 14-43.15
- Any juvenile whose parent, guardian, custodian, or caregiver commits or allows to be committed against the child an offense under § 14-43.11 (human trafficking), 14-43.12 (involuntary servitude), or 14-43.13 (sexual servitude)

### **Definitions of Labor Trafficking**

**Citation: Gen. Stat. §§ 14-43.11; 14-43.10; 14-43-14**

A person commits the offense of 'human trafficking' when that person does the following:

- Knowingly or in reckless disregard of the consequences of the action recruits, entices, harbors, transports, provides, or obtains by any means another person with the intent that the other person be held in involuntary servitude
- Willfully or in reckless disregard of the consequences of the action causes a minor to be held in involuntary servitude

The term 'coercion' includes all the following:

- Causing or threatening to cause bodily harm to any person, physically restraining or confining any person, or threatening to physically restrain or confine any person
- Exposing or threatening to expose any fact or information that if revealed would tend to subject a person to criminal or immigration proceedings, hatred, contempt, or ridicule
- Destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document or any other actual or purported government identification document of any person
- Providing a controlled substance to a person

The term 'deception' includes all the following:

- Creating or confirming another's impression of an existing fact or past event that is false and that the accused knows or believes to be false
- Maintaining the status or condition of a person arising from a pledge by that person of his or her personal services as security for a debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt, the length and nature of those services are not respectively limited and defined, or preventing a person from acquiring information pertinent to the disposition of such debt
- Promising benefits or the performance of services that the accused does not intend to deliver or perform or knows will not be delivered or performed



The term 'involuntary servitude' includes the following:

- The performance of labor, whether for compensation or for the satisfaction of a debt
- Compelling the performance of labor by deception, coercion, or intimidation, using violence or the threat of violence, or by any other means of coercion or intimidation

A person commits the offense of unlawful sale, surrender, or purchase of a minor when that person, acting with willful or reckless disregard for the life or safety of a minor, participates in any of the following: the acceptance, solicitation, offer, payment, or transfer of any compensation in money, property, or other thing of value, at any time, by any person in connection with the unlawful acquisition or transfer of the physical custody of a minor, except as ordered by the court.

### **Definitions of Sex Trafficking of Minors**

**Citation: Gen. Stat. §§ 14-43.11; 14-3.10**

A person commits the offense of 'human trafficking' when that person does the following:

- Knowingly or in reckless disregard of the consequences of the action recruits, entices, harbors, transports, provides, or obtains by any means another person with the intent that the other person be held in sexual servitude
- Willfully or in reckless disregard of the consequences of the action causes a minor to be held in sexual servitude

The term 'sexual servitude' includes the following:

- Any sexual activity as defined in § 14-190.13 for which anything of value is directly or indirectly given, promised to, or received by any person, and the conduct is induced or obtained by coercion or deception or is induced or obtained from a person younger than age 18
- Any sexual activity that is performed or provided by any person, and the conduct is induced or obtained by coercion or deception or is induced or obtained from a person younger than age 18

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.

## **NORTH DAKOTA**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Cent. Code §§ 27-20-2; 50-25.1-02**

The term 'deprived child' means a child who is a victim of human trafficking, as defined in title 12.1.

The term 'sexually abused child' means an individual younger than age 18 who is subjected by a person responsible for the child's welfare or by any individual to sexual abuse, as described in §§ 12.1-20-01 through 12.1-20-07 (including gross sexual imposition, continuous sexual abuse of a child, sexual imposition, corruption or solicitation of minors, luring minors by computer or other electronic means, sexual abuse of wards, sexual exploitation by a therapist, or sexual assault) and §§ 12.1-20-11 through 12.1-20-12.2 (including incest, deviate sexual act, indecent exposure, or surreptitious intrusion), or sexual exploitation, as described in chapter 12.1-27.2 (sexual performances by children).

A 'neglected child' is a child who, due to the action or inaction of a person responsible for the child's welfare, is a victim of human trafficking, as defined in title 12.1.

## **Definitions of Labor Trafficking**

**Citation: Cent. Code §§ 12.1-41-02; 12.1-41-03; 12.1-41-01; 12.1-41-08**

A person commits the offense of 'trafficking an individual' if the person knowingly recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains, or entices an individual in furtherance of forced labor in violation of § 12.1-41-03. A person commits the offense of forced labor if the person knowingly uses coercion to compel an individual to provide labor or services, except when that conduct is permissible under Federal law or law of this State other than this chapter.

The term 'coercion' includes the following:

- The use or threat of force against, abduction of, serious harm to, or physical restraint of an individual
- The use of a plan, pattern, or statement with intent to cause an individual to believe that failure to perform an act will result in the use of force against, abduction of, serious harm to, or physical restraint of an individual
- The abuse or threatened abuse of law or legal process
- Controlling or threatening to control an individual's access to a controlled substance
- The destruction or taking of or the threatened destruction or taking of an individual's identification document or other property
- The use of debt bondage
- The use of an individual's physical or mental impairment when the impairment has a substantial adverse effect on the individual's cognitive or volitional function
- The commission of civil or criminal fraud

The term 'debt bondage' means inducing an individual to provide labor or services in payment toward or satisfaction of a real or purported debt if the reasonable value of the labor or services is not applied toward the liquidation of the debt or if the length of the labor or services is not limited and the nature of the labor or services is not defined.

The term 'identification document' means a passport, driver's license, immigration document, travel document, or other government-issued identification document, including a document issued by a foreign government.

The term 'serious harm' means harm, whether physical or nonphysical, including psychological, economic, or reputational, to an individual that would compel a reasonable individual of the same background and in the same circumstances to perform or continue to perform labor or services to avoid incurring the harm.

An aggravating circumstance during the commission of an offense of human trafficking occurs when the defendant recruited, enticed, or obtained the victim of the offense from a shelter that serves individuals subjected to human trafficking, domestic violence, or sexual assault; runaway youth; foster children; or the homeless.

## **Definitions of Sex Trafficking of Minors**

**Citation: Cent. Code §§ 12.1-41-02; 12.1-41-04; 12.1-41-01**

A person commits the offense of trafficking an individual if the person knowingly recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains, or entices an individual in furtherance of sexual servitude in violation of § 12.1-41-04. A person commits the offense of 'sexual servitude' if the person knowingly does any of the following:

- Maintains or makes available a minor for the purpose of engaging the minor in commercial sexual activity
- Uses coercion or deception to compel an adult to engage in commercial sexual activity

It is not a defense in a prosecution that the minor consented to engage in commercial sexual activity or that the defendant believed the minor was an adult.

The term 'commercial sexual activity' means sexual activity for which anything of value is given to, promised to, or received by a person.

The term 'debt bondage' means inducing an individual to provide commercial sexual activity in payment toward or satisfaction of a real or purported debt if the reasonable value of the labor or services is not applied toward the liquidation of the debt or if the length of the labor or services is not limited and the nature of the labor or services is not defined.

The term 'sexual activity' means a 'sexual act' as defined in § 12.1-20-02. The term includes a sexually explicit performance.

## **NORTHERN MARIANA ISLANDS**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Commonwealth Code Tit. 6, § 1314**

A person commits the crime of unlawful exploitation of a minor if, with the intent of producing a live performance, film, audio, video, electronic, or electromagnetic recording, photograph, negative, slide, book, newspaper, magazine, or other material that visually or aurally depicts the conduct listed below, the person knowingly induces or employs a child younger than age 18 to engage in, or photographs, films, records, or televises a child younger than age 18 engaged in, the following actual or simulated conduct:

- Sexual penetration
- The lewd touching of another person's genitals, anus, or breast
- The lewd touching by another person of the child's genitals, anus, or breast
- Masturbation
- Bestiality
- The lewd exhibition of the child's genitals
- Sexual masochism or sadism

A parent, legal guardian, or person having custody or control of a child younger than age 18 commits the crime of unlawful exploitation of a minor if the person permits the child to engage in conduct described above knowing that the conduct is intended to be used in producing a live performance, film, audio, video, electronic, or electromagnetic recording, photograph, negative, slide, book, newspaper, magazine, or other material that visually or aurally depicts the conduct.

### **Definitions of Labor Trafficking**

**Citation: Commonwealth Code Tit. 6, §§ 1501; 1502; 1503**

The term 'forced labor or services' means labor or services that are performed or provided by another person and are obtained or maintained through the following actions by an actor:

- Causing, attempting to cause, or threatening to cause injury to any person
- Physically restraining, attempting to physically restrain, or threatening to physically restrain any person
- Abusing, attempting to abuse, or threatening to abuse the law or legal process
- Engaging in conduct described in the criminal coercion statute (title 6, § 1431(a))

A person commits the crime of involuntary servitude if the person recklessly, knowingly, or intentionally subjects or attempts to subject another person to forced labor or services without due process of law.

A person commits the crime of human trafficking for involuntary servitude if the person does any of the following:

- Knowingly recruits, transports, entices, harbors, provides, or obtains by any means another person, knowing or with the intent that the person will be subjected to involuntary servitude
- Conspires with another or attempts to engage in conduct described above
- Benefits financially or receives anything of value from knowing participation in a venture that has engaged in an act described above

### **Definitions of Sex Trafficking of Minors**

**Citation: Commonwealth Code Tit. 6, §§ 1504; 1501**

A person commits the crime of sexual servitude of a minor if the person does any of the following:

- Knowingly recruits, entices, harbors, transports, provides, or procures by any means a person under 18 years of age, with the intent of inducing the person to engage in any commercial sex act, conduct prohibited under the Sexual Abuse of a Minor Act (title 6, §§ 1306-1309), or conduct prohibited under the Unlawful Exploitation of a Minor statute (title 6, § 1314)
- Knowingly recruits, entices, harbors, transports, provides, or procures by any means, a person younger than age 18, knowing that another will induce, or attempt to induce, the person being recruited, enticed, harbored, transported, provided, or procured to engage in any commercial sex act or other prohibited conduct
- Knowingly causes or attempts to cause a minor to engage in any commercial sex act or other prohibited conduct

In any prosecution under this section, it is an affirmative defense that at the time of the alleged offense, the defendant reasonably believed the victim to be age 18 or older, unless the victim was younger than age 15 at the time of the alleged offense.

The term 'commercial sex act' means any sex act or sexual conduct, including sexually explicit performances, on account of which anything of value is exchanged, given, promised to, or received by any person.

## **OHIO**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Rev. Stat. § 2919.22**

A person commits the crime of 'endangering children' when the person does any of the following to a child: entice, coerce, permit, encourage, compel, hire, employ, use, or allow the child to act, model, or in any other way participate in, or be photographed for, the production, presentation, dissemination, or advertisement of any material or performance that the offender knows or reasonably should know is obscene, sexually oriented, or nudity-oriented matter.

### **Definitions of Labor Trafficking**

**Citation: Rev. Stat. §§ 2905.31; 2905.32**

The term 'involuntary servitude' means being compelled to perform labor or services for another against one's will.

A person commits the felony of 'trafficking in persons' if that person knowingly recruits, lures, entices, isolates, harbors, transports, provides, obtains, or maintains, or knowingly attempts to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain, another person if any of the following applies:

- The offender knows that the other person will be subjected to involuntary servitude.
- The other person is younger than age 16 or has a developmental disability whom the offender knows or has reasonable cause to believe has a developmental disability, and the offender knows that the other person will be subjected to involuntary servitude.
- The other person is age 16 or 17, and the offender knows that the other person will be subjected to involuntary servitude.

For the purpose of a prosecution, the element 'compelled' does not require that the compulsion be openly displayed or physically exerted. The element 'compelled' has been established if the State proves that the victim's will was overcome by force, fear, duress, intimidation, or fraud.

The term 'person with a developmental disability' means a person whose ability to resist or consent to an act is substantially impaired because of a mental or physical condition or because of advanced age.

### **Definitions of Sex Trafficking of Minors**

**Citation: Rev. Stat. § 2905.32**

A person commits the felony of 'trafficking in persons' if that person knowingly recruits, lures, entices, isolates, harbors, transports, provides, obtains, or maintains, or knowingly attempts to provide another person, if any of the following applies:

- The offender knows that the other person will be compelled to engage in sexual activity for hire; engage in a performance that is obscene, sexually oriented, or nudity oriented; or be a model or participant in the production of material that is obscene, sexually oriented, or nudity oriented.
- The other person is younger than age 16 or has a developmental disability, and the offender knows that the other person will be subjected to the offender's knowing recruitment, luring, enticement, isolation, harboring, transportation, provision, obtaining, or maintenance of the other person or knowing that the attempt to recruit the other person is for any of the following purposes:
  - To engage in sexual activity for hire
  - To engage in a performance for hire that is obscene, sexually oriented, or nudity oriented
  - To be a model or participant for hire in the production of material that is obscene, sexually oriented, or nudity oriented
- The other person is age 16 or 17, and the offender knows that the other person will be subjected to the actions described above.

The terms 'sexual activity for hire,' 'performance for hire,' and 'model or participant for hire' mean an implicit or explicit agreement to provide sexual activity; engage in an obscene, sexually oriented, or nudity-oriented performance; or be a model or participant in the production of obscene, sexually oriented, or nudity-oriented material, whichever is applicable, in exchange for anything of value.

## **OKLAHOMA**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Ann. Stat. Tit. 10A, § 1-1-105**

The term abuse' means harm or threatened harm to the health, safety, or welfare of a child by a person responsible for the child's health, safety, or welfare, including, but not limited to, nonaccidental physical or mental injury, sexual abuse, or sexual exploitation.

The term 'sexual exploitation' includes, but is not limited to, the following:

- Allowing, permitting, encouraging, or forcing a child to engage in prostitution, as defined by law, by any person age 18 or older or by a person responsible for the health, safety, or welfare of a child
- Allowing, permitting, encouraging, or engaging in the lewd, obscene, or pornographic photographing, filming, or depicting of a child in those acts by a person responsible for the child's health, safety, or welfare

The term 'trafficking in persons' means sex trafficking or severe forms of trafficking in persons, as described in title 22, § 7102 of the U. S. Code and defined as follows:

- 'Sex trafficking' means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.
- 'Severe forms of trafficking in persons' means either of the following:
  - Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not reached age 18
  - The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery

### **Definitions of Labor Trafficking**

**Citation: Ann. Stat, Tit. 21, § 748**

The term 'human trafficking' means modern-day slavery that includes, but is not limited to, extreme exploitation and the denial of freedom or liberty of an individual for purposes of deriving benefit from that individual's labor.

The term 'human trafficking for labor' means either of the following:

- Recruiting, enticing, harboring, maintaining, transporting, providing, or obtaining, by any means, another person through deception, force, fraud, threat, or coercion or for purposes of engaging the person in labor
- Benefiting, financially or by receiving anything of value, from participation in a venture that has engaged in an act of trafficking for labor

The term 'coercion' means compelling, forcing, or intimidating a person to act by any of the following actions:

- Threats of harm or physical restraint against any person
- Any act, scheme, plan, or pattern intended to cause a person to believe that performing, or failing to perform, an act would result in serious physical, financial, or emotional harm or distress to or physical restraint against any person
- The abuse or threatened abuse of the law or legal process
- Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport, labor or immigration document, or other government identification document, including, but not limited to, a driver's license or birth certificate, of another person
- Facilitating or controlling a person's access to any addictive or controlled substance other than for legal medical purposes
- Blackmail
- Demanding or claiming money, goods, or any other thing of value from or on behalf of a prostituted person where such demand or claim arises from or is directly related to the act of prostitution
- Determining, dictating, or setting the times or places at which another person will be available to engage in an act of prostitution with a third party
- Determining, dictating, or setting the places at which another person will reside for purposes of making such person available to engage in an act of prostitution with a third party

The term 'debt bondage' means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

The term 'legal process' means the criminal law, the civil law, or the regulatory system of the Federal government, any State, territory, district, commonwealth, or trust territory therein, and any foreign government or subdivision thereof and includes legal civil actions, criminal actions, and regulatory petitions or applications.

### **Definitions of Sex Trafficking of Minors**

**Citation: Ann. Stat, Tit. 21, § 748**

The term 'human trafficking' means modern-day slavery that includes, but is not limited to, extreme exploitation and the denial of freedom or liberty of an individual for purposes of deriving benefit from that individual's commercial sex act.

The term 'human trafficking for commercial sex' means the following:

- Recruiting, enticing, harboring, maintaining, transporting, providing, or obtaining, by any means, another person through deception, force, fraud, threat, or coercion for purposes of engaging the person in a commercial sex act
- Recruiting, enticing, harboring, maintaining, transporting, providing, purchasing, or obtaining, by any means, a minor for purposes of engaging the minor in a commercial sex act
- Benefiting, financially or by receiving anything of value, from participating in a venture that has engaged in an act of trafficking for commercial sex

The term 'commercial sex' means any form of commercial sexual activity, including sexually explicit performances, prostitution, participation in the production of pornography, performance in a strip club, or exotic dancing or display.

The term 'minor' refers to an individual who is younger than age 18. Lack of knowledge of the age of the victim shall not constitute a defense to the activity prohibited by this section with respect to human trafficking of a minor.

The consent of a victim to the activity prohibited by this section shall not constitute a defense.

## **OREGON**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Rev. Stat. § 419B.005**

The term 'abuse' includes sexual exploitation, including, but not limited to, the following:

- Contributing to the sexual delinquency of a minor
- Conduct that allows, employs, authorizes, permits, induces, or encourages a child to engage in performing for people to observe, or the photographing, filming, tape recording, or other exhibition that, in whole or in part, depicts sexual conduct or contact
- Sexual abuse involving a child or rape of a child
- Allowing, permitting, encouraging, or hiring a child to engage in prostitution or a commercial sex act, to purchase sex with a minor, or to patronize a prostitute



## **Definitions of Labor Trafficking**

**Citation: Rev. Stat. §§ 163.261; 163.263; 163.264; 163.266**

The term 'services' means activities performed by one person under the supervision or for the benefit of another person.

A person commits the crime of subjecting another person to involuntary servitude in the second degree if the person knowingly and without lawful authority forces or attempts to force the other person to engage in services by any of the following:

- Abusing or threatening to abuse the law or legal process
- Destroying, concealing, removing, confiscating, or possessing an actual or purported passport or immigration document or another actual or purported government identification document of a person
- Threatening to report a person to a government agency for the purpose of arrest or deportation
- Threatening to collect an unlawful debt
- Instilling in the other person a fear that the actor will withhold from the other person the necessities of life, including, but not limited to, lodging, food, and clothing

A person commits the crime of subjecting another person to involuntary servitude in the first degree if the person knowingly and without lawful authority forces or attempts to force the other person to engage in services by any of the following:

- Causing or threatening to cause the death of or serious physical injury to a person
- Physically restraining or threatening to physically restrain a person

A person commits the crime of trafficking in persons if the person knowingly recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, transport, provide, or obtain by any means, another person, and either of the following apply:

- The person knows that the other person will be subjected to involuntary servitude.
- The person knowingly benefits financially or receives something of value from participation in a venture that involves an act of involuntary servitude.

## **Definitions of Sex Trafficking of Minors**

**Citation: Rev. Stat. §§ 163.266; 167.002**

A person commits the crime of 'trafficking in persons' if the person knowingly recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, transport, provide, or obtain by any means, another person, and either of the following apply:

- The person knows or recklessly disregards the fact that force, fraud, or coercion will be used to cause the other person to engage in a commercial sex act.
- The person knows or recklessly disregards the fact that the other person is younger than age 18 and will be used in a commercial sex act.

A person commits the crime of trafficking in persons if the person knowingly benefits financially or receives something of value from participation in a venture that involves an act prohibited by the above subsection or §§ 163.263 or 163.264.

The term 'commercial sex act' means sexual conduct or sexual contact, as those terms are defined in § 167.002, performed in return for a fee or anything of value.

The term 'sexual conduct' means sexual intercourse. The term 'sexual contact' means any touching of the sexual organs or other intimate parts of a person not married to the actor for the purpose of arousing or gratifying the sexual desire of either party.

## PENNSYLVANIA

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Cons. Stat. Tit. 23, § 6303**

The term 'child abuse' means intentionally, knowingly, or recklessly engaging a child in a severe form of trafficking in persons or sex trafficking, as those terms are defined under the Trafficking Victims Protection Act of 2000 (22 U.S.C. § 7102).

The term 'sexual abuse or exploitation' means any of the following:

- The employment, use, persuasion, inducement, enticement, or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, including, but not limited to, the following:
  - Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual
  - Participating in sexually explicit conversation either in person, by telephone, by computer, or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual
  - Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual
  - Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting, or filming
- Any of the following offenses committed against a child:
  - Rape or statutory sexual assault
  - Involuntary deviate sexual intercourse
  - Sexual assault, institutional sexual assault, or indecent assault
  - Indecent exposure
  - Incest
  - Prostitution
  - Sexual abuse of children
  - Unlawful contact with a minor
  - Sexual exploitation of children

### **Definitions of Labor Trafficking**

**Citation: Cons. Stat. Tit. 18, §§ 3001; 3011; 3012**

The term 'human trafficking' means any activity in violation of § 3011 (relating to trafficking in individuals) either alone or in conjunction with an activity in violation of § 3012 (relating to involuntary servitude). The term 'involuntary servitude' includes labor servitude or sexual servitude. The term 'labor servitude' refers to labor that is performed or provided by another individual and is induced or obtained by any of the means set forth in § 3012(b) (relating to involuntary servitude).

The term 'debt coercion' means the exploitation of the status or condition of a debtor arising from a pledge by the debtor of the personal services of the debtor or an individual under the debtor's control as a security or payment for debt, if any of the following apply:

- The value of those services as reasonably assessed is not applied toward the liquidation of the debt.
- The length and nature of those services are not limited and defined.
- The principal amount of the debt does not reasonably reflect the value of the items or services for which the debt was incurred.

- The debtor is coerced to perform sex acts as payment for the debt.
- The creditor controls and determines the movement, housing, and services performed by the debtor until repayment of the debt.

A 'minor' is an individual who is younger than age 18.

The term 'serious harm' means any harm, whether physical or nonphysical, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances as the victim of human trafficking to perform or to continue performing labor or a service, a commercial sex act, or a performance involving sex acts in order to avoid incurring that harm.

A person commits the felony of 'trafficking in individuals' in the second degree if the person does the following:

- Recruits, entices, solicits, advertises, harbors, transports, provides, obtains, or maintains an individual if the person knows or recklessly disregards that the individual will be subject to labor servitude
- Knowingly benefits financially or receives anything of value from any act that facilitates any activity described above

A person commits the felony of 'involuntary servitude' in the first degree if the person knowingly subjects an individual to labor servitude or sexual servitude, except when the conduct is permissible under a Federal or State law other than this chapter. A person may subject an individual to involuntary servitude through any of the following means:

- Causing or threatening to cause serious harm to any individual
- Physically restraining or threatening to physically restrain another individual
- Kidnapping or attempting to kidnap any individual
- Abusing or threatening to abuse the legal process
- Taking or retaining the individual's personal property or real property as a means of coercion
- Engaging in unlawful conduct with respect to documents, as defined in § 3014
- Extortion, fraud, or criminal coercion
- Duress through the use of or threat to use unlawful force against the person or another
- Debt coercion
- Facilitating or controlling the individual's access to a controlled substance
- Using any scheme, plan, or pattern intended to cause the individual to believe that, if the individual does not perform the labor, services, acts, or performances, that individual or another individual will suffer serious harm or physical restraint

### **Definitions of Sex Trafficking of Minors**

**Citation: Cons. Stat. Tit. 18, §§ 3001; 3011**

The term 'sexual servitude' means any sex act or performance involving a sex act for which anything of value is directly or indirectly given, promised to, or received by any individual or which is performed or provided by any individual, and is induced or obtained from either of the following:

- A minor
- Any other individual by any of the means set forth in § 3012(b) (relating to involuntary servitude)

The term 'sexually exploited child' means an individual under age 18 to whom either of the following applies:

- Is a victim of sexual servitude
- Is a victim of an offense under 18 U.S.C. § 1591 (relating to sex trafficking of children or by force, fraud, or coercion)

The term 'sex act' means any touching or exposure of the sexual or other intimate parts of any individual for the purpose of gratifying the sexual desire of any individual.

A person commits a felony of 'trafficking in individuals' in the first degree if the person engages in any activity listed above that results in a minor being subjected to sexual servitude.

## **PUERTO RICO**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Ann. Laws Tit. 8, § 444**

The term 'abuse' means to engage in obscene behavior and/or use the minor to carry out obscene acts. The term 'sexual abuse' means engaging in sexual conduct in the presence of a child and/or using the child, voluntarily or otherwise, to engage in sexual conduct aimed at satisfying lewdness, or any other act that, if criminally prosecuted, would constitute any of the following crimes: sexual assault, lewd acts, indecent exposure, or indecent proposals; or remitting, transporting, selling, distributing, publishing, exhibiting, or possessing obscene materials and obscene shows.

### **Definitions of Labor Trafficking**

**Citation: Ann. Laws Tit. 33, §§ 4795; 4796**

A person commits the misdemeanor 'restriction of freedom' when that person unlawfully restricts another person in such a manner so as to interfere substantially with his or her freedom.

A fourth-degree felony shall be incurred if the crime of 'restriction of freedom' is committed with concurrence of any of the following circumstances:

- By means of violence, intimidation, fraud, or deceit
- By simulating to be a public authority
- By any public official or employee abusing the powers inherent to his or her authority or duties
- Under the pretext that the restricted person suffers an illness or mental disability
- To a person who is younger than age 18, has disabilities and is unable to care for him- or herself, or is mentally ill

### **Definitions of Sex Trafficking of Minors**

**Citation: Ann. Laws Tit. 33, §§ 4780; 4781**

A person commits the fourth-degree felony of pimping or pandering if the person does any of the following:

- Promotes or enables the prostitution of another person, even with the consent of that person, for profit or to satisfy the lewdness of another
- Makes the prostitution of others his or her habitual means of livelihood
- Promotes or enables the entry or exit from the Commonwealth of Puerto Rico of another person, even with the consent of that person, to have the person practice prostitution or sodomy

Any person who commits the crime described above shall incur a third-degree felony if any of the following circumstances concur:

- The victim is younger than age 18.
- There is deceit, violence, abuse of authority, or any means of intimidation or coercion.
- The perpetrator is an ascendant, descendent, spouse, brother, sister, guardian, or the person in charge of the education, guardianship, or has the custody of the victim.
- The prostitution or sodomy of more than one person is promoted or enabled.

## RHODE ISLAND

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Gen. Laws § 40-11-2**

The term 'abused and/or neglected child' includes a child whose physical or mental health or welfare is harmed or threatened with harm when his or her parent or other person responsible for his or her welfare does any of the following:

- Sexually exploits the child in that the person allows, permits, or encourages the child to engage in prostitution
- Sexually exploits the child in that the person allows, permits, encourages, or engages in the obscene or pornographic photographing, filming, or depiction of the child in a setting that, taken as a whole, suggests to the average person that the child is about to engage in or has engaged in any sexual act, or that depicts any such child under age 18 performing sodomy, oral copulation, sexual intercourse, masturbation, or bestiality

### **Definitions of Labor Trafficking**

**Citation: Gen. Laws §§ 11-67.1-2; 11-67.1-3; 11-67.1-4**

The term 'coercion' includes the following:

- The use or threat of force against, abduction of, serious harm to, or physical restraint of an individual
- The use of a plan, pattern, or statement with intent to cause an individual to believe that failure to perform an act will result in the use of force against, abduction of, serious harm to, or physical restraint of, an individual
- The abuse or threatened abuse of law or legal process
- Controlling or threatening to control an individual's access to a controlled substance
- The destruction or taking of or a threatened destruction or taking of an individual's identification document or other property
- The use of debt bondage
- The use of an individual's physical or mental impairment when the impairment has a substantial adverse effect on the individual's cognitive or volitional function
- The commission of civil or criminal fraud

The term 'debt bondage' means inducing an individual to provide the following:

- Commercial sexual activity in payment toward or satisfaction of a real or purported debt
- Labor or services in payment toward or satisfaction of a real or purported debt if the following are true:
  - The reasonable value of the labor or services is not applied toward the liquidation of the debt.
  - The length of the labor or services is not limited, and the nature of the labor or services is not defined.

'Human trafficking' means the commission of an offense created by §§ 11-67.1-3 through 11-67.1-7.

An 'identification document' includes a passport, driver's license, immigration document, travel document, or other government-issued identification document, including a document issued by a foreign government.

The term 'labor or services' means activity having economic value.

The term 'serious harm' means harm, whether physical or nonphysical, including psychological, economic, or reputational, to an individual that would compel a reasonable individual of the same background and in the same circumstances to perform or continue to perform labor or services or sexual activity to avoid incurring the harm.

A person commits the offense of 'trafficking an individual' if the person knowingly recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains, or entices an individual in furtherance of either of the following:

- Forced labor in violation of § 11-67.1-4
- Sexual servitude in violation of § 11-67.1-5

A person commits the offense of 'forced labor' if the person knowingly uses coercion to compel an individual to provide labor or services, except when such conduct is permissible under Federal law or law of this State other than this chapter.

### **Definitions of Sex Trafficking of Minors**

**Citation: Gen. Laws §§ 11-67.1-2; 11-67.1-5; 11-67.1-7**

The term 'minor' means an individual younger than age 18.

'Commercial sexual activity' means sexual activity for which anything of value is given to, promised to, or received by a person.

'Sexual activity' means sexual intercourse, cunnilingus, fellatio, anal intercourse, or the intentional touching of the victim's or accused's intimate body parts, clothed or unclothed, if the touching is for the purpose of sexual arousal, gratification, or assault. The term includes a sexually explicit performance.

'Sexually explicit performance' means an act or show, intended to arouse, satisfy the sexual desires of, or appeal to the prurient interests of patrons or viewers, whether public or private, live, photographed, recorded, or videotaped.

A person commits the offense of sexual servitude if the person knowingly does either of the following:

- Maintains or makes available a minor for the purpose of engaging the minor in commercial sexual activity
- Uses coercion or deception to compel an adult to engage in commercial sexual activity

It is not a defense in a prosecution under this section that the minor consented to engage in commercial sexual activity or that the defendant believed the minor was an adult.

A person commits the offense of patronizing a minor for commercial sexual activity if either of the following apply:

- With the intent that an individual engage in commercial sexual activity with a minor, the person gives, agrees to give, or offers to give anything of value to a minor or another person so that the individual may engage in commercial sexual activity with a minor.
- The person gives, agrees to give, or offers to give anything of value to a minor or another person so that an individual may engage in commercial sexual activity with a minor.

## **SOUTH CAROLINA**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Ann. Code § 63-7-20**

'Child abuse or neglect' or 'harm' occurs under the following circumstances:

- The parent, guardian, or other person responsible for the child's welfare encourages, condones, or approves the commission of delinquent acts by the child, including, but not limited to, sexual trafficking or exploitation, and the commission of the acts are shown to be the result of the encouragement, condonation, or approval.

- A child is a victim of trafficking in persons, as defined in § 16-3-2010, including sex trafficking, regardless of whether the perpetrator is a parent, guardian, or other person responsible for the child's welfare. Identifying a child as a victim of trafficking in persons does not create a presumption that the parent, guardian, or other individual responsible for the child's welfare abused, neglected, or harmed the child.

### **Definitions of Labor Trafficking**

**Citation: Ann. Code §§ 16-3-2020; 16-3-2010**

A person is guilty of 'trafficking in persons' if he or she does any of the following:

- Recruits, entices, solicits, isolates, harbors, transports, provides, or obtains, or so attempts, a victim, knowing that the victim will be subjected to sex trafficking, forced labor or services, involuntary servitude, or debt bondage through any means
- Benefits, financially or by receiving anything of value, from participation in a venture that engages in an act described above
- Aids, abets, or conspires with another person to violate the provisions of this section
- Knowingly gives, agrees to give, or offers to give anything of value so that any person may engage in commercial sexual activity with another person when he or she knows that the other person is a victim of trafficking in persons

The term 'trafficking in persons' refers to when a victim is subjected to or a person attempts to subject a victim to sex trafficking, forced labor or services, involuntary servitude, or debt bondage by employing one of the following:

- Physically restraining or threatening to physically restrain another person
- Knowingly destroying, concealing, removing, confiscating, or possessing an actual or purported passport or other immigration document or another actual or purported government identification document of the victim
- Extortion or blackmail
- Causing or threatening to cause financial harm to the victim
- Facilitating or controlling a victim's access to a controlled substance
- Coercion

The term 'debt bondage' means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt, the length and nature of those services are not respectively limited and defined, or if the principal amount of the debt does not reasonably reflect the value of the items or services for which the debt was incurred.

The term 'forced labor' means any type of labor or services performed or provided by a person rendered through another person's coercion of the person providing the labor or services. This definition does not include labor or services performed or provided by a person in the custody of the Department of Corrections or a local jail, detention center, or correctional facility.

The term 'involuntary servitude' means a condition of servitude induced through coercion.

### **Definitions of Sex Trafficking of Minors**

**Citation: Ann. Code § 16-3-2010**

The term 'sex trafficking' means the recruitment, harboring, transportation, provision, or obtaining of a person for one of the following when it is induced by force, fraud, or coercion or the person performing the act is younger than age 18 and anything of value is given, promised to, or received, directly or indirectly, by another person:

- Criminal sexual conduct pursuant to § 16-3-651
- Criminal sexual conduct in the first degree pursuant to § 16-3-652



- Criminal sexual conduct in the second degree pursuant to § 16-3-653
- Criminal sexual conduct in the third degree pursuant to § 16-3-654
- Criminal sexual conduct with a minor pursuant to § 16-3-655
- Engaging a child for sexual performance pursuant to § 16-3-810
- Producing, directing, or promoting sexual performance by a child pursuant to § 16-3-820
- Sexual battery pursuant to § 16-3-651
- Sexual conduct pursuant to § 16-3-800
- Sexual performance pursuant to § 16-3-800

## **SOUTH DAKOTA**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation:** Ann. Laws §§ 26-8A-2; 22-22-24.3

The term 'abused or neglected child' includes a child who is subject to sexual abuse, sexual molestation, or sexual exploitation, as defined in § 22-22-24.3, by the child's parent, guardian, custodian, or any other person responsible for the child's care.

A person is guilty of sexual exploitation of a minor if the person causes or knowingly permits a minor to engage in an activity or the simulation of an activity that is harmful to minors, involves nudity, or is obscene. Consent to performing these acts by a minor or a minor's parent, guardian, or custodian, or mistake as to the minor's age is not a defense to a charge of violating this section.

### **Definitions of Labor Trafficking**

**Citation:** Ann. Laws §§ 22-49-1; 22-49-3

No person may recruit, harbor, transport, provide, receive, purchase, or obtain, by any means, another person knowing that force, fraud, or coercion will be used to cause the person to engage in prostitution, forced labor, or involuntary servitude. No person may benefit financially or by receiving anything of value from participation in a venture that has engaged in acts set forth in this section. Any violation of this section constitutes the crime of human trafficking. If the victim is under age 18, the crime of human trafficking need not involve force, fraud, or coercion.

For purposes of this section and § 22-49-3, the term 'coercion' may include the following:

- The use of a plan, statement, or pattern of behavior, with the intent of causing a person to believe that failure to perform an act will result in the use of physical force or violence against the person or will result in the person's restraint, isolation, confinement, or abduction
- Inducing a person to provide commercial sexual activity as payment toward or in satisfaction of a real or purported debt
- The use of a person's physical or mental impairment, if that impairment has a substantial adverse effect on the person's cognitive or volitional function

A person is guilty of human trafficking in the second degree if that person does any of the following:

- Recruits, harbors, transports, provides, receives, purchases, or obtains, by any means, another person knowing that force, fraud, or coercion will be used to cause the person to engage in prostitution, forced labor, or involuntary servitude
- Benefits financially or by receiving anything of value from participation in a venture that has engaged in acts set forth in this section

## **Definitions of Sex Trafficking of Minors**

**Citation: Ann. Laws § 22-49-2**

A person commits human trafficking in the first degree if any of the following elements are present:

- The act involves committing or attempting to commit kidnapping.
- The act involves a victim younger than age 18.
- The act involves prostitution or procurement for prostitution.
- The act results in the death of a victim.

Consent to performing any act prescribed in § 22-49-1 by a minor or a minor's parent, guardian, or custodian, or any mistake as to the minor's age is not a defense to a charge of violating this section.

Any attempt to commit a violation of this section against a victim who is a minor is punishable in the same manner as the completed violation.

## **TENNESSEE**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Ann. Code § 37-1-102; 37-1-602**

The term 'severe child abuse' includes the commission of any act toward the child prohibited by § 39-13-309 (trafficking a person for a commercial sex act), §§ 39-13-502 through 39-13-504 (rape, sexual battery), § 39-13-515 (promoting prostitution), § 39-13-522 (rape of a child), § 39-13-527 (sexual battery by an authority figure), § 39-13-531 (aggravated rape of a child), § 39-13-532 (statutory rape by an authority figure), § 39-15-302 (incest), § 39-15-402 (aggravated child abuse, neglect, or endangerment), or § 39-17-1005 (aggravated sexual exploitation of a minor), or the knowing failure to protect the child from the commission of any such act towards the child.

The term 'child sexual abuse' includes either of the following:

- Sexual exploitation of a child, which includes allowing, encouraging, or forcing a child to do either of the following:
  - Solicit for or engage in prostitution
  - Engage in an act prohibited by § 39-17-1003 (sexual exploitation of a minor)
- The commission of any act toward the child prohibited by § 39-13-309 (trafficking a person for a commercial sex act)

Harm to a child's health or welfare can occur when the parent or other person responsible for the child's welfare does either of the following:

- Commits or allows to be committed child sexual abuse
- Exploits a child younger than age 18 or allows the child to be exploited, as provided in §§ 39-17-1003 through 39-17-1005

### **Definitions of Labor Trafficking**

**Citation: Ann. Code §§ 39-13-314; 39-13-307; 39-13-308; 39-13-301**

The term 'human trafficking offense' means the commission of any act that constitutes either of the following crimes:

- Involuntary labor servitude, under § 39-13-307
- Trafficking persons for forced labor or services, under § 39-13-308

A person commits the offense of involuntary labor servitude who knowingly subjects, or attempts to subject, another person to forced labor or services by any of the following means:

- Causing or threatening to cause serious bodily harm to the person
- Physically restraining or threatening to physically restrain the person
- Abusing or threatening to abuse the law or legal process
- Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of the person
- Using blackmail or using or threatening to cause financial harm for the purpose of exercising financial control over the person
- Facilitating or controlling the person's access to an addictive controlled substance
- Controlling the person's movements through threats or violence

A person commits the offense of trafficking persons for forced labor or services who knowingly does the following:

- Recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, transport, provide, or obtain by any means, another person, intending or knowing that the person will be subjected to involuntary servitude
- Benefits, financially or by receiving anything of value, from participation in a venture that has engaged in an act above

The term 'blackmail' means threatening to expose or reveal the identity of another or any material, document, secret, or other information that might subject a person to hatred, contempt, ridicule, loss of employment, social status, or economic harm.

The term 'coercion' means the following:

- Causing or threatening to cause bodily harm to any person, physically restraining or confining any person, or threatening to physically restrain or confine any person
- Exposing or threatening to expose any fact or information that, if revealed, would tend to subject a person to criminal or immigration proceedings, hatred, contempt, or ridicule
- Destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of any person
- Providing a controlled substance or a controlled substance analogue to a person

The term 'deception' means the following:

- Creating or confirming another person's impression of an existing fact or past event that is false and that the accused knows or believes to be false
- Maintaining the status or condition of a person arising from a pledge by that person of personal services as security for a debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined, or preventing a person from acquiring information pertinent to the disposition of the debt
- Promising benefits or the performance of services that the accused does not intend to deliver or perform or knows will not be delivered or performed

The term 'financial harm' includes extortion, as defined by § 39-14-112; criminal violation of the usury laws, as defined by § 47-14-112; or employment contracts that violate the statute of fraud, as defined by § 29-2-101(b).

The term 'involuntary servitude' means the condition of a person who is compelled by force, coercion, or imprisonment and against the person's will to labor for another, whether paid or not.

## **Definitions of Sex Trafficking of Minors**

**Citation: Ann. Code §§ 39-13-314; 39-13-309; 39-13-301**

The term 'human trafficking offense' means the commission of any act that constitutes the following:

- Trafficking for commercial sex act
- Promoting the prostitution of a minor

A person commits the offense of trafficking a person for a commercial sex act who does the following:

- Knowingly subjects, attempts to subject, benefits from, or attempts to benefit from another person's provision of a commercial sex act
- Recruits, entices, harbors, transports, provides, purchases, or obtains by any other means, another person for the purpose of providing a commercial sex act through any of the following means:
  - Causing or threatening to cause physical harm to the person
  - Physically restraining or threatening to physically restrain the person
  - Abusing or threatening to abuse the law or legal process
  - Knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of the person
  - Using blackmail or using or threatening to cause financial harm for the purpose of exercising financial control over the person
  - Facilitating or controlling a person's access to a controlled substance
- Commits the acts when the intended victim of the offense is a law enforcement officer or a law enforcement officer posing as a minor

The term 'commercial sex act' means the following:

- Any sexually explicit conduct for which anything of value is directly or indirectly given, promised to, or received by any person, and the conduct is induced or obtained by coercion or deception or is induced or obtained from a person younger than age 18
- Any sexually explicit conduct that is performed or provided by any person, and the conduct is induced or obtained by coercion or deception or is induced or obtained from a person younger than age 18

## **TEXAS**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Fam. Code § 261.001**

The term 'abuse' includes the following acts or omissions by a person:

- Compelling or encouraging the child to engage in sexual conduct (as defined by § 43.01, Penal Code), including conduct that constitutes an offense of trafficking of persons (§ 20A.02(a)(7) or (8), Penal Code), prostitution (§ 43.02(b), Penal Code), or compelling prostitution (§ 43.05(a)(2), Penal Code)
- Causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene (as defined by § 43.21, Penal Code) or pornographic
- Causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child (as defined by § 43.25, Penal Code)
- Knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under § 20A.02(a)(5), (6), (7), or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections

## Definitions of Labor Trafficking

**Citation: Penal Code §§ 20A.01; 20A.02**

The term 'traffic' means to transport, entice, recruit, harbor, provide, or otherwise obtain another person by any means. The term 'forced labor or services' means labor or services, other than labor or services that constitute sexual conduct, that are performed or provided by another person and obtained through an actor's use of force, fraud, or coercion.

A person commits an offense if the person knowingly does any of the following:

- Traffics another person with the intent that the trafficked person engage in forced labor or services
- Receives a benefit from participating in a venture that involves an activity described above, including by receiving labor or services the person knows are forced labor or services
- Traffics another person and through force, fraud, or coercion causes the trafficked person to engage in conduct prohibited by law, including the following:
  - Prostitution (§ 43.02)
  - Promotion of prostitution (§ 43.03)
  - Online promotion of prostitution (§ 43.031)
  - Aggravated promotion of prostitution (§ 43.04)
  - Aggravated online promotion of prostitution (§ 43.041)
  - Compelling prostitution (§ 43.05)
- Receives a benefit from participating in a venture that involves an activity described above or engages in sexual conduct with a person who has been trafficked
- Traffics a child with the intent that the trafficked child engage in forced labor or services
- Receives a benefit from participating in a venture that involves trafficking a child, including by receiving labor or services the person knows are forced labor or services

An offense under this section is a felony of the second degree, except that the offense is a felony of the first degree if any of the following apply:

- The offense involves trafficking of a child, regardless of whether the actor knows the age of the child at the time of the offense.
- The commission of the offense results in the death of the person who is trafficked.
- The commission of the offense results in the death of an unborn child of the person who is trafficked.

The term 'coercion' includes the following:

- Destroying, concealing, confiscating, or withholding from a trafficked person, or threatening to destroy, conceal, confiscate, or withhold from a trafficked person, the person's actual or purported government records or identifying information or documents
- Causing a trafficked person, without the person's consent, to become intoxicated to a degree that impairs the person's ability to appraise the nature of the prohibited conduct or to resist engaging in that conduct
- Withholding alcohol or a controlled substance to a degree that impairs the ability of a trafficked person with a chemical dependency to appraise the nature of the prohibited conduct or to resist engaging in that conduct

## **Definitions of Sex Trafficking of Minors**

**Citation: Penal Code §§ 20A.02; 20A.01**

A person commits an offense if the person knowingly does any of the following:

- Traffics a child and by any means causes the trafficked child to engage in, or become the victim of, conduct prohibited by law, including the following:
  - Continuous sexual abuse of a young child or children (§ 21.02)
  - Indecency with a child (§ 21.11)
  - Sexual assault (§ 22.011)
  - Aggravated sexual assault (§ 22.021)
  - Prostitution (§ 43.02)
  - Promotion of prostitution (§ 43.03)
  - Online promotion of prostitution (§ 43.031)
  - Aggravated promotion of prostitution (§ 43.04)
  - Aggravated online promotion of prostitution (§ 43.041)
  - Compelling prostitution (§ 43.05)
  - Sexual performance by a child (§ 43.25)
  - Employment harmful to children (§ 43.251)
  - Possession or promotion of child pornography (§ 43.26)
- Receives a benefit from participating in a venture that involves an activity that involves trafficking of a child or engages in sexual conduct with a child who has been trafficked in the manner described in this section

An offense under this section is a felony of the second degree, except that the offense is a felony of the first degree if:

- The offense involves trafficking of a child, regardless of whether the actor knows the age of the child at the time of the offense.
- The commission of the offense results in the death of the person who is trafficked.
- The commission of the offense results in the death of an unborn child of the person who is trafficked.

The term 'child' means a person younger than age 18.

## **UTAH**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Ann. Code § 78A-6-105**

The term 'abuse' includes the following:

- Sexual exploitation and sexual abuse
- Human trafficking of a child in violation of § 76-5-308.5

The term 'sexual exploitation' means knowingly doing any of the following:

- Employing, using, persuading, inducing, enticing, or coercing any child to do the following:
  - Pose in the nude for the purpose of sexual arousal of any person
  - Engage in any sexual or simulated sexual conduct for the purpose of photographing, filming, recording, or displaying in any way the sexual or simulated sexual conduct

- Displaying, distributing, possessing for the purpose of distribution, or selling material depicting a child as follows:
  - In the nude, for the purpose of sexual arousal of any person
  - Engaging in sexual or simulated sexual conduct
- Engaging in conduct that would constitute an offense under § 76-5b-201, Sexual Exploitation of Children, regardless of whether the person who engages in the conduct is actually charged with or convicted of the offense

### **Definitions of Labor Trafficking**

**Citation: Ann. Code § 76-5-308**

An actor commits human trafficking for forced labor or sexual exploitation if the actor recruits, harbors, transports, obtains, patronizes, or solicits a person through the use of force, fraud, or coercion, which may include the following:

- Threatening serious harm to, or physical restraint against, that person or a third person
- Destroying, concealing, removing, confiscating, or possessing any passport, immigration document, or other government identification document
- Abusing or threatening abuse of the law or legal process against the person or a third person
- Using a condition of a person being a debtor due to a pledge of the debtor's personal services or the personal services of a person under the control of the debtor as a security for debt, when the reasonable value of the services is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined
- Using a condition of servitude by means of any scheme, plan, or pattern intended to cause a person to believe that if the person did not enter into or continue in a condition of servitude, that person or a third person would suffer serious harm or physical restraint or would be threatened with abuse of legal process
- Creating or exploiting a relationship in which the person is dependent on the actor

Human trafficking for forced sexual exploitation includes all forms of commercial sexual activity, which may include the following conduct when the person acts under force, fraud, or coercion:

- Sexually explicit performance
- Prostitution
- Participation in the production of pornography
- Performance in strip clubs
- Exotic dancing or display

### **Definitions of Sex Trafficking of Minors**

**Citation: Ann. Code § 76-5-308.5**

The term 'commercial sexual activity with a child' means any sexual act with a child, on account of which anything of value is given to or received by any person.

An actor commits human trafficking of a child if the actor recruits, harbors, transports, obtains, patronizes, or solicits a child for sexual exploitation or forced labor.

Human trafficking of a child for labor includes any labor obtained through force, fraud, and coercion, as described in § 7-5-308.

Human trafficking of a child for sexual exploitation includes all forms of commercial sexual activity with a child, including sexually explicit performance, prostitution, participation in the production of pornography, performance in a strip club, and exotic dancing or display.



## VERMONT

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Ann. Stat. Tit. 33, § 4912**

The term 'sexual abuse' consists of any act or acts by any person involving sexual molestation or exploitation of a child, including the following:

- Prostitution
- Lewd and lascivious conduct involving a child
- Aiding, abetting, counseling, hiring, or procuring of a child to perform or participate in any photograph, motion picture, exhibition, show, representation, or other presentation that, in whole or in part, depicts sexual conduct, sexual excitement, or sadomasochistic abuse involving a child
- Viewing, possessing, or transmitting child pornography
- Human trafficking

### **Definitions of Labor Trafficking**

**Citation: Ann. Stat. Tit. 13, §§ 2652; 2651**

No person shall knowingly do any of the following:

- Subject a person to labor servitude
- Recruit, entice, harbor, transport, provide, or obtain a person for the purpose of subjecting the person to labor servitude
- Benefit, financially or by receiving anything of value, from participation in a venture, knowing that a person will be subject to labor servitude as part of the venture

The term 'blackmail' means the extortion of money, labor, commercial sexual activity, or anything of value from a person through use of a threat to expose a secret or publicize an asserted fact, whether true or false, that would tend to subject the person to hatred, contempt, ridicule, or prosecution.

The term 'coercion' means the following:

- The threat of serious harm, including physical or financial harm to, or physical restraint against any person
- Any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious bodily or financial harm to or physical restraint of any person
- The abuse or threatened abuse of law or the legal process
- Withholding, destroying, or confiscating any actual or purported passport, immigration document, or any other government identification document of another person
- Providing a drug, including alcohol, to another person with the intent to impair the person's judgment or maintain a state of chemical dependence
- Wrongfully taking, obtaining, or withholding any property of another person
- Blackmail
- Asserting control over the finances of another person
- Debt bondage
- Withholding or threatening to withhold food or medication

The term 'debt bondage' means a condition or arrangement in which a person requires that a debtor or another person under the control of a debtor perform labor, services, sexual acts, sexual conduct, or a sexually explicit performance in order to retire, repay, or service a real or purported debt that the person has caused with the intent to defraud the debtor.

The term 'labor servitude' means labor or services performed or provided by a person that are induced or maintained through force, fraud, or coercion. 'Labor servitude' shall not include labor or services performed by a family member of a person who is engaged in the business of farming unless force, fraud, or coercion is used.

### **Definitions of Sex Trafficking of Minors**

**Citation: Ann. Stat. Tit. 13, §§ 2652; 2651**

No person shall knowingly do any of the following:

- Recruit, entice, harbor, transport, provide, or obtain by any means a person younger than age 18 for the purpose of having the person engage in a commercial sex act
- Recruit, entice, harbor, transport, provide, or obtain a person through force, fraud, or coercion for the purpose of having the person engage in a commercial sex act
- Compel a person through force, fraud, or coercion to engage in a commercial sex act
- Benefit financially or by receiving anything of value from participation in a venture, knowing that force, fraud, or coercion was or will be used to compel any person to engage in a commercial sex act as part of the venture

The term 'commercial sex act' means any sexual act, sexual conduct, or sexually explicit performance on account of which anything of value is promised to, given to, or received by any person.

The term 'sexual act' shall have the same meaning as in § 3251(1) of this title. The term 'sexual conduct' shall have the same meaning as in § 2821(2) of this title.

The term 'sexually explicit performance' means a public, live, photographed, recorded, or videotaped act or show that meets the following criteria:

- Depicts a sexual act or sexual conduct
- Is intended to arouse, satisfy the sexual desires of, or appeal to the prurient interests of patrons or viewers
- Lacks literary, artistic, political, or scientific value

## **VIRGIN ISLANDS**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Ann. Code Tit. 5, § 2502**

The term 'abuse' includes the sexual abuse of a child, as defined by law, or the sexual exploitation of a child, including the prostituting of a child, and the photographing or other depiction of a child for pornographic purposes, or a persistent course of sexual conduct that causes a child's health or welfare to be harmed or threatened.

### **Definitions of Labor Trafficking**

**Citation: Ann. Code Tit. 14, §§ 132; 133; 134**

The term 'coercion' means the following:

- The use or threat of force against, abduction of, serious harm to, or physical restraint of, an individual
- The use of a plan, pattern, or statement with intent to cause an individual to believe that failure to perform an act will result in the use of force against, abduction of, serious harm to, or physical restraint of, an individual
- The abuse or threatened abuse of law or legal process
- Controlling or threatening to control an individual's access to a controlled substance

- The destruction or taking of, or the threatened destruction or taking of, an individual's identification document or other property
- The use of debt bondage
- The use of an individual's physical or mental impairment when the impairment has a substantial adverse effect on the individual's cognitive or volitional function
- The commission of civil or criminal fraud

The term 'debt bondage' means inducing an individual to provide the following:

- Commercial sexual activity in payment toward or satisfaction of a real or purported debt
- Labor or services in payment toward or satisfaction of a real or purported debt if either of the following apply:
  - The reasonable value of the labor or services is not applied toward the liquidation of the debt.
  - The length of the labor or services is not limited, and the nature of the labor or services is not defined.

The term 'serious harm' means harm, whether physical or nonphysical, including psychological, economic, or reputational, to an individual that would compel a reasonable individual of the same background and in the same circumstances to perform or continue to perform labor, or services, or sexual activity to avoid incurring the harm.

A person commits the offense of 'trafficking an individual' if the person knowingly recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains, or entices an individual in furtherance of either of the following:

- Forced labor in violation of § 134
- Sexual servitude in violation of § 135

A person commits the offense of 'forced labor' if the person knowingly uses coercion to compel an individual to provide labor or services, except when such conduct is permissible under Federal law or law of the Virgin Islands other than this chapter.

### **Definitions of Sex Trafficking of Minors**

**Citation:** Ann. Code Tit. 14, §§ 132; 135; 136; 137

The term 'commercial sexual activity' means sexual activity for which anything of value is given to, promised to, or received by a person. The term 'sexual activity' includes a sexually explicit performance.

A person commits the offense of 'sexual servitude' if the person knowingly does either of the following:

- Maintains or makes available a minor for the purpose of engaging the minor in commercial sexual activities
- Uses coercion or deception to compel an adult to engage in commercial sexual activity

It is not a defense in a prosecution that the minor consented to engage in commercial sexual activity or that the defendant believed the minor was an adult.

A person commits the offense of 'patronizing a victim of sexual servitude' if the person knowingly gives, agrees to give, or offers to give anything of value so that an individual may engage in commercial sexual activity with another individual and the person knows that the other individual is a victim of sexual servitude. Patronizing a victim of sexual servitude who is an adult is a felony punishable by imprisonment of no more than 10 years. Patronizing a victim of sexual servitude who is a minor is a felony punishable by imprisonment for no more than 20 years.

A person commits the offense of 'patronizing a minor for commercial sexual activity' if either of the following apply:

- With the intent that an individual engage in commercial sexual activity with a minor, the person gives, agrees to give, or offers to give anything of value to a minor or another person so that the individual may engage in commercial sexual activity with a minor.
- The person gives, agrees to give, or offers to give anything of value to a minor or another person so that an individual may engage in commercial sexual activity with a minor.

## **VIRGINIA**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Ann. Code § 63.2-100**

The term 'abused or neglected child' includes any child younger than age 18 to whom either of the following apply:

- Whose parents or other person responsible for his or her care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law
- Who has been identified as a victim of sex trafficking or severe forms of trafficking, as defined in the Trafficking Victims Protection Act of 2000 (22 U.S.C § 7102, et seq.) and in the Justice for Victims of Trafficking Act of 2015 (42 U.S.C. § 5101, et seq.)

### **Definitions of Labor Trafficking**

This issue is not addressed in the statutes reviewed.

### **Definitions of Sex Trafficking of Minors**

**Citation: Ann. Code § 18.2-357.1**

Any person who, with the intent to receive money or other valuable thing or to assist another in receiving money or other valuable thing from the earnings of a person from prostitution or unlawful sexual intercourse in violation of § 18.2-346(A), solicits, invites, recruits, encourages, or otherwise causes or attempts to cause a person to violate § 18.2-346(A) is guilty of a Class 5 felony.

Any person who violates the above subsection through the use of force, intimidation, or deception is guilty of a Class 4 felony. Any adult who violates the above with a person who is younger than age 18 is guilty of a Class 3 felony.

## **WASHINGTON**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Rev. Code § 26.44.020**

The term 'abuse or neglect' includes the sexual abuse or sexual exploitation of a child by any person under circumstances that indicate that the child's health, welfare, and safety are harmed.

The term 'sexual exploitation' includes the following:

- Allowing, permitting, or encouraging a child to engage in prostitution by any person
- Allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person

## **Definitions of Labor Trafficking**

**Citation: Rev. Code §§ 9A.40.010; 9A.40.100; 9A.40.110**

The term 'forced labor' means knowingly providing or obtaining labor or services of a person by any of the following:

- Threats of serious harm to, or physical restraint against, that person or another person
- Any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint

The term 'involuntary servitude' means a condition of servitude in which the victim was forced to work by the use or threat of physical restraint or physical injury, by the use of threat of coercion through law or legal process, or through coercion.

The term 'restrain' means to restrict a person's movements without consent and without legal authority in a manner that interferes substantially with his or her liberty. Restraint is 'without consent' if it is accomplished by (a) physical force, intimidation, or deception, or (b) any means including acquiescence of the victim if he or she is a child younger than age 16 or an incompetent person and if the parent, guardian, or other person or institution having lawful control or custody of him or her has not acquiesced.

The term 'serious harm' means any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor, services, or a commercial sex act in order to avoid incurring that harm.

A person commits the crime of trafficking when that person does any of the following:

- Recruits, harbors, transports, transfers, provides, obtains, buys, purchases, or receives by any means another person knowing, or in reckless disregard of the fact, that force, fraud, or coercion will be used to cause the person to engage in forced labor, involuntary servitude, a sexually explicit act, or a commercial sex act, or that the person is younger than age 18 and is caused to engage in a sexually explicit act or a commercial sex act
- Benefits financially or by receiving anything of value from participation in a venture that has engaged in acts set forth above

A person is guilty of coercion of involuntary servitude if he or she coerces another person to perform labor or services by the following means:

- Withholding or threatening to withhold or destroy documents relating to a person's immigration status
- Threatening to notify law enforcement officials that a person is present in the United States in violation of Federal immigration laws

Coercion does not include reports to law enforcement that a person is present in the United States in violation of Federal immigration laws. A person may commit coercion of involuntary servitude regardless of whether the person provides any sort of compensation or benefits to the person who is coerced.

## **Definitions of Sex Trafficking of Minors**

**Citation: Rev. Code § 9A.40.100**

A person commits the crime of trafficking when that person does any of the following:

- Recruits, harbors, transports, transfers, provides, obtains, buys, purchases, or receives by any means another person knowing, or in reckless disregard of the fact, that force, fraud, or coercion will be used to cause the person to engage in a sexually explicit act or a commercial sex act, or that the person is younger than age 18 and is caused to engage in a sexually explicit act or a commercial sex act
- Benefits financially or by receiving anything of value from participation in a venture that has engaged in acts set forth above

If the victim of any offense identified in this section is a minor, force, fraud, or coercion are not necessary elements of an offense and consent to the sexually explicit act or commercial sex act does not constitute a defense.

In any prosecution under this chapter in which the offense or degree of the offense depends on the victim's age, it is not a defense that the perpetrator did not know the victim's age or believed the victim to be older, as the case may be.

The term 'commercial sex act' means any act of sexual contact or sexual intercourse for which something of value is given or received by any person. The term 'sexually explicit act' means a public, private, or live photographed, recorded, or videotaped act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons for which something of value is given or received.

## **WEST VIRGINIA**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Ann. Code § 49-1-201**

The term 'abused child' means a child whose health or welfare is being harmed or threatened by the following:

- Sexual abuse or sexual exploitation
- Human trafficking or attempted human trafficking, in violation of § 61-14-2

The term 'sexual exploitation' means an act in which the following occurs:

- A parent, custodian, or guardian, whether for financial gain or not, persuades, induces, entices, or coerces a child to engage in sexually explicit conduct, as that term is defined in § 61-8c-1.
- A parent, guardian, or custodian persuades, induces, entices, or coerces a child to display his or her sex organs for the sexual gratification of the parent, guardian, custodian, or a third person, or to display his or her sex organs under circumstances in which the parent, guardian, or custodian knows that the display is likely to be observed by others who would be affronted or alarmed.
- A parent, guardian, or custodian knowingly maintains or makes available a child for the purpose of engaging the child in commercial sexual activity, in violation of § 61-14-5.

### **Definitions of Labor Trafficking**

**Citation: Ann. Code § § 61-14-1**

The term 'coercion' means the following:

- The use or threat of force against, abduction of, serious harm to, or physical restraint of an individual
- The use of a plan, pattern, or statement with intent to cause an individual to believe that failure to perform an act will result in the use of force against, abduction of, serious harm to, physical restraint of, or deportation of an individual
- The abuse or threatened abuse of law or legal process
- The destruction or taking of, or the threatened destruction or taking of, an individual's identification document or other property
- The use of an individual's physical or mental impairment when the impairment has a substantial adverse effect on the individual's cognitive or volitional function

The term 'debt bondage' means inducing an individual to provide the following:

- Commercial sexual activity in payment toward or satisfaction of a real or purported debt
- Labor or services in payment toward or satisfaction of a real or purported debt if either of the following apply:
  - The reasonable value of the labor or services is not applied toward the liquidation of the debt.
  - The length of the labor or services is not limited, and the nature of the labor or services is not defined.

The term 'forced labor' means labor or services that are performed or provided by another person and are obtained or maintained through the following:

- Threat, either implicit or explicit; deception or fraud; scheme; plan; pattern; or other action intended to cause a person to believe that, if the person did not perform or provide the labor or services, that person or another person would suffer serious bodily harm, physical restraint, or deportation
- Physically restraining or threatening to physically restrain a person
- Abuse or threatened abuse of the legal process
- Destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document of another person

The terms 'human trafficking,' 'trafficking,' or 'traffics' mean knowingly recruiting, transporting, transferring, harboring, receiving, providing, obtaining, isolating, maintaining, or enticing an individual to engage in debt bondage, forced labor, or sexual servitude.

The term 'serious harm' means harm, whether physical or nonphysical, including psychological, economic, or reputational, to an individual that would compel a reasonable individual of the same background and in the same circumstances to perform or continue to perform labor or services or sexual activity to avoid incurring the harm.

### **Definitions of Sex Trafficking of Minors**

**Citation: Ann. Code § 61-14-1**

The term 'commercial sexual activity' means sexual activity for which anything of value is given to, promised to, or received by a person.

The term 'patronize' means giving, agreeing to give, or offering to give anything of value to another person in exchange for commercial sexual activity.

The term 'sexual activity' means sexual contact, sexual intercourse, sexual intrusion, or sexually explicit conduct.

The term 'sexual servitude' means either of the following:

- Maintaining or making available a minor for the purpose of engaging the minor in commercial sexual activity
- Using coercion to compel an adult to engage in commercial sexual activity

## **WISCONSIN**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Ann. Stat. § 48.02**

*Effective August 1, 2020:* The term 'abuse' includes either of the following:

- A violation of § 948.05 (sexual exploitation of a child)
- A violation of § 948.051 (trafficking of a child)



## Definitions of Labor Trafficking

**Citation: Ann. Stat. § 940.302**

The term 'trafficking' means recruiting, enticing, harboring, transporting, providing, or obtaining or attempting to recruit, entice, harbor, transport, provide, or obtain, an individual.

A person commits the crime of trafficking if the following apply:

- One of the following applies:
  - The trafficking is for the purposes of labor or services.
  - The trafficking is for the purposes of a commercial sex act.
- The trafficking is done by any of the following:
  - Causing or threatening to cause bodily harm to any individual
  - Causing or threatening to cause financial harm to any individual
  - Restraining or threatening to restrain any individual
  - Violating or threatening to violate a law
  - Destroying, concealing, removing, confiscating, or possessing or threatening to destroy, conceal, remove, confiscate, or possess, any actual or purported passport or any other actual or purported official identification document of any individual
  - Extortion
  - Fraud or deception
  - Debt bondage
  - Controlling or threatening to control any individual's access to an addictive controlled substance
  - Using any scheme, pattern, or other means to directly or indirectly coerce, threaten, or intimidate any individual
  - Using or threatening to use force or violence on any individual
  - Causing or threatening to cause any individual to do any act against the individual's will or without the individual's consent

A person commits a felony if that person does either of the following:

- Benefits in any manner from trafficking if the person knows or reasonably should have known that the benefits come from or are derived from an act of trafficking
- Receives compensation from the earnings of debt bondage, a prostitute, or a commercial sex act

The term 'commercial sex act' means any of the following for which anything of value is given to, promised, or received, directly or indirectly, by any person:

- Sexual contact
- Sexual intercourse
- Sexually explicit performance
- Any other conduct done for the purpose of sexual humiliation, degradation, arousal, or gratification

The term 'debt bondage' means the condition of a debtor arising from the debtor's pledge of services as a security for debt if the reasonable value of those services is not applied toward repaying the debt or if the length and nature of the services are not defined. The term 'services' means activities performed by one individual at the request, under the supervision, or for the benefit of another person.

## **Definitions of Sex Trafficking of Minors**

**Citation: Ann. Stat. § 948.051**

A person commits the felony of trafficking a child if that person does either of the following:

- Knowingly recruits, entices, provides, obtains, harbors, transports, patronizes, or solicits or knowingly attempts to recruit, entice, provide, obtain, harbor, transport, patronize, or solicit any child for the purpose of commercial sex acts
- Benefits in any manner from a violation of the above if the person knows that the benefits come from an act described above

## **WYOMING**

*Current Through July 2020*

### **Defined in Child Protection Law**

**Citation: Ann. Stat. § 14-3-202**

The term 'abuse' includes the commission or allowing the commission of a sexual offense against a child, as defined by law.

### **Definitions of Labor Trafficking**

**Citation: Ann. Stat. §§ 6-2-701; 6-2-702; 6-2-703**

A person commits human trafficking in the first degree when the person intentionally or knowingly recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains, or entices an individual for the purpose of forced labor or servitude, sexual servitude, or sexual servitude of a minor.

A person commits human trafficking in the second degree when the person recklessly recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains, or entices an individual for the purpose of forced labor or servitude, sexual servitude, or sexual servitude of a minor.

The term 'coercion' means any one or more of the following:

- The use or threat of force, abduction, serious harm to, or physical restraint against any individual
- The use of a scheme, plan, pattern, or fraudulent statement with the intent to cause an individual to believe that failure to perform an act will result in serious harm to or physical restraint against any individual
- The abuse or threatened abuse of the law or legal process
- The abuse of a position of power or taking advantage of a position of vulnerability
- Providing a controlled substance to an individual for the purpose of controlling the person's behavior
- Interfering with lawful custody of or access to an individual's children
- The destruction of, taking of, or the threat to destroy or take an individual's identification document
- The use of an individual's personal services as security payment or satisfaction for a real or purported debt if any of the following apply:
  - The reasonable value of the services is not applied toward the liquidation of the debt.
  - The length of the services is not limited, and their nature is not defined.
  - The principal amount of the debt does not reasonably reflect the value of the items or services for which the debt was incurred.
  - The individual is prevented from acquiring accurate and timely information about the disposition of the debt.

The term 'deception' means the following:

- A person's creation or confirmation of an individual's impression of material fact or event that is false and that the person knows or has reason to believe is false, including the following:
  - The nature of labor or services to be provided
  - The fundamental conditions of labor
  - The extent to which the individual will be free to leave the individual's place of residence or workplace
- The promise of a benefit to or performance of a service to an individual that the person does not intend to be delivered or performed

The term 'forced services' means services performed or provided by a person that are obtained or maintained by another person who does the following:

- Causes or threatens to cause serious harm to any person
- Physically restrains or threatens to physically restrain another person
- Abuses or threatens to abuse the law or legal process
- Knowingly destroys, conceals, removes, or confiscates any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person
- Engages in blackmail
- Causes or threatens to cause financial harm to any person

The term 'serious harm' means physical or nonphysical harm or property damage, including, but not limited to, bodily injury, economic loss, personal injury, or reputational harm sufficient to compel a reasonable person of the same background and in the same circumstance of the victim to perform or to continue performing labor, a service, or a commercial sex act in order to avoid incurring that harm.

### **Definitions of Sex Trafficking of Minors**

**Citation:** Ann. Stat. §§ 6-2-701; 6-2-706

The term 'commercial sex act' means any sexual act for which anything of value is given to, promised, or received by a person in exchange for the sexual act. The term 'services' means activities resulting from a relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor.

A person is guilty of sexual servitude of a minor when the person intentionally, knowingly, or recklessly offers, obtains, procures, or provides an individual younger than age 18 to engage in commercial sexual services.

It is not a defense in a prosecution under this section that the individual consented to engage in commercial sexual services or that the defendant reasonably believed the individual was at least age 18.



U.S. Department of Health and Human Services  
Administration for Children and Families  
Administration on Children, Youth and Families  
Children's Bureau



This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway. This publication is available online at <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/definitions-trafficking/>.