

# **National Johns Suppression Initiative Cook County Sheriff's Office, Partners, and Their Solicitation Laws**

From the Office of the Cook County Sheriff  
Human Trafficking Response Team  
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# Arizona

## Revised Statutes Annotated – Solicitation

### **Title 13. Criminal Code**

#### **Chapter 12. Kidnapping And Related Offenses**

##### **§ 13-1303. Unlawful imprisonment; classification; definition**

- A. A person commits unlawful imprisonment by knowingly restraining another person.
- B. In any prosecution for unlawful imprisonment, it is a defense that:
  - 1. The restraint was accomplished by a peace officer or detention officer acting in good faith in the lawful performance of his duty; or
  - 2. The defendant is a relative of the person restrained and the defendant's sole intent is to assume lawful custody of that person and the restraint was accomplished without physical injury.
- C. Unlawful imprisonment is a class 6 felony unless the victim is released voluntarily by the defendant without physical injury in a safe place before arrest in which case it is a class 1 misdemeanor.
- D. For the purposes of this section, "detention officer" means a person other than an elected official who is employed by a county, city or town and who is responsible for the supervision, protection, care, custody or control of inmates in a county or municipal correctional institution. Detention officer does not include counselors or secretarial, clerical or professionally trained personnel.

##### **§ 13-1304. Kidnapping; classification; consecutive sentence**

- A. A person commits kidnapping by knowingly restraining another person with the intent to:
  - 1. Hold the victim for ransom, as a shield or hostage; or
  - 2. Hold the victim for involuntary servitude; or
  - 3. Inflict death, physical injury or a sexual offense on the victim, or to otherwise aid in the commission of a felony; or
  - 4. Place the victim or a third person in reasonable apprehension of imminent physical injury to the victim or the third person; or
  - 5. Interfere with the performance of a governmental or political function; or
  - 6. Seize or exercise control over any airplane, train, bus, ship or other vehicle.
- B. Kidnapping is a class 2 felony unless the victim is released voluntarily by the defendant without physical injury in a safe place before arrest and before accomplishing any of the further enumerated offenses in subsection A of this section in which case it is a class 4 felony. If the victim is released pursuant to an agreement with the state and without any physical injury, it is a class 3 felony. If the victim is under fifteen years of age kidnapping is a class 2 felony punishable pursuant to section 13-705. The sentence for kidnapping of a victim under fifteen years of age shall run consecutively to any other sentence imposed on the defendant and to any undischarged term of imprisonment of the defendant.

##### **§ 13-1306. Unlawfully obtaining labor or services; classification**

- A. It is unlawful for a person to knowingly obtain the labor or services of another person by doing any of the following:
  - 1. Causing or threatening to cause bodily injury to that person or another person.
  - 2. Restraining or threatening to restrain that person or another person without lawful authority and against that person's will.

3. Withholding that person's governmental records, identifying information or other personal property.
- B. A person who violates this section is guilty of a class 4 felony.

## **Chapter 32. Prostitution**

### **§ 13-3203. Procuring or placing persons in house of prostitution classification**

A person who knowingly receives money or other valuable thing, for, or on account of, procuring or placing in a house of prostitution, or elsewhere, any person for the purpose of prostitution is guilty of a class 5 felony.

### **§ 13-3204. Receiving earnings of prostitute; classification**

A person who knowingly receives money or other valuable thing from the earnings of a person engage in prostitution, is guilty of a class 5 felony.

### **§ 13-3205. Causing spouse to become prostitute; classification**

A person who knowingly by force, fraud, intimidation or threats, causes his or her spouse to live in a house of prostitution or to lead a life of prostitution, is guilty of a class 5 felony.

### **§ 13-3206. Taking child for purpose of prostitution; classification**

A person who takes away any minor from the minor's father, mother, guardian or other person having the legal custody of the minor, for the purpose of prostitution, is guilty of a class 4 felony. If the minor is under fifteen years of age, taking a child for the purpose of prostitution is a class 2 felony and is punishable pursuant to section 13-705.

### **§ 13-3208. Keeping or residing in house of prostitution; employment in prostitution; classification**

- A. A person who knowingly is an employee at a house of prostitution or prostitution enterprise is guilty of a class 1 misdemeanor.
- B. A person who knowingly operates or maintains a house of prostitution or prostitution enterprise is guilty of a class 5 felony.

### **§ 13-3209. Pandering; methods; classification**

A person is guilty of a class 5 felony who knowingly:

1. Places any person in the charge or custody of any other person for purposes of prostitution.
2. Places any person in a house of prostitution with the intent that such person becomes a prostitute or engage in an act of prostitution
3. Compels, induces or encourages any person to reside with that person, or with any other person, for the purpose of prostitution
4. Compels, induces or encourages any person to become a prostitute or engage in an act of prostitution.

### **§ 13-3210. Transporting persons for purpose of prostitution or other immoral purpose; classification; venue**

A person knowingly transporting by any means of conveyance, through or across this state, any other person for the purposes of prostitution or concubinage, or for any other immoral purposes, is guilty of a class 5 felony. The prosecution of such person may be in any county in which such person is apprehended.

**§ 13-3212. Child prostitution; classification; increased punishment**

- A. A person commits child prostitution by knowingly:
1. Causing any minor to engage in prostitution.
  2. Using any minor for the purposes of prostitution.
  3. Permitting a minor who is under the person's custody or control to engage in prostitution.
  4. 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.
  5. Receiving any benefit pursuant to an agreement to participate in the proceeds of prostitution of a minor.
  6. Financing, managing, supervising, controlling or owning, either alone or in association with others, prostitution activity involving a minor.
  7. Transporting or financing the transportation of any minor with the intent that the minor engage in prostitution.
  8. Providing a means by which a minor engages in prostitution.
- B. A person who is at least eighteen years of age commits child prostitution by knowingly:
1. Engaging in prostitution with a minor who is under fifteen years of age.
  2. Engaging in prostitution with a minor who the person knows or should have known is fifteen, sixteen or seventeen years of age.
  3. Engaging in prostitution with a minor who is fifteen, sixteen or seventeen years of age.
- C. It is not a defense to a prosecution under subsection A and subsection B, paragraphs 1 and 2 of 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.
- D. Notwithstanding any other law, a sentence imposed on a person for a violation of subsection A or subsection B, paragraph 2 of this section involving a minor who is fifteen, sixteen or seventeen years of age shall be consecutive to any other sentence imposed on the person at any time.
- E. Child prostitution pursuant to subsection A of this section is a class 2 felony if the minor is under fifteen years of age and is punishable pursuant to section 13-705.
- F. Child prostitution pursuant to subsection B, paragraph 1 of this section is a class 2 felony and is punishable pursuant to section 13-705.
- G. If the minor is fifteen, sixteen or seventeen years of age, child prostitution pursuant to subsection A of this section is a class 2 felony, the person convicted shall be sentenced pursuant to this section and the person is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the sentence imposed by the court has been served or commuted. The presumptive term may be aggravated or mitigated within the range under this section pursuant to section 13-701, subsections C, D and E. The terms are as follows:

1. The term for a first offense is as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
10 years	13.5 years	24 years

2. The term for a defendant who has one historical prior felony conviction is as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
17 years	24 years	31 years

3. The term for a defendant who has two or more historical prior felony convictions is as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
24 years	31 years	38 years

H. If the minor is fifteen, sixteen or seventeen years of age, child prostitution pursuant to subsection B, paragraph 2 of this section is a class 2 felony, the person convicted shall be sentenced pursuant to this section and the person is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the sentence imposed by the court has been served or commuted. The presumptive term may be aggravated or mitigated within the range under this section pursuant to section 13-701, subsections C, D and E. The terms are as follows:

1. The term for a first offense is as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
7 years	10.5 years	21 years

2. The term for a defendant who has one historical prior felony conviction is as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
14 years	15.75 years	28 years

3. The term for a defendant who has two or more historical prior felony convictions is as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
21 years	28 years	35 years

I. Child prostitution pursuant to subsection B, paragraph 3 of this section is a class 6 felony. If the court sentences the person to a term of probation, the court shall order that as an initial term of probation the person be imprisoned in the county jail for not less than one hundred eighty consecutive days. This jail term shall commence on the date of sentencing. The court may suspend ninety days of the jail sentence if the person has not previously been convicted of a violation of this section, a violation of section 13-3214 or a violation of any city or town ordinance that prohibits prostitution and that has the same or substantially similar elements as section 13-3214 and the person successfully completes an appropriate court ordered education or treatment program.

J. This section does not preclude the state from alleging and proving any other sentencing enhancements as provided by law.

## Revised Statutes Annotated – Human Trafficking

### **Title 13. Criminal Code**

#### **Chapter 7. Sentencing and Imprisonment**

##### **§ 13-705. Dangerous crimes against children; sentences; definitions**

A. A person who is at least eighteen years of age and who is convicted of a dangerous crime against children in the first degree involving sexual assault of a minor who is twelve years of age or younger or sexual conduct with a minor who is twelve years of age or younger shall be sentenced to life imprisonment and is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the person has served thirty-five years or the sentence is commuted. This subsection does not apply to masturbatory contact.

B. Except as otherwise provided in this section, a person who is at least eighteen years of age or who has been tried as an adult and who is convicted of a dangerous crime against children in the first degree involving attempted first degree murder of a minor who is under twelve years of age, second degree murder of a minor who is under twelve years of age, sexual assault of a minor who is under twelve years of age, sexual conduct with a minor who is under twelve years of age or manufacturing methamphetamine under circumstances that cause physical injury to a minor who is under twelve years of age may be sentenced to life imprisonment and is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the person has served thirty-five years or the sentence is commuted. If a life sentence is not imposed pursuant to this subsection, the person shall be sentenced to a term of imprisonment as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
13 years	20 years	27 years

C. Except as otherwise provided in this section, a person who is at least eighteen years of age or who has been tried as an adult and who is convicted of a dangerous crime against children in the first degree involving attempted first degree murder of a minor who is twelve, thirteen or fourteen years of age, second degree murder of a minor who is twelve, thirteen or fourteen years of age, sexual assault of a minor who is twelve, thirteen or fourteen years of age, taking a child for the purpose of prostitution, child prostitution, sexual conduct with a minor who is twelve, thirteen or fourteen years of age, continuous sexual abuse of a child, sex trafficking of a minor who is under fifteen years of age or manufacturing methamphetamine under circumstances that cause physical injury to a minor who is twelve, thirteen or fourteen years of age or involving or using minors in drug offenses shall be sentenced to a term of imprisonment as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
13 years	20 years	27 years

A person who has been previously convicted of one predicate felony shall be sentenced to a term of imprisonment as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
23 years	30 years	37 years

D. Except as otherwise provided in this section, a person who is at least eighteen years of age or who has been tried as an adult and who is convicted of a dangerous crime against children in the first degree involving aggravated assault, unlawful mutilation, molestation of a child, commercial sexual exploitation of a minor, sexual exploitation of a minor, aggravated luring a

minor for sexual exploitation, child abuse or kidnapping shall be sentenced to a term of imprisonment as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
10 years	17 years	24 years

A person who has been previously convicted of one predicate felony shall be sentenced to a term of imprisonment as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
21 years	28 years	35 years

E. Except as otherwise provided in this section, if a person is at least eighteen years of age or has been tried as an adult and is convicted of a dangerous crime against children involving luring a minor for sexual exploitation or unlawful age misrepresentation and is sentenced to a term of imprisonment, the term of imprisonment is as follows and the person is not eligible for release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the sentence imposed by the court has been served, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
5 years	10 years	15 years

A person who has been previously convicted of one predicate felony shall be sentenced to a term of imprisonment as follows and the person is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the sentence imposed by the court has been served, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
8 years	15 years	22 years

F. Except as otherwise provided in this section, if a person is at least eighteen years of age or has been tried as an adult and is convicted of a dangerous crime against children involving sexual abuse or bestiality under section 13-1411, subsection A, paragraph 2 and is sentenced to a term of imprisonment, the term of imprisonment is as follows and the person is not eligible for release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the sentence imposed by the court has been served, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
2.5 years	5 years	7.5 years

A person who has been previously convicted of one predicate felony shall be sentenced to a term of imprisonment as follows and the person is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the sentence imposed by the court has been served, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
8 years	15 years	22 years

G. The presumptive sentences prescribed in subsections B, C and D of this section or subsections E and F of this section if the person has previously been convicted of a predicate felony may be increased or decreased pursuant to section 13-701, subsections C, D and E.

H. Except as provided in subsection F of this section, a person who is sentenced for a dangerous crime against children in the first degree pursuant to this section is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically



authorized by section 31-233, subsection A or B until the sentence imposed by the court has been served or commuted.

I. A person who is convicted of any dangerous crime against children in the first degree pursuant to subsection C or D of this section and who has been previously convicted of two or more predicate felonies shall be sentenced to life imprisonment and is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the person has served not fewer than thirty-five years or the sentence is commuted.

J. Notwithstanding chapter 10 of this title, a person who is at least eighteen years of age or who has been tried as an adult and who is convicted of a dangerous crime against children in the second degree pursuant to subsection B, C or D of this section is guilty of a class 3 felony and if the person is not eligible for release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the person has served the sentence imposed by the court, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
5 years	10 years	15 years

K. A person who is convicted of any dangerous crime against children in the second degree and who has been previously convicted of one or more predicate felonies is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the sentence imposed by the court has been served, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted.

L. Section 13-704, subsection J and section 13-707, subsection B apply to the determination of prior convictions.

M. The sentence imposed on a person by the court for a dangerous crime against children under subsection D of this section involving child molestation or sexual abuse pursuant to subsection F of this section may be served concurrently with other sentences if the offense involved only one victim. The sentence imposed on a person for any other dangerous crime against children in the first or second degree shall be consecutive to any other sentence imposed on the person at any time, including child molestation and sexual abuse of the same victim.

N. In this section, for purposes of punishment an unborn child shall be treated like a minor who is under twelve years of age.

O. A dangerous crime against children is in the first degree if it is a completed offense and is in the second degree if it is a preparatory offense, except attempted first degree murder is a dangerous crime against children in the first degree.

P. For the purposes of this section:

1. "Dangerous crime against children" means any of the following that is committed against a minor who is under fifteen years of age:

- (a) Second degree murder.
- (b) Aggravated assault resulting in serious physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument.
- (c) Sexual assault.
- (d) Molestation of a child.
- (e) Sexual conduct with a minor.

- (f) Commercial sexual exploitation of a minor.
  - (g) Sexual exploitation of a minor.
  - (h) Child abuse as prescribed in section 13-3623, subsection A, paragraph 1.
  - (i) Kidnapping
  - (j) Sexual abuse.
  - (k) Taking a child for the purpose of prostitution as prescribed in section 13-3206.
  - (l) Child prostitution as prescribed in section 13-3212.
  - (m) Involving or using minors in drug offenses.
  - (n) Continuous sexual abuse of a child.
  - (o) Attempted first degree murder.
  - (p) Sex trafficking.
  - (q) Manufacturing methamphetamine under circumstances that cause physical injury to a minor.
  - (r) Bestiality as prescribed in section 13-1411, subsection A, paragraph 2.
  - (t) Aggravated luring a minor for sexual exploitation.
  - (u) Unlawful age misrepresentation.
  - (v) Unlawful mutilation.
2. "Predicate felony" means any felony involving child abuse pursuant to section 13-3623, subsection A, paragraph 1, a sexual offense, conduct involving the intentional or knowing infliction of serious physical injury or the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument, or a dangerous crime against children in the first or second degree.

#### **§ 13-715. Special sentencing provisions; human smuggling organization**

A person who is convicted of committing any felony offense with the intent to promote, further or assist a human smuggling organization that operates for the goal or purpose of human trafficking or human smuggling shall not be eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as authorized by § 31-233, subsection A or B until the sentence imposed by the court has been served, the person is eligible for release pursuant to § 41-1604.07 or the sentence is commuted. The presumptive, minimum and maximum sentence for the offense shall be increased by three years if the offense is a class 4, 5 or 6 felony or shall be increased by five years if the offense is a class 2 or 3 felony. The additional sentence imposed pursuant to this section is in addition to any enhanced sentence that may be applicable.

### **Chapter 13. Kidnapping And Related Offenses**

#### **§ 13-1307. Sex trafficking; classification; definitions**

- A. It is unlawful for a person to knowingly traffic another person who is eighteen years of age or older with either of the following:
- 1. The intent to cause the other person to engage in any prostitution or sexually explicit performance by deception, force or coercion.
  - 2. The knowledge that the other person will engage in any prostitution or sexually explicit performance by deception, coercion or force.
- B. It is unlawful for a person to traffic another person who is under eighteen years of age with either of the following:

1. The intent to cause the other person to engage in any prostitution or sexually explicit performance.
  2. The knowledge that the other person will engage in any prostitution or sexually explicit performance.
- C. Notwithstanding any other law, a sentence imposed on a person for a violation of subsection B of this section shall be consecutive to any other sentence imposed on the person at any time.
- D. A person who violates this section is guilty of a class 2 felony, except that if the offense is committed against a person who is under fifteen years of age, the offense is a dangerous crime against children punishable pursuant to section 13-705.
- E. For the purposes of this section:
1. "Coercion" includes:
    - (a) Abusing or threatening to abuse the law or the legal system.
    - (b) 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.
    - (c) Extortion.
    - (d) Causing or threatening to cause financial harm to any person.
    - (e) Facilitating or controlling another person's access to a controlled substance.
  2. "Force" includes causing or threatening to cause serious harm to another person or physically restraining or threatening to physically restrain another person.
  3. "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.
  4. "Traffic" means to entice, recruit, harbor, provide, transport or otherwise obtain another person.

**§ 13-1308. Trafficking of persons for forced labor or services; classification; definitions**

- A. It is unlawful for a person to either:
1. Knowingly traffic another person with the intent to or knowledge that the other person will be subject to forced labor or services.
  2. Knowingly benefit, financially or by receiving anything of value, from participation in a venture that has engaged in an act in violation of section 13-1306, section 13-1307 or this section.
- B. A violation of this section is a class 2 felony.
- C. For the purposes of this section:
1. "Forced labor or services":
    - (a) Means labor or services that are performed or proved by another person and that are obtained through a person's either:
      - (i) Causing or threatening to cause serious physical injury to any person.
      - (ii) Restraining or threatening to physically restrain another person
      - (iii) 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.
      - (iv) Abusing or threatening to abuse the law or the legal system.
      - (v) Extortion.
      - (vi) Causing or threatening to cause financial harm to any person.

- (vii) Facilitating or controlling another person's access to a controlled substance.
  - (b) Does not include ordinary household chores and reasonably disciplinary measures between a parent or legal guardian and the parent's or legal guardian's child.
- 2. "Traffic" means to entice, recruit, harbor, provide, transport, or otherwise obtain another person by deception, coercion, or force.

### **§ 13-1309. Restitution**

The court shall order restitution for any violation of section 13-1306, 13-1307, or 13-1308, including the greater of either the gross income or value to the defendant of the victim's labor or services or the value of the victim's labor as guaranteed under the minimum wage and overtime provisions of the fair labor standards act of 1938 (52 Stat. 1060; 29 United States Code sections 201 through 219).

## **Chapter 23. Organized Crime, Fraud and Terrorism**

### **§ 13-2319. Smuggling; classification; definitions**

- A. It is unlawful for a person to intentionally engage in the smuggling of human beings for profit or commercial purpose.
- B. A violation of this section is a class 4 felony.
- C. Notwithstanding subsection B of this section, a violation of this section:
  - 1. Is a class 2 felony if the human being who is smuggled is under eighteen years of age and is not accompanied by a family member over eighteen years of age or the offense involved the use of a deadly weapon or dangerous instrument.
  - 2. Is a class 3 felony if the offense involves the use or threatened use of deadly physical force and the person is not eligible for suspension of sentence, probation, pardon or release from confinement on any other basis except pursuant to §31-233, subsection A or B until the sentence imposed by the court is served, the person is eligible for release pursuant to §41-1604.07 or the sentence is commuted.
- D. Chapter 10 of this title does not apply to a violation of subsection C, paragraph 1 of this section.
- E. Notwithstanding any other law, in the enforcement of this section a peace officer may lawfully stop any person who is operating a motor vehicle if the officer has reasonable suspicion to believe the person is in violation of any civil traffic law.
- F. For the purposes of this section:
  - 1. "Family member" means the person's parent, grandparent, sibling or any other person who is related to the person by consanguinity or affinity to the second degree.
  - 2. "Procurement of transportation" means any participation in or facilitation of transportation and includes:
    - (a) Providing services that facilitate transportation including travel arrangement services or money transmission services.
    - (b) Providing property that facilitates transportation, including a weapon, a vehicle or other means of transportation or false identification, or selling, leasing, renting or otherwise making available a drop house as defined in section 13-2322.

3. "Smuggling of human beings" means the transportation, procurement of transportation or use of property or real property by a person or an entity that knows or has reason to know that the person or persons transported or to be transported are not United States citizens, permanent resident aliens or persons otherwise lawfully in this state or have attempted to enter, entered or remained in the United States in violation of law.

**§ 13-2323. Participating in or assisting a human smuggling organization; classification**

- A. A person commits participating in a human smuggling organization by any of the following:
  - 1. Intentionally organizing, managing, directing, supervising or financing a human smuggling organization with the intent to promote or further the criminal objectives of the human smuggling organization.
  - 2. Knowingly directing or instructing others to engage in violence or intimidation to promote or further the criminal objectives of a human smuggling organization.
  - 3. Furnishing advice or direction in the conduct, financing or management of a human smuggling organization's affairs with the intent to promote or further the criminal objectives of a human smuggling organization.
  - 4. Intentionally promoting or furthering the criminal objectives of a human smuggling organization by inducing or committing any act or omission by a public servant in violation of the public servant's official duty.
- B. A person commits assisting a human smuggling organization by committing any felony offense, whether completed or preparatory, at the direction of or in association with any human smuggling organization.
- C. Participating in a human smuggling organization is a class 2 felony.
- D. Assisting a human smuggling organization is a class 3 felony.

**Chapter 32. Prostitution**

**§ 13-3210: Transporting persons for purpose of prostitution or other immoral purpose; classification; venue**

A person knowingly transporting by any means of conveyance, through or across this state, any other person for the purposes of prostitution or concubinage, or for any other immoral purposes, is guilty of a class 5 felony. The prosecution of such person may be in any county in which such person is apprehended.

# Chandler Code of Ordinances

## **Part III. Public Safety**

### **Chapter 19. Escort and Introductory Services**

#### **19-5. Escorts, permit required**

19-5.2 *Manifesting an attempt to commit prostitution.* It shall be unlawful for any person to engage in any activities, which would lead a reasonable person to believe that the other is intending to commit an act of prostitution.

The following acts serve as inferences of this code:

- Is a known prostitute.

- Touches or gropes Undercover Officer or witness.

- Engages in conversation to establish if customer is a Law Enforcement Officer.

- Engages in conversation, which leads a person to believe that he or she will perform sexual services for "tips" (gratuity).

- Admits to working or dating.

- Any acts articulated by a peace officer showing the attempt to commit a prostitution act, such as location, mannerism, attire and actions.

## Cochise County Code of Ordinances

Cochise County Code of Ordinances does not contain provisions on solicitation or human trafficking, thus they rely on the state of Arizona's statutes.

## Glendale Code of Ordinances

Glendale Code of Ordinances does not contain specific provisions on prostitution or human trafficking laws for those who purchase sex. Thus, Arizona state law would be followed. Glendale does have laws regarding business licenses for sex related businesses to help control human trafficking.



## Mesa Municipal Code

Mesa's Municipal Code does not contain provisions relating to solicitation of prostitution and human trafficking. However, Ordinance 5367 was passed and adopted January 9, 2017, which regulates escort services in Mesa City. The state purpose and intent of the ordinance is to regulate the escort industry: (1) for the protection of the public from criminal activity (such as prostitution, assault, sex trafficking of adults and children and human trafficking) and health risks through the spread of sexually transmitted diseases; and (2) for the preservation of the peace and welfare of the community.

# Phoenix City Code

## **Article IV. Offenses Involving Morals**

### **Chapter 23. Morals and Conduct**

#### **Division 1. Prostitution and Fornication**

##### **§ 23-52. Prostitution, soliciting an act of prostitution and related offenses**

- A. A person is guilty of a misdemeanor who:
1. Offers to, agrees to, or commits an act of prostitution;
  2. Solicits or hires another person to commit an act of prostitution;
  3. Is in a public place, a place open to public view or in a motor vehicle on a public roadway and manifests an intent to commit or solicit an act of prostitution. Among the circumstances that may be considered in determining whether such an intent is manifested are: that the person repeatedly beckons to, stops or attempts to stop or engage passersby in conversation or repeatedly, stops or attempts to stop, motor vehicle operators by hailing, waiving of arms or any other bodily gesture; that the person inquires whether a potential patron, procurer or prostitute is a police officer or searches for articles that would identify a police officer; or that the person requests the touching or exposure of genitals or female breast;
  4. Aids or abets the commission of any of the acts prohibited by this Section.
- B. *Definitions.*
1. *Prostitution* is the act of performing sexual activity for hire by a male or female person.
  2. *Sexual activity* means vaginal or anal intercourse, fellatio, cunnilingus, analingus, masturbation, sodomy or bestiality.
- C. *Penalty. \*I*
1. A person convicted of a violation of subsection (A)(1) of this section is guilty of a Class 1 misdemeanor, punishable: *\*I*
  2. A person convicted of a violation of subsection (A)(2) of this section is guilty of a Class 1 misdemeanor, punishable: +1
    - a. Upon a first conviction, by imprisonment for a term of not less than 15 consecutive days and, in the discretion of the Court, a fine not to exceed the maximum amount allowable under a Class 1 misdemeanor. *\*I*
    - b. Upon a second conviction, by imprisonment for a term of not less than 30 consecutive days and, in the discretion of the Court, a fine not to exceed the maximum amount allowable under a Class 1 misdemeanor. *\*I*
    - c. Upon a third conviction, by imprisonment for a term of not less than 60 consecutive days, completion of an appropriate Court ordered education or treatment program and, in the discretion of the Court, a fine not to exceed the maximum amount allowable under a Class 1 misdemeanor. *\*I*
    - d. Upon a fourth or subsequent conviction, by imprisonment for a term of not less than 180 consecutive days, completion of an appropriate Court ordered education or treatment program unless previously ordered to complete an education or treatment program pursuant to this section and, in the discretion of the Court, a fine not to exceed the maximum amount allowable under a Class 1 misdemeanor. *\*I*
  3. A person who is ordered to complete an appropriate Court ordered education or treatment program under subsection (C)(2) of this section shall pay the cost of the program. +1

4. The Court ordered education or treatment program shall report to the Court whether the person has attended the program and has successfully completed the program. +1
5. Notwithstanding subsections (C)(1) and (C)(2) of this section, a person convicted of violating subsection (A)(1) or (A)(2) of this section with a person under the age of 18 years is punishable by imprisonment for a term of not less than 180 consecutive days, and in the discretion of the court, a fine not to exceed \$2,500.00. Notwithstanding subsection (C)(6) of this section, if a person sentenced under this subsection (C)(5) has not previously been convicted of a violation of subsection (A)(1) or (A)(2) of this section with a person under 18, the Court may suspend 90 days of the minimum sentence upon successful completion of an appropriate Court ordered education or treatment program. This subsection (C)(5) does not apply to subsection (C)(1)(d) or (C)(2)(d) of this section. \*1
6. In no case shall a person convicted of a violation of subsection A of this section be eligible for suspension or commutation of a sentence or work furlough or release on any basis until the minimum mandatory term of imprisonment imposed by the Court has been served. If a person convicted of a violation of subsection A of this section is placed on probation, such probation shall include a condition that the minimum mandatory consecutive term of imprisonment be served and that the person is not eligible for commutation of a sentence or work furlough or release on any basis or termination of probation until after the minimum mandatory consecutive term of imprisonment has been served. In all cases in which a person is convicted of a violation of subsection A of this section, the Court, in the order of commitment, shall set forth a specific release date and shall prohibit any double time allowance in conformance with the sentencing requirements of this section. \*1
7. Notwithstanding any provision of law to the contrary, the Court may suspend the requirement that the minimum term of imprisonment imposed under this subsection be served on consecutive days, if the Court finds that imprisonment for the prescribed term of consecutive days would endanger the health of the prisoner. Nothing in this subsection (C)(7) shall be deemed to authorize the Court to impose less than the minimum term of imprisonment prescribed by subsections (C)(1) and (C)(2) of this section. \*1
8. For purposes of this section, a previous violation of any State law or City or town ordinance that prohibits prostitution and that has the same or substantially similar elements as this section shall be deemed to be a previous violation of this section. \*1

### **§ 23-53. Prostitutes - Solicitation.**

Any prostitute, or other person soliciting for a prostitute or for a place of prostitution, or any male person who is an habitu   of a place of prostitution or who shall solicit persons to visit or patronize a prostitute or place of prostitution or make such solicitation upon the streets or in any public place in the City shall be guilty of a misdemeanor.

### **§23-55. Impoundment of vehicles used for purposes of prostitution**

- A. A motor vehicle used to transport a person for the purpose of soliciting or engaging in an act of prostitution constitutes a nuisance and is subject to impoundment for a period of thirty days.
- B. A Peace Officer may cause the removal and either immobilization or impoundment of a vehicle if the Peace Officer determines that the motor vehicle was used to transport a person for the purpose of soliciting or engaging in an act of prostitution.

- C. This Section shall apply if a person is arrested for a violation of Section 23-52(A)(1) or (A)(2) or Section 13-3214, Arizona Revised Statutes, and was transported to the scene of the violation in a motor vehicle.
- D. Except as provided in Section 23-56, the registered owner or lessee of a vehicle impounded under this Section is responsible for the towing and storage charges of the impoundment in amounts as set forth in the applicable current tow service contract between the City and the tow contractor providing the tow service and any administrative charges established pursuant to Section 23-56.02.

#### **§23-56.02. Administrative charges**

- A. The Police Department shall establish procedures consistent with Sections 23-55 through 23-56.01 for an immobilization or poststorage hearing, for the release of property and immobilized or impounded vehicles and for imposition of a charge for administrative costs relating to the removal, immobilization, impoundment, storage or release of a vehicle that reflects actual costs, but not to exceed one hundred fifty dollars.
- B. The Police Department shall collect any administrative charges at the time of the release of the vehicle unless the vehicle is stolen and the theft was reported to the appropriate law enforcement agency or if the vehicle was subject to bailment.
- C. The administrative charges established pursuant to this Section are in addition to any other immobilization, impoundment or storage charges.

### **Division 3. Miscellaneous Sex Offenses**

#### **§ 23-62 Molesting children**

It shall be unlawful for any person in the City of the age of eighteen years and upwards to take, or attempt to take, any immoral, improper or indecent liberties with any child of either sex, under the age of fifteen years, with the intent of arousing, appealing to or gratifying the lust or passions or sexual desires, either of such person or of such child, or of both such person and such child, or to commit, or attempt to commit, any lewd or lascivious act upon or with the body, or any part or member thereof, of such child, with the intent of arousing, appealing to or gratifying the lust or passions or sexual desires, either of such person or of such child, or of both such person and such child, or to take any such child or to entice, allure or persuade any such child, to any place whatever for the purpose either of taking any such immoral, improper or indecent liberties with such child, with such intent, or of committing any such lewd, or lascivious act upon or with the body, or any part or member thereof, of such child with such intent.

### **Division 4. Indecent Conduct**

#### **§ 23-65 Public sexual activity**

- A. Any person who solicits, aids, offers or agrees to commit or does commit any sexual activity in any public place or in any place open to public view is guilty of a misdemeanor.
- B. Sexual activity includes but is not limited to vaginal or anal intercourse, fellatio, cunnilingus, anilingus, masturbation, sodomy, bestiality or the fondling or touching of one person's clothed or unclothed genital area by another.

## Scottsdale Municipal Code

### **§ 19-5. - Prostitution—Generally**

(a) The following definitions apply to this section:

(1) *Prostitution* means the act of performing sexual activity for hire by a male or female person.

(2) *Sexual activity* means vaginal or anal intercourse, fellatio, cunnilingus, anilingus, masturbation, sodomy or bestiality.

(b) A person is guilty of a misdemeanor who:

(1) Offers to, agrees to, or commits an act of prostitution; or

(2) Solicits or hires another person to commit an act of prostitution.

(c) A violation of this section is a misdemeanor. A minimum term of imprisonment shall be imposed upon a person convicted of violating this section in accordance with the following:

(1) For the first conviction, ten (10) days.

(2) For a second conviction, thirty (30) days.

(3) For a third conviction, sixty (60) days.

(4) For a fourth or subsequent conviction, one hundred eighty (180) days.

In no case shall a person be eligible for suspension or commutation of a sentence unless such person is placed on probation with the condition that the minimum mandatory term of imprisonment be served.

# Tempe Municipal Code

## **Chapter 22 - Offenses - Miscellaneous**

### **Article I. In General**

#### **§ 22-1. Prostitution; solicitation of prostitution**

- (a) No person shall use or occupy any room in any hotel, roominghouse, dwelling house, tenement or other building whatever for the purpose of prostitution.
- (b) A person is guilty of a misdemeanor who:
  - (1) Offers to, agrees to, attempts to commit, or commits an act of prostitution;
  - (2) Solicits or hires another person to commit an act of prostitution;
  - (3) Is in a public place or place open to public view and by word, sign or action manifests an intent to commit an act of prostitution; or
  - (4) Aids or abets the commission of any of the acts prohibited by this section.
- (c) The following definitions shall apply to subsections (a) and (b):
  - (1) *Prostitution* means the act of performing sexual activity for hire by a male or female person.
  - (2) *Sexual activity* means vaginal or anal intercourse, oral-genital or oral-anal contact, masturbation, sodomy or bestiality.

## Laws in Practice

### **Chandler Police Department**

While prostitution and trafficking are not widespread in Chandler, cases have occurred. Chandler Police Department has responded with reverse and web based stings. After arrests are made and charges brought, Chandler PD also releases the John's identity to the public. Chandler Police Department joined the eighth annual National Day of Johns Arrest sting operation conducted in July, 2014.

### **Cochise County Attorney's Office**

The Cochise County Attorney's Office partnered with the Cook County Sheriff's Office in 2017 and participated in the 13<sup>th</sup> National Johns Suppression Initiative. One sex buyer was arrested.

### **Glendale Police Department**

Glendale is a city of 227,000 in Maricopa County, northwest of Phoenix, Arizona. In 2003, a "countywide" reverse sting by the Maricopa County Sheriff's Office resulted in the arrest of several sex buyers in Glendale. More recently, a June 2014 reversal intercepted 24 johns. The identities of the arrestees, as well as the details of the operation itself, were not released to the public.

In 2015, the Glendale Police Department made 49 arrests for human sex trafficking between Jan. 20 and Feb. 1 while the NFL Pro Bowl and Super Bowl XLIX were in town. In those two weeks, Detective Adam Ponton with the Special Investigations Unit estimated that thousands of ads for prostitutes were posted in the Phoenix Metro area. The Special Investigations Unit set up an operation at a hotel in Glendale, where they worked to identify and arrest sex traffickers, prostitutes, and sex buyers, and rescue sex traffic victims. Sgt. Dave Kulaga said female detectives posted ads posing as prostitutes on the most common site for buying and selling sex, Backpage.com, and lured in potential sex buyers. During that time, Kulaga said the Special Investigations Unit contacted more than 1,200 potential sex buyers, 350 potential victims, and arrested 49 people, seven with felony charges.

### **Mesa Police Department**

Among the problems associated with local prostitution in Mesa, there have been serial killing and serial rapes targeting prostituted women. In 2011, a man was found guilty of raping two prostituted women, and murdering two others. In addition, there have been at least two documented cases of child sex trafficking in Mesa.

In 1982, in an effort to combat the demand for prostitution and sex trafficking the Mesa Police Department began conducting reverse stings. Additionally, the Mesa Police Department conducts web stings and issues SOAP (Stay Out of Areas of Prostitution) orders, which bars the individuals from entering areas in the city that are known for prostitution. Between 2003-2010, the Mesa Police conducted reverse stings in the city's massage parlors arresting men after they offered the decoy money for sexual services. More recently, in May 2014, four men were arrested by the Mesa Police Department during Operation Grey Street, a sting designed to target the sexual exploitation of underage females. Mesa Police Department joined the eighth annual National Day of Johns Arrest sting operation conducted in July, 2014.

### **Phoenix Police Department**

The Phoenix Police Department recognizes the serious consequences of prostitution for the community as well as the presence of sexual slavery and sex trafficking locally. PPD was compelled to combat reform due to several incidents in the city including a discovery in 2005 of a 15-year-old girl who had been kept locked inside a dog crate by her pimp. Eight years later, in June 2013, a 15-year-old girl was recruited and sex trafficked by a pimp using online ads for prostitution.

For their part, Phoenix police have engaged in an aggressive and multi-pronged approach to curtail commercial sex sales in the city. Officers have conducted frequent and large-scale street-level reverse stings since the mid-1980s; operations typically employ one or more undercover female officers, who pose as decoys along one of the city's major thoroughfares. As men attempt to purchase sex from the women, they are intercepted by police. If a john solicited the officer from a vehicle, he may have his car seized and impounded for 30 days. He may also be issued SOAP (or "Stay Out of Areas of Prostitution") orders, barring him from reentering areas of the city known for commercial sex sales.

While their policy may be stringent, Phoenix law enforcement also offers alternatives for first time offenders. As of 2005, those without a prior record may enroll in a "john school" program. The eight hour course, which costs \$827, in addition to \$600 for towing and vehicle impound fees. The program is led by Catholic Charities, and includes presentations from vice investigators, health care workers, community representatives, psychologists, and former prostituted women. In exchange for attending, the men may have their cases dismissed and avoid jail time. Since its inception, roughly 1,000 johns have enrolled in and completed the course according to statistics from 2011.

In recent years, the PPD has reported an increase in listings for sexual services on websites like Craigslist through about 2010, and more recently, Backpage.com and other sites dedicated to sexual commerce (e.g., World Sex Guide, Erotic Review). To address the issue, officers and detectives have implemented surveillance checks of sites suspected of illegal activity, and have conducted several long-term web stings. One such investigation, undertaken in early 2011, targeted johns looking to purchase sex from a minor online. Officers posed an underage prostituted girl; as they received replies, they arranged to meet the men at a local hotel. Eight johns were arrested as a result. As a warning to other would-be johns attempting to prey on underage girls, police released the men's names and other identifying information to the media. As per department policy, the list of arrestees was also posted to the PPD's official website.

### **Scottsdale Police Department**

As in Glendale, Scottsdale has experienced sex trafficking through massage parlors opened in private homes. In October of 2015 the Arizona AG's office led three raids on these massage parlors that resulted in numerous arrests. After this raid it was determined that many of these massage parlors were linked to China and particular provinces in China that are known for criminal activity. Part of SPD practice includes releasing the names of those arrested for promoting prostitution.



To further combat human trafficking the SPD has also partnered with local cities such as Phoenix and Glendale. However, more recently SPD joined the National Day of Johns Arrest, led by the Cook County Sheriff's Office.

### **Tempe Police Department**

Tempe has experienced problems with prostitution and domestic minor sex trafficking. One of the problems associated with sex trafficking in Tempe is the assault and murder of prostituted women. In 2011, a man was arrested for murdering his prostituted "girlfriend."

To combat prostitution and sex trafficking the Tempe Police Department conducts reverse stings, web stings and shaming. The Tempe Police Department has conducted at least four street level reverse stings. In 2003, seven sex buyers were arrested and their names and other identifying information was released to the public. More recently, in July, 2014, 16 men were arrested by the Tempe Police Department during a prostitution sting at a local hotel. Tempe Police Department joined the eighth annual National Day of Johns Arrest sting operation conducted in July, 2014.

## Victim Services

### **Arizona Department of Public Safety**

The Arizona Department of Public Safety's Crime Victim Services Unit administers Victims of Crime Act (VOCA) Assistance funds. Arizona Department of Public safety has the goal of providing victims with technical assistance, training opportunities, and care.

#### *Advocacy Center:*

Amberly's Place is a non-profit victims center which provides bilingual services to victims of domestic violence, elder abuse, adult sexual assault, & child physical/sexual abuse. Crisis advocates support victims through help of reporting the crime, responding 24/7, on-scene or at the victim-friendly center. Amberly's has 5 on-call medical staff and 3 full-time victim advocates. Services include on-scene and hotline crisis counseling, criminal justice support/advocacy, follow-up contact, referrals, assistance in filing compensation claims, emergency legal and personal advocacy, and referral for therapy.

The Glendale Family Advocacy Center (GFAC) provides services to crime victims. The "one-stop" center is a partnership between the Glendale Police Department, A New Leaf, Child Protective Services, Scottsdale Health Care, Phoenix Children's Hospital and the Maricopa County Attorney's Office. GFAC has facilities for forensic interviews, medical examinations, and counseling. GFAC is designed for victims of violence, child abuse and sexual related crimes.

### **The Arizona League to End Regional Trafficking (ALERT) Located in Phoenix**

ALERT partners with law enforcement, faith-based communities, non-profit organizations, social service agencies, attorneys and citizens. ALERT helps victims of trafficking by providing: food and shelter; medical care; mental health counseling; immigration assistance; legal assistance; language interpretation; case management; and other appropriate services throughout the state of Arizona. Through education, outreach, community training, advocacy and a variety of programs and services, ALERT strives to end the suffering and dehumanization of victims of human trafficking.

The International Rescue Committee's Anti-Trafficking Programs serve victims and survivors of human trafficking by providing access to protection, empowerment, stability, and self-sufficiency through comprehensive case management, advocacy, education, collaboration, and capacity building. For help, contact the 24-hour hotline at 1-888-60-ALERT (888-602-5378).

### **Catholic Charities Community Services of Arizona**

Catholic Charities DIGNITY Diversion programs offer those arrested for prostitution or solicitation the opportunity to avoid jail time. Offenders attend intense education to divert them from re-offending.

#### *Prostituted Individuals*

Run in conjunction with the City of Phoenix Prosecutor's Office, the program provides 36 hours of self exploration and education to develop self esteem. Participants receive rehabilitation services including support, education, and treatment to help them escape prostitution. Job placement assistance is also provided. Those who complete the program have

their charges dismissed. 89 percent of those who completed the Catholic Charities DIGNITY Diversion program did not re-offend.

#### *Solicitors*

Run in conjunction with the City of Phoenix Prosecutor's Office, our John School program gives those who have been arrested for soliciting a realistic view of the damage they cause. The goal is to have men realize that prostitution is not a victimless crime and that when they solicit, they are perpetuating the abuse and control of sex trafficked individuals.

Johns School is a one-time option for men arrested for solicitation. By completing the eight-hour class, the men's cases are dismissed and they avoid jail time. During the eight-hour class the "johns" get an education from vice investigators, health care workers, community representatives and psychologists. Former prostitutes also share their stories.

DIGNITY House offers sex trafficked women an intensive year-long recovery program that includes emotional support, counseling, addiction recovery, education, life-skills building and job placement assistance to help them live an independent life free of prostitution. An additional a year of support services and housing is offered to successful graduates of DIGNITY House through our transition program.

To reach any of the domestic violence staff regarding services, donations or volunteering, please call 480.821.1024 or email [helpmsp@cc-az.org](mailto:helpmsp@cc-az.org).

#### **The City of Phoenix Prosecutor's Office**

The City of Phoenix police department website contains a link to the prosecutor's office for victim's services. The Victim's Services site offers aid in several areas, including:

1. Understanding the criminal process to increase one's level of confidence with the Phoenix justice system
2. Filing victim's notice paperwork
3. Requesting restitution information and filing restitution requests

Each case the Phoenix Prosecutor's Office's Victim Services Unit acquires gets assigned to a victim advocate. To reach an advocate, visitors to the cite are urged to call 602-261-8192. Victim advocates provide a plethora of aid to victims, including:

1. Explain the judicial system
2. Act as a link between prosecutors and victims
3. Advise as to the current status of the case
4. Make referrals for counseling, shelter, food, etc.
5. Answer questions regarding the pretrial, trial, sentencing and appeal process
6. Escort victims while they testify
7. Assist in obtaining Orders of Protection or injunctions Against Harassment
8. Provide a safe, private area where victims can wait before and after testifying
9. Provide referrals to other social service agencies that offer financial supportive services

There was no specific mention of services available for victims of prostitution or human trafficking. Searches made on their website regarding this topic failed to produce results.

#### **Maricopa County Attorney's Office**

Maricopa County's Attorney's Office also offered victim services. Much like the Phoenix Prosecutor's Office, Maricopa County Attorney's Office offers victims the same services: victim notification, restitution, and compensation. They too provide victim advocates for each case they receive and child advocates as well.

While they specifically provide aid for victims of domestic abuse, there is so specific aid mentioned for victims of prostitution and human trafficking. Similarly, searches on their site on these types of aid yielded no results.

### **Mesa Police Department**

The Mesa Police Department Victim Services Unit is comprised of three components:

1. **Victim Notification** -- personnel are responsible for contacting victims of misdemeanor arrests to provide information regarding the arrest, Initial Appearance Court, releases, release conditions and the transfer of defendants to county jail facilities. Victim Notification personnel also provide victims with contact numbers for the appropriate prosecutorial agency according to the disposition of their cases.
2. **Victim Assistance Program** -- volunteers in this program are responsible for the provision of 24 hour on-scene crisis response at the request of sworn personnel. All volunteers receive 30-40 hours of training on crisis intervention topics, in addition to on-going monthly training. Following on-scene crisis response, volunteers routinely refer victims/survivors/witnesses to appropriate advocates in an effort to ensure continuity of services.
3. **Victim Services** -- personnel are responsible for providing services to victims of multiple crimes inclusive of survivors of homicide, aggravated assault, robbery, child abuse, sexual assault, domestic violence, burglary, assaults, threats, and harassment. Service provision occurs through: 1) pairing of victim advocates with detectives for field contact with victims; 2) in-person contact with victims brought to the Mesa Family Advocacy Center; and 3) phone contact with victims of non-critical cases. Service provision includes crisis intervention, education regarding Victims' Rights and the criminal justice process, assistance with Victim Compensation applications, assistance with Orders of Protection, referrals to community resources, and transfer of advocacy to prosecutorial agencies.

### **Phoenix Dream Center**

The Phoenix Dream Center is a non-profit organization founded in 2006. The organization serves homeless, low-income, at risk youth and struggling individuals and families by providing resources, opportunities and supportive services to help them realize their dream of living a self-sufficient life. The Dream Center currently serves over 40,000 individuals a month.

The Phoenix Dream Center offers Young Women Crisis Programs and The Hope Wing program to service survivors of sexual exploitation. The Hope Wing program addresses the specific needs faced by female victims of the growing sexual exploitation industry, which includes sexually based acts by Force, Fraud or Coercion and can include forced rape or sexual acts, involuntary sexual acts for food or shelter and forced prostitution. The program offers women safe refuge and specialized counseling. The Hope Wing program is designed to meet all the needs of these survivors through Christian spiritual guidance, education, counseling, and legal aid. Additionally, the program provides clothing, healthcare, meals, and shelter in a loving, safe and supportive environment at undisclosed locations. The goal of the program is that upon leaving The Hope Wing every woman will be equipped to live a healthy independent life.

This fall the Phoenix Dream Center will open an outreach facility in Mesa. The facility will be aimed at girls ages 12 to 16 who are the most statistically prone to a life of prostitution.

For more information contact Phoenix Dream Center Sexual Exploitation Program at 602.346.8786 or visit their website at <http://www.phxdreamcenter.org/home>.

### **Scottsdale Victim Services Department**

The Victim Services Department provides legally mandated victim notification services as well as professional level victim advocacy to misdemeanor crime victims in the City of Scottsdale.

- Services Offered:
- Provide information to victims regarding rights and invocation.
- Educate victims on the procedures of the criminal justice system.
- Update victims with timely case status information.
- Escort victims to court upon request.
- Act as a liaison between the victim and prosecutor.
- Assist victims in filing requests for Orders of Protection or Injunctions Against Harassment.
- Refer victims to community agencies for assistance.
- Offer domestic violence advocacy services and safety planning.

Resources:

- The Arizona Victim's Bill of Rights passed by voters in 1990, made Arizona the first state to have a comprehensive constitutional bill of right for victims of crime.
- In 1986, the Arizona State Legislature established the Crime Victim Compensation Fund. The Arizona Criminal Justice Commission is directed to administer the fund and create and implement rules that guide the awarding of funds to victims of crime.

If you have questions about Obtaining a Protective Order, Your Rights as a Crime Victim, Domestic Violence, or Resource and Referrals, please contact Scottsdale Victim Services Department at 480-312-4226 and ask to speak with an advocate. For more information, visit: <http://www.scottsdaleaz.gov/victim-services>.

### **Streetlight USA Located in Phoenix**

The Ambassadors for Change Program, promotes national awareness about sex trafficking and exploitation of minors. To achieve its goals, Streetlight USA partners with private corporations, public law makers, law enforcement, human services, and faith-based organizations.

Prevention efforts include partnering with universities and subject matter experts to develop healing programs, pilot best practices through the Direct Care residential program, and evaluating outcomes to maximize success. Streetlight also works with legal professionals to assist girls in the residential center in restoring their path towards a brighter future. Direct Care services, through the residential program, provide a healing and safe environment for girls age 11-17 who have been rescued from sex trafficking.

Streetlight uses a three-tier structure to address child sex trafficking through Awareness, Prevention and Direct Care. To foster awareness, they educate audiences about the realities of

commercial child sex trafficking in the US. The Branded Film and movement were created for this purpose. Branded is a well-known documentary and experiential screening.

To prevent trafficking, they cooperate with state legislators to pass tougher laws protecting children from sexual exploitation. For example, Streetlight and the Center for Arizona Policy joined forces to craft legislation increasing penalties from a misdemeanor to a class two felony for anyone seeking to engage in solicited sex with a prostituted child. In the Spring of 2010, House Bill 2238 was approved by the Arizona State Senate.

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# Arkansas

## Arkansas Code – Solicitation

### **Title 5 Criminal Offenses**

#### **Subtitle 6. Offenses Against Public Health, Safety or Welfare**

#### **Chapter 70 Prostitution**

##### **5-70-102. Prostitution**

- (a) A person commits prostitution if in return for or in expectation of a fee he or she engages in or agrees or offers to engage in sexual activity with any other person.
- (b) Prostitution is a:
  - (1) Class B misdemeanor for the first offense; and
  - (2) Class A misdemeanor for a second or subsequent offense under this section.
- (c) It is an affirmative defense to prosecution that the person engaged in an act of prostitution as a result of being a victim of trafficking of persons, § 5-18-103.
- (d) In addition to any other sentence authorized by this section, a person who violates this section by offering to pay, agreeing to pay, or paying a fee to engage in sexual activity upon conviction shall be ordered to pay a fine of two hundred fifty dollars (\$250) to be deposited into the Safe Harbor Fund for Sexually Exploited Children.

##### **5-70-103. Sexual solicitation**

- (a) A person commits the offense of sexual solicitation if he or she:
  - (1) Offers or agrees to pay a fee to a person to engage in sexual activity with him or her or another person; or
  - (2) Solicits or requests a person to engage in sexual activity with him or her in return for a fee.
- (b) Sexual solicitation is a:
  - (1) Class B misdemeanor for the first offense; and
  - (2) Class A misdemeanor for a second or subsequent offense.
- (c) It is an affirmative defense to prosecution under this section that the person engaged in an act of sexual solicitation as a result of being a victim of trafficking of persons, § 5-18-103.
- (d) In addition to any other sentence authorized by this section, a person who violates this section by offering to pay, agreeing to pay, or paying a fee to engage in sexual activity upon conviction shall be ordered to pay a fine of two hundred fifty dollars (\$250) to be deposited into the Safe Harbor Fund for Sexually Exploited Children.

##### **5-70-104. Promoting prostitution in the first degree**

- (a) A person commits the offense of promoting prostitution in the first degree if he or she knowingly:
  - (1) Advances prostitution by compelling a person by physical force or intimidation to engage in prostitution or profits from such coercive conduct by another; or
  - (2) Advances prostitution or profits from prostitution of a person less than eighteen (18) years of age.
- (b) Promoting prostitution in the first degree is a Class D felony.

##### **5-70-105. Promoting prostitution in the second degree**

- (a) A person commits the offense of promoting prostitution in the second degree if he or she knowingly advances prostitution or profits from prostitution by managing, supervising,

controlling, or owning, either alone or in association with another, a house of prostitution or a prostitution enterprise involving two (2) or more prostitutes.

(b) Promoting prostitution in the second degree is a Class A misdemeanor.

**5-70-106. Promoting prostitution in the third degree**

(a) A person commits the offense of promoting prostitution in the third degree if:

(1) Having a possessory or proprietary interest in premises that he or she knows is being used for prostitution, the person fails to make reasonable effort to halt or abate the use for prostitution; or

(2) He or she knowingly advances prostitution or profits from prostitution.

(b) Promoting prostitution in the third degree is a Class B misdemeanor.

## Arkansas Code – Human Trafficking

### **Title 5 Criminal Offenses**

#### **Subtitle 2. Offenses Against The Person**

#### **Chapter 18 Human Trafficking Act of 2013**

##### **5-18-103. Trafficking of persons**

- (a) A person commits the offense of trafficking of persons if he or she knowingly:
  - (1) Recruits, harbors, transports, obtains, entices, solicits, isolates, provides, or maintains a person knowing that the person will be subjected to involuntary servitude;
  - (2) Benefits financially or benefits by receiving anything of value from participation in a venture under subdivision (a)(1) of this section;
  - (3) Subjects a person to involuntary servitude;
  - (4) Recruits, entices, solicits, isolates, harbors, transports, provides, maintains, or obtains a minor for commercial sexual activity; or
  - (5) Sells or offers to sell travel services that he or she knows includes an activity prohibited under subdivisions (a)(1)-(4) of this section.
- (b) It is not a defense to prosecution under subdivision (a)(4) of this section that the actor:
  - (1) Did not have knowledge of a victim's age; or
  - (2) Mistakenly believed a victim was not a minor.
- (c)
  - (1) Trafficking of persons is a Class A felony.
  - (2) Trafficking of persons is a Class Y felony if a victim was a minor at the time of the offense.
- (d) In addition to any other sentence authorized by this section, a person who violates this section by offering to pay, agreeing to pay, or paying a fee to engage in sexual activity upon conviction shall be ordered to pay a fine of two hundred fifty dollars (\$250) to be deposited into the Safe Harbor Fund for Sexually Exploited Children.

##### **5-18-104. Patronizing a victim of human trafficking**

- (a) A person commits the offense of patronizing a victim of human trafficking if he or she knowingly engages in commercial sexual activity with another person knowing that the other person is a victim of human trafficking.
- (b)
  - (1) Patronizing a victim of human trafficking is a Class B felony.
  - (2) Patronizing a victim of human trafficking is a Class A felony if the victim was a minor at the time of the offense.

##### **5-18-105. Enhanced liability of an organization**

In addition to any other statutorily authorized sentence or fine, an organization convicted of an offense under this chapter is subject to any combination of the following:

- (1) A suspension or revocation of a license, permit, or prior approval granted to the organization by a state or local government agency;
- (2) A court order to dissolve or reorganize; and
- (3) Other relief as is equitable.

### **Title 16 Practice, Procedure, And Courts**

#### **Subtitle 6. Criminal Procedure Generally**

## **Chapter 90 Judgment and Sentence Generally**

### **Subchapter 14 – Comprehensive Criminal Record Sealing Act of 2013**

#### **16-90-1412. Sealing certain convictions for victims of human trafficking**

- (a) As used in this section, "victim of human trafficking" means a person who has been subjected to trafficking of persons, § 5-18-103, or any former law of this state, law of another state, or federal law that is substantially similar.
- (b)
  - (1) A person convicted of prostitution, § 5-70-102, may file a uniform petition to seal the conviction under this section if it was obtained as a result of the person's having been a victim of human trafficking.
  - (2) A uniform petition under this section may be filed at any time and may be filed for a conviction imposed at any time.
- (c) The court shall grant the uniform petition under this section if it finds by a preponderance of the evidence that:
  - (1) The petitioner was convicted of prostitution, § 5-70-102; and
  - (2) The conviction was obtained as a result of the petitioner's having been a victim of human trafficking.
- (d) If the uniform petition under this section is granted, the court shall:
  - (1) Issue a uniform order to seal the conviction; and
  - (2) With respect to the conviction for prostitution, § 5-70-102, redact the petitioner's name from all records and files related to the petitioner's:
    - (A) Arrest;
    - (B) Citation;
    - (C) Criminal investigation;
    - (D) Criminal charge;
    - (E) Adjudication of guilt;
    - (F) Criminal proceedings; and
    - (G) Probation for the offense.
- (e)
  - (1) Official documentation by a federal, state, or local government agency verifying that at the time of the conviction for prostitution, § 5-70-102, the petitioner was a victim of human trafficking creates a presumption under this section that the person's prostitution conviction was obtained as a result of having been a victim of human trafficking.
  - (2) Documentation under this subsection is not required to grant a petition under this section.
  - (3) Documentation under this subsection may include without limitation:
    - (A) Certified records of federal or state court proceedings that demonstrate that the defendant was a victim of a trafficker charged with a trafficking offense under state law or the Victims of Trafficking and Violence Protection Act of 2000, 22 U.S.C. § 7101 et seq., as it existed on January 1, 2013; or
    - (B) Certified records of "approval notices" or "law enforcement certifications" generated from federal immigration proceedings available to victims of human trafficking.

## Little Rock Municipal Code

The Little Rock Municipal Code does not contain specific provisions on solicitation of prostitution or human trafficking. Please consult the County Code or Ordinances or the Arkansas Code for these charges.

## Laws in Practice

### **Little Rock Police Department**

The visible and persistent human trafficking in Little Rock can be attributed to the fact that it is the largest city as well as the capital of Arkansas. Little Rock's location along Interstate 40 only adds fuel to the fire allowing traffickers to funnel victims in and out of the city with little to no detection. To cut down on trafficking, police have relied on various reverse stings in coordination with the FBI. In addition, Little Rock also utilizes shaming techniques and cameras in areas known for prostitution to deter johns from paying for sex. Little Rock PD has made an effort to aid victims of human trafficking by working with Partners Against Trafficking Humans, a local nonprofit. Victims of human trafficking and prostitution are referred to this program dedicated to rehabilitation of survivors.

In 2015 Little Rock PD joined forces with the Cook County Sheriff's Office to combat human trafficking during the National Day of Johns Arrest.

## Victim Services

### **Catholic Charities of Arkansas**

The Catholic Charities of Arkansas is committed to helping victims of human trafficking within Little Rock be they citizens or foreign nationals, male or female. Catholic Charities provides victims with various services including rehabilitation to help them escape and recover from trafficking. Victims also have access to legal services, crisis intervention, and family reunification. International victims are also provided with interpreters and even repatriation.

For further information on Catholic Charities of Arkansas visit their website, <http://dolr.org>. For access to services please contact Catholic Charities hotline at (501) 339-6514 or e-mail them at [rstandford@dolr.org](mailto:rstandford@dolr.org).

### **Partners Against Trafficking Humans (PATH)**

Partners Against Trafficking Humans (PATH) is a nonprofit organization located in Arkansas. PATH's mission is to help rehabilitate victims of human trafficking while also educating the community about slavery in the United States. To achieve this aim PATH partners with local law enforcement, Homeland Security Investigations, Polaris Project, various local churches as well as many other organizations in the state. If you are looking for a way out, contact PATH's Victim Services Help Line at 501-301-4357.

### **Prosecutor-Based Victim Assistance Programs**

All 28 judicial districts in Arkansas operate prosecutor-based victim assistance programs. Within the past few years, these programs have expanded to include local police departments and municipalities.

Ideally, victim assistance is notified and meets with victims at the scene of the crime, hospital, or police station. Victim assistance providers are well trained and can explain criminal justice procedures to crime victims during this emotional and difficult time. They can also assist in obtaining emergency items such as clothing and personal care items for victims.

Victim assistance programs also provide victim advocacy. They assist victims in obtaining Orders of Protection to protect them from their attackers, make community service referrals for crime victims, and provide letters to employers and school authorities explaining the need for victim court appearances. Often it is the responsibility of victim assistance programs to notify crime victims of critical events occurring in their cases. While the Arkansas VINE Program provides automated notification calls to registered crime victims, victim witness coordinators explain what those notifications actually mean in the criminal justice process.

In order to protect victims during the court process, victim advocates can provide court escorts and transportation. When possible, they provide a secure waiting area during court proceedings that does not require the victim to be in close proximity to the defendant, the defendant's family, or the defendant's friends. Another aspect of victim advocacy provided by victim assistance programs is helping victims obtain possible restitution from the defendant. Victim assistance providers can explain the process and complete the restitution report, attach necessary supporting documentation, and file it with the court.

Victim assistance providers are required to inform victims about the Arkansas Crime Victims Reparation Board and provide application forms. They also assist victims in completing



and submitting the form. Most victim assistance providers help crime victims through the court process. They help victims prepare for court and, if appropriate, help victims prepare to testify as witnesses or help prepare victim impact statements. They can also provide specialized care for child victims. For more information please contact the Office of the Prosecutor Coordinator.

**Arkansas Commission on Child Abuse, Rape, and Domestic Violence (ACCARDV)**

The mission of ACCARDV is to enhance the investigation, prosecution, treatment, support, and prevention of cases of child abuse, rape, and domestic violence. We hope that our services will help educate and protect those whose lives are affected by these destructive realities and will replace confusion with clarity of purpose.

The Commission's purpose and membership is defined in Act 1336, passed by the state legislature in 1995. Commission membership is comprised of community leaders throughout the state appointed by the Governor. This comprehensive group is made up of 27 representatives from various agencies, professions or groups, and service providers including law enforcement, medicine, and mental health. They seek to provide training, proven prevention practices, public awareness, resource development, and technical assistance to service providers, decision-makers, professionals, and concerned citizens. The Commission's subcommittees are dedicated to research and projects focusing on community education, victim services training, and justice issues. Meetings are open to the public and the staff is available for training, technical assistance, consultation, policy analysis, and speaking engagements.

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# California

## Penal Code – Solicitation

### **Part 1. Of Crimes and Punishment**

#### **Title 9. Of Crimes Against the Person Involving Sexual Assault, and Crimes Against Public Decency and Good Morals**

#### **Chapter 1. Rape, Abduction, Carnal Abuse of Children, and Seduction**

##### **§ 266c. Inducing consent to sexual act by fraud or fear**

Every person who induces any other person to engage in sexual intercourse, sexual penetration, oral copulation, or sodomy when his or her consent is procured by false or fraudulent representation or pretense that is made with the intent to create fear, and which does induce fear, and that would cause a reasonable person in like circumstances to act contrary to the person's free will, and does cause the victim to so act, is punishable by imprisonment in a county jail for not more than one year or in the state prison for two, three, or four years.

As used in this section, "fear" means the fear of physical injury or death to the person or to any relative of the person or member of the person's family.

##### **§ 266e. Acquiring prostitute**

Every person who purchases, or pays any money or other valuable thing for, any person for the purpose of prostitution as defined in subdivision (b) of Section 647, or for the purpose of placing such person, for immoral purposes, in any house or place against his or her will, is guilty of a felony punishable by imprisonment in the state prison for 16 months, or two or three years.

##### **§ 266f. Selling prostitute**

Every person who sells any person or receives any money or other valuable thing for or on account of his or her placing in custody, for immoral purposes, any person, whether with or without his or her consent, is guilty of a felony punishable by imprisonment in the state prison for 16 months, or two or three years.

##### **§ 266h. Pimping**

(a) Except as provided in subdivision (b), any person who, knowing another person is a prostitute, lives or derives support or maintenance in whole or in part from the earnings or proceeds of the person's prostitution, or from money loaned or advanced to or charged against that person by any keeper or manager or inmate of a house or other place where prostitution is practiced or allowed, or who solicits or receives compensation for soliciting for the person, is guilty of pimping, a felony, and shall be punishable by imprisonment in the state prison for three, four, or six years.

(b) Any person, who knowing another person is a prostitute, lives or derives support or maintenance in whole or in part from the earnings or proceeds of the person's prostitution, or from money loaned or advanced to or charged against that person by any keeper or manager or inmate of a house or other place where prostitution is practiced or allowed, or who solicits or receives compensation for soliciting for the person, when the prostitute is a minor, is guilty of pimping a minor, a felony, and shall be punishable as follows:

(1) If the person engaged in prostitution is a minor, 16 years of age or older, the offense is punishable by imprisonment in the state prison for three, four, or six years.

(2) If the person engaged in prostitution is under 16 years of age, the offense is punishable by imprisonment in the state prison for three, six, or eight years.

### **§ 266i. Pandering**

(a) Except as provided in subdivision (b), any person who does any of the following is guilty of pandering, a felony, and shall be punishable by imprisonment in the state prison for three, four, or six years:

- (1) Procures another person for the purpose of prostitution.
- (2) By promises, threats, violence, or by any device or scheme, causes, induces, persuades, or encourages another person to become a prostitute.
- (3) Procures for another person a place as an inmate in a house of prostitution or as an inmate of any place in which prostitution is encouraged or allowed within this state.
- (4) By promises, threats, violence, or by any device or scheme, causes, induces, persuades, or encourages an inmate of a house of prostitution, or any other place in which prostitution is encouraged or allowed, to remain therein as an inmate.
- (5) By fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority, procures another person for the purpose of prostitution, or to enter any place in which prostitution is encouraged or allowed within this state, or to come into this state or leave this state for the purpose of prostitution.
- (6) Receives or gives, or agrees to receive or give, any money or thing of value for procuring, or attempting to procure, another person for the purpose of prostitution, or to come into this state or leave this state for the purpose of prostitution.

(b) Any person who does any of the acts described in subdivision (a) with another person who is a minor is guilty of pandering, a felony, and shall be punishable as follows:

- (1) If the other person is a minor 16 years of age or older, the offense is punishable by imprisonment in the state prison for three, four, or six years.
- (2) If the other person is under 16 years of age, the offense is punishable by imprisonment in the state prison for three, six, or eight years.

### **§ 266j. Procurement of child**

Any person who intentionally gives, transports, provides, or makes available, or who offers to give, transport, provide, or make available to another person, a child under the age of 16 for the purpose of any lewd or lascivious act as defined in Section 288, or who causes, induces, or persuades a child under the age of 16 to engage in such an act with another person, is guilty of a felony and shall be imprisoned in the state prison for a term of three, six, or eight years, and by a fine not to exceed fifteen thousand dollars (\$15,000).

### **§ 267. Abduction of minor for prostitution**

Every person who takes away any other person under the age of 18 years from the father, mother, guardian, or other person having the legal charge of the other person, without their consent, for the purpose of prostitution, is punishable by imprisonment in the state prison, and a fine not exceeding two thousand dollars (\$2,000).

## **Title 15. Miscellaneous Crimes**

### **Chapter 2. Of Other Miscellaneous Offenses**

### **§ 647. Disorderly conduct**

Except as provided in subdivision (l), every person who commits any of the following acts is guilty of disorderly conduct, a misdemeanor:

(a) Who solicits anyone to engage in or who engages in lewd or dissolute conduct in any public place or in any place open to the public or exposed to public view.

(b) Who solicits or who agrees to engage in or who engages in any act of prostitution. A person agrees to engage in an act of prostitution when, with specific intent to so engage, he or she manifests an acceptance of an offer or solicitation to so engage, regardless of whether the offer or solicitation was made by a person who also possessed the specific intent to engage in prostitution. No agreement to engage in an act of prostitution shall constitute a violation of this subdivision unless some act, in addition to the agreement, is done within this state in furtherance of the commission of an act of prostitution by the person agreeing to engage in that act. As used in this subdivision, "prostitution" includes any lewd act between persons for money or other consideration.

(d) Who loiters in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious or any unlawful act.

(k) In any accusatory pleading charging a violation of subdivision (b), if the defendant has been once previously convicted of a violation of that subdivision, the previous conviction shall be charged in the accusatory pleading. If the previous conviction is found to be true by the jury, upon a jury trial, or by the court, upon a court trial, or is admitted by the defendant, the defendant shall be imprisoned in a county jail for a period of not less than 45 days and shall not be eligible for release upon completion of sentence, on probation, on parole, on work furlough or work release, or on any other basis until he or she has served a period of not less than 45 days in a county jail. In all cases in which probation is granted, the court shall require as a condition thereof that the person be confined in a county jail for at least 45 days. In no event does the court have the power to absolve a person who violates this subdivision from the obligation of spending at least 45 days in confinement in a county jail.

In any accusatory pleading charging a violation of subdivision (b), if the defendant has been previously convicted two or more times of a violation of that subdivision, each of these previous convictions shall be charged in the accusatory pleading. If two or more of these previous convictions are found to be true by the jury, upon a jury trial, or by the court, upon a court trial, or are admitted by the defendant, the defendant shall be imprisoned in a county jail for a period of not less than 90 days and shall not be eligible for release upon completion of sentence, on probation, on parole, on work furlough or work release, or on any other basis until he or she has served a period of not less than 90 days in a county jail. In all cases in which probation is granted, the court shall require as a condition thereof that the person be confined in a county jail for at least 90 days. In no event does the court have the power to absolve a person who violates this subdivision from the obligation of spending at least 90 days in confinement in a county jail.

In addition to any punishment prescribed by this section, a court may suspend, for not more than 30 days, the privilege of the person to operate a motor vehicle pursuant to Section 13201.5 of the Vehicle Code for any violation of subdivision (b) that was committed within 1,000 feet of a private residence and with the use of a vehicle. In lieu of the suspension, the court may order a person's privilege to operate a motor vehicle restricted, for not more than six months, to necessary travel to and from the person's place of employment or education. If driving a motor vehicle is necessary to perform the duties of the person's employment, the court may also allow the person to drive in that person's scope of employment.

#### **§ 647.1. Solicitation to engage in lewd conduct or prostitution; penalty**

In addition to any fine assessed under Section 647, the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates subdivision (a) or (b) of Section 647, or, if

the offense involves intravenous use of a controlled substance, subdivision (f) of Section 647, with the proceeds of this fine to be used in accordance with Section 1463.23.

The court shall, however, take into consideration the defendant's ability to pay and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this section.

**§ 647f. Prostitution; accusatory pleading; previous sex offense conviction; blood test AIDS positive; felony**

In any accusatory pleading charging a violation of subdivision (b) of Section 647, if the defendant has been previously convicted one or more times of a violation of that subdivision or of any other offense listed in subdivision (d) of Section 1202.1, and in connection with one or more of those convictions a blood test was administered pursuant to Section 1202.1 or 1202.6 with positive test results, of which the defendant was informed, the previous conviction and positive blood test results, of which the defendant was informed, shall be charged in the accusatory pleading. If the previous conviction and informed test results are found to be true by the trier of fact or are admitted by the defendant, the defendant is guilty of a felony.

**Chapter 2.5. Loitering for the Purpose of Engaging in a Prostitution Offense**

**§ 653.22. Loitering with intent to commit prostitution; Determination of intent**

(a) It is unlawful for any person to loiter in any public place with the intent to commit prostitution. This intent is evidenced by acting in a manner and under circumstances which openly demonstrate the purpose of inducing, enticing, or soliciting prostitution, or procuring another to commit prostitution.

(b) Among the circumstances that may be considered in determining whether a person loiters with the intent to commit prostitution are that the person:

(4) Circles an area in a motor vehicle and repeatedly beckons to, contacts, or attempts to contact or stop pedestrians or other motorists, indicative of soliciting for prostitution.

(5) Has engaged, within six months prior to the arrest under this section, in any behavior described in this subdivision, with the exception of paragraph (3), or in any other behavior indicative of prostitution activity.

**§ 653.23. Supervision of prostitute**

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

(1) Direct, supervise, recruit, or otherwise aid another person in the commission of a violation of subdivision (b) of Section 647 or subdivision (a) of Section 653.22.

(2) Collect or receive all or part of the proceeds earned from an act or acts of prostitution committed by another person in violation of subdivision (b) of Section 647.

(b) Among the circumstances that may be considered in determining whether a person is in violation of subdivision (a) are that the person does the following:

(1) Repeatedly speaks or communicates with another person who is acting in violation of subdivision (a) of Section 653.22.

(2) Repeatedly or continuously monitors or watches another person who is acting in violation of subdivision (a) of Section 653.22.

(3) Repeatedly engages or attempts to engage in conversation with pedestrians or motorists to solicit, arrange, or facilitate an act of prostitution between the pedestrians or

motorists and another person who is acting in violation of subdivision (a) of Section 653.22.

(4) Repeatedly stops or attempts to stop pedestrians or motorists to solicit, arrange, or facilitate an act of prostitution between pedestrians or motorists and another person who is acting in violation of subdivision (a) of Section 653.22.

(5) Circles an area in a motor vehicle and repeatedly beckons to, contacts, or attempts to contact or stop pedestrians or other motorists to solicit, arrange, or facilitate an act of prostitution between the pedestrians or motorists and another person who is acting in violation of subdivision (a) of Section 653.22.

(6) Receives or appears to receive money from another person who is acting in violation of subdivision (a) of Section 653.22.

(7) Engages in any of the behavior described in paragraphs (1) to (6), inclusive, in regard to or on behalf of two or more persons who are in violation of subdivision (a) of Section 653.22.

(8) Has been convicted of violating this section, subdivision (a) or (b) of Section 647, subdivision (a) of Section 653.22, Section 266h, or 266i, or any other offense relating to or involving prostitution within five years of the arrest under this section.

(9) Has engaged, within six months prior to the arrest under subdivision (a), in any behavior described in this subdivision, with the exception of paragraph (8), or in any other behavior indicative of prostitution activity.

## **Part 2. Of Criminal Procedure**

### **Title 8. Of Judgment and Execution**

#### **Chapter 1. The Judgment**

##### **§ 1202.6. Prostitution; conviction; instruction in causes and consequences of AIDS; AIDS testing; report of test results; selection of program; testing procedure; confidentiality**

(a) ...[U]pon the first conviction of any person for a violation of subdivision (b) of Section 647, the court shall, before sentencing or as a condition of probation, order the defendant to complete instruction in the causes and consequences of acquired immune deficiency syndrome (AIDS) pursuant to subdivision (d) and shall order the defendant to submit to testing for AIDS in accordance with subdivision (e). In addition, the court shall refer a defendant, where appropriate, to a program under Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 966 of the Welfare and Institutions Code or to any drug diversion program, or both.

(b) Upon a second or subsequent conviction of a violation of subdivision (b) of Section 647, the court shall, before sentencing, order the defendant to submit to testing for AIDS in accordance with subdivision (e).

(c) At the sentencing hearing of a defendant ordered to submit to testing for AIDS pursuant to subdivision (a) or (b), the court shall furnish the defendant with a copy of the report submitted pursuant to subdivision (e) and shall direct the clerk to note the receipt of the report by the defendant in the records of the case.

If the results of the test described in the report are positive, the court shall make certain that the defendant understands the nature and meaning of the contents of the report and shall further advise the defendant of the penalty established in Section 647f for a subsequent violation of subdivision (b) of Section 647.

##### **§ 13201.5. Driving Privilege Suspension Prostitution**



- (a) A court may suspend, for not more than 30 days, the privilege of any person to operate a motor vehicle upon conviction of subdivision (b) of Section 647 of the Penal Code where the violation was committed within 1,000 feet of a private residence and with the use of a vehicle.
- (b) A court may suspend, for not more than 30 days, the privilege of any person to operate a motor vehicle upon conviction of subdivision (a) of Section 647 of the Penal Code, where a peace officer witnesses the violator pick up a person who is engaging in loitering with the intent to commit prostitution, as described in Section 653.22 of the Penal Code and the violator subsequently engages with that person in lewd act within 1,000 feet of a private residence and with the use of a vehicle.
- (c) Instead of ordering the suspension under subdivision (a) or (b), a court may order a person's privilege to operate a motor vehicle restricted for not more than six months to necessary travel to and from the person's place of employment or education. If driving a motor vehicle is necessary to perform the duties of the person's employment, the court may also allow the person to drive in that person's scope of employment.

## **Part 2. Of Criminal Procedure**

### **Title 3. Additional Provisions Regarding Criminal Procedure**

#### **Chapter 1. Of the Local Jurisdiction of Public Offenses**

#### **§ 784. Jurisdiction over kidnapping and concubinage or prostitution offenses**

The jurisdiction of a criminal action:

(a) For forcibly and without lawful authority seizing and confining another, or inveigling or kidnapping another, with intent, against his or her will, to cause him or her to be secretly confined or imprisoned in this state, or to be sent out of the state, or from one county to another, or to be sold as a slave, or in any way held to service;

(b) For inveigling, enticing, or taking away any person for the purpose of concubinage or prostitution, as defined in subdivision (b) of Section 647;

Is in any competent court within the jurisdictional territory in which the offense was committed, or in the jurisdictional territory out of which the person upon whom the offense was committed was taken or within the jurisdictional territory in which an act was done by the defendant in instigating, procuring, promoting, or aiding in the commission of the offense, or in abetting the parties concerned therein.

## **Division 4. General Provisions**

### **Part 3. Nuisance**

#### **Title 1. General Principles**

#### **§ 3479. What constitutes a nuisance**

Anything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway, is a nuisance.

**§ 3480. Public nuisance**

A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

## Penal Code – Human Trafficking

### **Part 1. Of Crimes and Punishments**

#### **Title 7. Of Crimes Against Public Justice**

##### **Chapter 7. Other Offenses Against Public Justice**

###### **§ 181. Infringement of personal liberty or attempt to assume ownership of persons**

Every person who holds, or attempts to hold, any person in involuntary servitude, or assumes, or attempts to assume, rights of ownership over any person, or who sells, or attempts to sell, any person to another, or receives money or anything of value, in consideration of placing any person in the custody, or under the power or control of another, or who buys, or attempts to buy, any person, or pays money, or delivers anything of value, to another, in consideration of having any person placed in his or her custody, or under his or her power or control, or who knowingly aids or assists in any manner any one thus offending, is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for two, three or four years.

###### **§ 186.2. Definitions**

For purposes of this chapter, the following definitions apply:

(a) "Criminal profiteering activity" means any act committed or attempted or any threat made for financial gain or advantage, which act or threat may be charged as a crime under any of the following sections:

(3) Child pornography or exploitation, as defined in subdivision (b) of Section 311.2, or Section 311.3 or 311.4, which may be prosecuted as a felony.

(12) Pimping and pandering, as defined in Section 266.

(15) Solicitation of crimes, as defined in Section 653f.

(28) Human trafficking, as defined in Section 236.1.

(29) Any crime in which the perpetrator induces, encourages, or persuades a person under 18 years of age to engage in a commercial sex act. For purposes of this paragraph, a commercial sex act means any sexual conduct on account of which anything of value is given or received by any person.

(30) Any crime in which the perpetrator, through force, fear, coercion, deceit, violence, duress, menace, or threat of unlawful injury to the victim or to another person, causes a person under 18 years of age to engage in a commercial sex act. For purposes of this paragraph, a commercial sex act means any sexual conduct on account of which anything of value is given or received by any person.

#### **Title 8. Of Crimes Against the Person**

##### **Chapter 8. False Imprisonment and Human Trafficking**

###### **§ 236.1. Human trafficking; punishment; provisions regarding minors; definitions; consideration of total circumstances**

(a) Any person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services, is guilty of human trafficking and shall be punished by imprisonment in the state prison for 5, 8, or 12 years and a fine of not more than five hundred thousand dollars (\$500,000).

(b) Any person who deprives or violates the personal liberty of another with the intent to effect or maintain a violation of Section 266, 266h, 266i, 266j, 267, 311.1, 311.2, 311.3, 311.4, 311.5, 311.6, or 518 is guilty of human trafficking and shall be punished by imprisonment in the state

prison for 8, 14, or 20 years and a fine of not more than five hundred thousand dollars (\$500,000).

(c) Any 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 effect or maintain a violation of Section 266, 266h, 266i, 266j, 267, 311.1, 311.2, 311.3, 311.4, 311.5, 311.6, or 518 is guilty of human trafficking. A violation of this subdivision is punishable by imprisonment in the state prison as follows:

(1) Five, 8, or 12 years and a fine of not more than five hundred thousand dollars (\$500,000).

(2) Fifteen years to life and a fine of not more than five hundred thousand dollars (\$500,000) when the offense involves force, fear, fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person.

(d) 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.

(e) 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.

(f) 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.

(g) The Legislature finds that the definition of human trafficking in this section is equivalent to the federal definition of a severe form of trafficking found in Section 7102(8) of Title 22 of the United States Code.

(h) For purposes of this chapter, the following definitions apply:

(1) "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 any controlled substance to a person with the intent to impair the person's judgment.

(2) "Commercial sex act" means sexual conduct on account of which anything of value is given or received by any person.

(3) "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.

(4) "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 which he or she would otherwise not have submitted to or performed; a direct or implied threat to destroy, conceal, remove, confiscate, or possess any actual or purported passport or immigration document of the victim; or knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or immigration document of the victim.

(5) "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.

(6) "Great bodily injury" means a significant or substantial physical injury.

(7) "Minor" means a person less than 18 years of age.

(8) "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.

(i) The total circumstances, including the age of the victim, the relationship between the victim and the trafficker or agents of the trafficker, and any handicap or disability of the victim, shall be factors to consider in determining the presence of "deprivation or violation of the personal liberty of another," "duress," and "coercion" as described in this section.

**§ 236.7. Forfeiture of vehicles, boats, airplanes, money, negotiable instruments, securities, real property, or other things of value used for facilitating human trafficking**

(a) Any interest in a vehicle, boat, airplane, money, negotiable instruments, securities, real property, or other thing of value that was put to substantial use for the purpose of facilitating the crime of human trafficking that involves a commercial sex act, as defined in paragraph (2) of subdivision (g) of Section 236.1, where the victim was less than 18 years of age at the time of the commission of the crime, may be seized and ordered forfeited by the court upon the conviction of a person guilty of human trafficking that involves a commercial sex act where the victim is an individual under 18 years of age, pursuant to Section 236.1.

(b) In any case in which a defendant is convicted of human trafficking pursuant to Section 236.1 and an allegation is found to be true that the victim was a person under 18 years of age and the crime involved a commercial sex act, as defined in paragraph (2) of subdivision (g) of Section 236.1, the following assets shall be subject to forfeiture upon proof of the provisions of subdivision (d) of Section 236.9:

(1) Any property interest, whether tangible or intangible, acquired through human trafficking that involves a commercial sex act where the victim was less than 18 years of age at the time of the commission of the crime.

(2) All proceeds from human trafficking that involves a commercial sex act where the victim was less than 18 years of age at the time of the commission of the crime, which property shall include all things of value that may have been received in exchange for the proceeds immediately derived from the act.

**Title 9. Of Crimes Against the Person Involving Sexual Assault, and Crimes Against Public Decency and Good Morals**

**Chapter 1. Rape, Abduction, Carnal Abuse of Children, and Seduction**

**§ 266. Procurement**

Every person who inveigles or entices any unmarried female, of previous chaste character, under the age of 18 years, into any house of ill fame, or of assignation, or elsewhere, for the purpose of prostitution, or to have illicit carnal connection with any man; and every person who aids or assists in such inveiglement or enticement; and every person who, by any false pretenses, false representation, or other fraudulent means, procures any female to have illicit carnal connection with any man, is punishable by imprisonment in the state prison, or by imprisonment in a county

jail not exceeding one year, or by a fine not exceeding two thousand dollars (\$2,000), or by both such fine and imprisonment.

**§ 266a. Procurement by force or fraud; Prostitution and human trafficking; Punishment**

Each person who, within this state, takes any person against his or her will and without his or her consent, or with his or her consent procured by fraudulent inducement or misrepresentation, for the purpose of prostitution, as defined in subdivision (b) of Section 647, is punishable by imprisonment in the state prison, and a fine not exceeding ten thousand dollars (\$10,000).

**Part 4. Prevention of Crimes and Apprehension of Criminals**

**Title 1. Investigation and Control of Crimes and Criminals**

**Chapter 3. Prevention and Abatement of Unlawful Activities**

**Article 2. Red Light Abatement Law**

**§ 11225. Place of illegal gambling, prostitution, human trafficking or bathhouse as nuisance**

(a)

(1) Every building or place used for the purpose of illegal gambling as defined by state law or local ordinance, lewdness, assignation, or prostitution, and every building or place in or upon which acts of illegal gambling as defined by state law or local ordinance, lewdness, assignation, or prostitution, are held or occur, is a nuisance which shall be enjoined, abated, and prevented, and for which damages may be recovered, whether it is a public or private nuisance.

(2) Nothing in this subdivision shall be construed to apply the definition of a nuisance to a private residence where illegal gambling is conducted on an intermittent basis and without the purpose of producing profit for the owner or occupier of the premises.

(b)

(1) Notwithstanding any other law, every building or place used for the purpose of human trafficking, and every building or place in or upon which acts of human trafficking are held or occur, is a nuisance which shall be enjoined, abated, and prevented, and for which damages may be recovered, whether it is a public or private nuisance.

(2) For purposes of this subdivision, human trafficking is defined in Section 236.1.

(c)

(1) Every building or place used as a bathhouse which as a primary activity encourages or permits conduct that according to the guidelines of the federal Centers for Disease Control and Prevention can transmit AIDS, including, but not limited to, anal intercourse, oral copulation, or vaginal intercourse, is a nuisance which shall be enjoined, abated, and prevented, and for which damages may be recovered, whether it is a public or private nuisance.

(2) For purposes of this subdivision, a "bathhouse" means a business which, as its primary purpose, provides facilities for a spa, whirlpool, communal bath, sauna, steam bath, mineral bath, mud bath, or facilities for swimming.

**Title 4. Standards and Training of Local Law Enforcement Officers**

**Chapter 1. Commission on Peace Officer Standards and Training**

**Article 2. Field Services and Standards for Recruitment and Training**

**§ 13519.14. Training and guidelines for handling human trafficking complaints**

- (a) The commission shall implement by January 1, 2007, a course or courses of instruction for the training of law enforcement officers in California in the handling of human trafficking complaints and also shall develop guidelines for law enforcement response to human trafficking. The course or courses of instruction and the guidelines shall stress the dynamics and manifestations of human trafficking, identifying and communicating with victims, providing documentation that satisfy the Law Enforcement Agency (LEA) endorsement required by federal law, collaboration with federal law enforcement officials, therapeutically appropriate investigative techniques, the availability of civil and immigration remedies and community resources, and protection of the victim. Where appropriate, the training presenters shall include human trafficking experts with experience in the delivery of direct services to victims of human trafficking. Completion of the course may be satisfied by telecommunication, video training tape, or other instruction.
- (b) As used in this section, "law enforcement officer" means any officer or employee of a local police department or sheriff's office, and any peace officer of the Department of the California Highway Patrol, as defined by subdivision (a) of Section 830.2.
- (c) The course of instruction, the learning and performance objectives, the standards for the training, and the guidelines shall be developed by the commission in consultation with appropriate groups and individuals having an interest and expertise in the field of human trafficking.
- (d) The commission, in consultation with these groups and individuals, shall review existing training programs to determine in what ways human trafficking training may be included as a part of ongoing programs.
- (e) Every law enforcement officer who is assigned field or investigative duties shall complete a minimum of two hours of training in a course or courses of instruction pertaining to the handling of human trafficking complaints as described in subdivision (a) by July 1, 2014, or within six months of being assigned to that position, whichever is later.

**California Civil Code**

**Division 1. Persons**

**Part 2. Personal Rights**

**§ 52.3. Action by victim of human trafficking**

- (a) A victim of human trafficking, as defined in Section 236.1 of the Penal Code, may bring a civil action for actual damages, compensatory damages, punitive damages, injunctive relief, any combination of those, or any other appropriate relief. A prevailing plaintiff may also be awarded attorney's fees and costs.
- (b) In addition to the remedies specified herein, in an action under subdivision (a), the plaintiff may be awarded up to three times his or her actual damages or ten thousand dollars (\$10,000), whichever is greater. In addition, punitive damages may also be awarded upon proof of the defendant's malice, oppression, fraud, or duress in committing the act of human trafficking.
- (c) An action brought pursuant to this section shall be commenced within five years of the date on which the trafficking victim was freed from the trafficking situation or, if the victim was a minor when the act of human trafficking against the victim occurred, within eight years after the date the plaintiff attains the age of majority.

(d) If a person entitled to sue is under a disability at the time the cause of action accrues, so that it is impossible or impracticable for him or her to bring an action, then the time of the disability is not part of the time limited for the commencement of the action. Disability will toll the running of the statute of limitation for this action.

(1) Disability includes being a minor, lacking legal capacity to make decisions, imprisonment, or other incapacity or incompetence.

(2) The statute of limitations shall not run against a plaintiff who is a minor or who lacks the legal competence to make decisions simply because a guardian ad litem has been appointed. A guardian ad litem's failure to bring a plaintiff's action within the applicable limitation period will not prejudice the plaintiff's right to do so after his or her disability ceases.

(3) A defendant is estopped to assert a defense of the statute of limitations when the expiration of the statute is due to conduct by the defendant inducing the plaintiff to delay the filing of the action, or due to threats made by the defendant causing duress upon the plaintiff.

(4) The suspension of the statute of limitations due to disability, lack of knowledge, or estoppel applies to all other related claims arising out of the trafficking situation.

(5) The running of the statute of limitations is postponed during the pendency of criminal proceedings against the victim.

(e) The running of the statute of limitations may be suspended where a person entitled to sue could not have reasonably discovered the cause of action due to circumstances resulting from the trafficking situation, such as psychological trauma, cultural and linguistic isolation, and the inability to access services.

(f) A prevailing plaintiff may also be awarded reasonable attorney's fees and litigation costs including, but not limited to, expert witness fees and expenses as part of the costs.

(g) Restitution paid by the defendant to the victim shall be credited against a judgment, award, or settlement obtained pursuant to this section. A judgment, award, or settlement obtained pursuant to an action under this section shall be subject to the provisions of Section 13963 of the Government Code.

(h) A civil action filed under this section shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim. As used in this section, a "criminal action" includes investigation and prosecution, and is pending until a final adjudication in the trial court or dismissal.



## Alameda County Code of Ordinances

The Alameda County Code of Ordinances does not contain specific provisions on solicitation of prostitution or human trafficking. Please refer to individual city ordinances within the County or The State Penal Code for further information on solicitation and human trafficking.

# Hayward Municipal Code

## **Chapter 4 Public Welfare, Morals and Conduct**

### **Article II Disorderly Conduct**

**Sec. 4-2.00 Lewd Acts.** Prostitution. It shall be unlawful for any person:

- a. To commit or offer to commit any lewd act, act of prostitution or other illicit sexual intercourse, or act of moral perversion;
- b. To procure or offer to procure another person for the purpose of committing a lewd act, or an act of prostitution or other illicit sexual intercourse, or an act of moral perversion;
- c. To be in or near any place frequented by the public or any public place for the purpose of committing, offering to commit, or for the purpose of procuring or offering to procure any other person for the purpose of committing a lewd act, or act of prostitution, or other illicit sexual intercourse, or an act of moral perversion;
- d. To knowingly transport, or offer to transport any person to any place knowing or having reasonable grounds to believe that such person's purpose is to commit, or offer to commit a lewd act, or an act of prostitution, or other illicit sexual intercourse, or an act of moral perversion;
- e. To receive, or offer to receive, any person into any place knowing or having reasonable grounds to believe that such person's purpose is to commit or offer to commit, or procure another person to commit, or offer to commit, any lewd act or act of prostitution, or other illicit sexual intercourse, or an act of moral perversion;
- f. To direct, or offer to direct, any person to any place knowing or having reasonable grounds to believe that such person's purpose is to commit a lewd act or act of prostitution, or other illicit sexual intercourse, or an act of moral perversion.
- g. To aid, allow, permit or participate in the commission of any of the acts prohibited in paragraphs a. through f. above set forth.

# Los Angeles Municipal Code

## **Chapter IV Public Welfare**

### **Article I: Disorderly Conduct Places and Publications**

#### **§ 41.03. Lookouts for Illegal Acts**

(a) No person shall act as a guard or lookout for any building premises or establishment used for gambling, prostitution, or any other form of vice or illegal act, or where intoxicating liquors are illegally kept, sold or purchased, or for any person soliciting, offering or engaging in prostitution, gambling or any other form of vice, or illegal act, or any prostitute, or any street or sidewalk.

(b) No person shall give any signal, intended to, or calculated to warn, or give warning of the approach of any peace officer to any person in or about such building or premises or places mentioned in the preceding subsection.

#### **§ 41.70. Nuisance Abatement of Motor Vehicles Used in the Commission or Attempted Commission of an Act that Violates California Penal Code Section 266(h), or 266(I), or 374.3, or 647(b)**

The City declares that a motor vehicle is a public nuisance subject to seizure and impoundment for a period of up to 30 days when the motor vehicle is used in the commission or attempted commission of an act that violates Penal Code Section 266(h), or 266(i), or 374.3(h), or 647(b), if the owner or operator of the vehicle has had a prior conviction for the same offense within the past three years. The vehicle only may be impounded pursuant to a valid arrest of the driver for a violation of one of the Penal Code sections listed above.

For additional charges concerning human trafficking and prostitution, consult the California Penal Code or the California Civil Code.

# Oakland Code of Ordinances

## **Title 9 - Public Peace, Morals and Welfare**

### **Chapter 9.08 - Offenses Against Public Peace and Decency**

#### **9.08.260 - Prohibition of prostitution and prostitution related offenses.**

B. Loitering for the Purpose of Engaging in Prostitution, a Misdemeanor. It is unlawful for any person to loiter in any public place with the intent to commit prostitution. This intent is evidenced by acting in a manner and under circumstances which openly demonstrate the purpose of inducing, enticing, or soliciting prostitution, or procuring another to commit prostitution.

1. Among the circumstances that may be considered in determining whether a person loiters with the intent to commit prostitution are that the person:

(a) Repeatedly beckons to, stops, engages in conversations with, or attempts to stop or engage in conversations with passerby, indicative of soliciting for prostitution.

(b) Repeatedly stops or attempts to stop motor vehicles by hailing the drivers, waving arms, or making any other bodily gestures, or engages or attempts to engage the drivers or passengers of the motor vehicles in conversation, indicative of soliciting for prostitution.

(c) Has been convicted of violating this section, subdivision (a) or (b) of California Penal Code Section 647, or any other offense relating to or involving prostitution under state law or the Oakland Municipal Code within five years of the arrest under this section.

(d) Circles an area in a motor vehicle and repeatedly beckons to, contacts, or attempts to contact or stop pedestrians or other motorists, indicative of soliciting for prostitution.

(e) Has engaged, within six months prior to the arrest under this section, in any behavior described in this section, with the exception of paragraph (3), or in any other behavior indicative of prostitution activity.

2. The list of circumstances set forth in subdivision (a) is not exclusive. The circumstances set forth in subdivision (a) should be considered particularly salient if they occur in an area that is known for prostitution activity. Any other relevant circumstances may be considered in determining whether a person has the requisite intent. Moreover, no once circumstance or combination of circumstances is in itself determinative of intent. Intent must be determined based on an evaluation of the particular circumstances of each case.

C. Engaging in the Act of Prostitution or Solicitation for the Purpose of Engaging in Prostitution, a Misdemeanor. It is unlawful for any person who solicits or who agrees to engage in or who engages in any act of prostitution. A person agrees to engage in an act of prostitution when, with specific intent to so engage, he or she manifests an acceptance of an offer or solicitation to so engage, regardless of whether the offer or solicitation was made by a person who also possessed the specific intent to engage in prostitution. No agreement to engage in an act of prostitution shall constitute a violation of this subdivision unless some act, in addition to the agreement, is done within this State in furtherance of the commission of an act of prostitution by the person agreeing to engage in that act. As used in this subdivision, "prostitution" includes any lewd acts between persons for money or other consideration.

1. A person agrees to engage in an act of prostitution when, with specific intent to engage, he or she manifests an acceptance of an offer or solicitation to so engage, regardless of whether the offer or solicitation was made by a person who also possessed the specific intent to engage in prostitution.

3. In order to prove the crime of solicitation to engage in an act of prostitution, each of the following elements must be proved:

(a) A person solicited another person to engage in any act of prostitution or agreed with another person to engage in an act of prostitution; and

(b) That person did so with the specific intent to engage in an act of prostitution;

(c) In addition to the agreement, the person did an act in furtherance of prostitution.

D. Controlling, Overseeing, Directing, Supervising, Recruiting, Aiding, or Otherwise Soliciting a Prostitute, a Misdemeanor.

1. It is unlawful for any person to do either of the following:

(a) Direct, control, oversee, supervise, recruit, or otherwise aid another person in the commission of a violation of subdivision (b) of section 647 or subdivision (a) of Section 653.22 of the California Penal Code or Subsection 9.08.260 B of the Oakland Municipal Code.

(b) Collect or receive all or part of the proceeds earned from an act or acts of prostitution committed by another person in violation of subdivision (b) of Section 647 of the California Penal Code or Subsection 9.08.260 B of the Oakland Municipal Code.

2. Among the circumstances that may be considered in determining whether a person is in violation of subdivision (a) are that the person does the following:

(a) Repeatedly speaks or communicates with another person who is acting in violation of subdivision (a) of Section 653.22 of the California Penal Code or Subsection 9.08.260 B of the Oakland Municipal Code.

(b) Repeatedly or continuously monitors or watches another person who is acting in violation of subdivision (a) of Section 653.22 of the California Penal Code or Subsection 9.08.260 B of the Oakland Municipal Code.

(c) Repeatedly engages or attempts to engage in conversation with pedestrians or motorists to solicit, arrange or facilitate an act of prostitution between the pedestrians or motorists and another person who is acting in violation of subdivision (a) of Section 653.22 or subdivision (b) of Section 647 of the California Penal Code or Subsection 9.08.260 B of the Oakland Municipal Code.

(d) Repeatedly stops or attempts to stop pedestrians or motorists to solicit arrange or facilitate an act of prostitution between pedestrians or motorists and another person who is acting in violation of subdivision (a) of Section 653.22 of the California Penal Code or Subsection 9.08.260 B of the Oakland Municipal Code.

(e) Circles an area in a motor vehicle and repeatedly beckons to, contacts, or attempts to contact or communicate, or stop pedestrians or other motorists to solicit, arrange, or facilitate an act of prostitution between the pedestrians or motorists and another person who is acting in violation of subdivision (a) of Section 653.22 of the California Penal Code or Subsection 9.08.260 B of the Oakland Municipal Code.

(f) Receives or appears to receive money or any consideration from another person who is acting in violation of subdivision (a) of Section 653.22 of the California Penal Code or Subsection 9.08.260 B of the Oakland Municipal Code.

(g) Engages in any of the behavior described in paragraphs (1) to (6), inclusive, in regard to or on behalf of two or more persons who are in violation of subdivision (a) of Section 653.22 of the California Penal Code or Subsection 9.08.260 B of the Oakland Municipal Code.

(h) Has been convicted of violating this section, subdivision (a) or (b) of Section 647 subdivision (a) of Section 653.22, Section 266h or 266i of the California Penal Code or Subsection 9.08.260 B of the Oakland Municipal code, or any other offense relating to or involving prostitution within five years of the arrest under this section.

(i) Has engaged, within six months prior to the arrest under subdivision (a), in any behavior described in this subdivision, with the exception of paragraph (8), or in any other behavior indicative of prostitution activity.

**E. Places of Prostitution Prohibited; Constitute a Public Nuisance; Subject to Injunction, Abatement, and Contempt of Court; Violations a Misdemeanor.**

1. Every building or place used for the purpose of lewdness, assignation or prostitution, and every building or place in or upon which acts of lewdness, or prostitution are held or occur, is prohibited and constitutes a nuisance which may be enjoined, abated, and prevented, and for which damages may be recovered, whether it is a public or private nuisance.

(a) A public nuisance is anything which is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner of any public park, square, street, or highway is a public nuisance.

(b) An act which affects an entire community or neighborhood, or any considerable number of persons, as specified above is not less a nuisance because the extent of the annoyance or damage inflicted upon individuals is unequal.

(c) Whenever there is reason to believe that a nuisance, as defined in this section is kept, maintained, or is in existence within the City, the City Attorney may maintain an action in equity to abate and prevent the nuisance and to perpetually enjoin the person conducting or maintaining it, and the owner, lessee, or agent of the building or place, in or upon which the nuisance exists, from directly or indirectly maintaining or permitting it.

2. Every person who knowingly owns, operates, maintains, permits, or allows a building or place to be used for the purpose of lewdness, or prostitution, and every person occupying or leasing the property or premises of another who operates, maintains, permits or allows a building or place to be used for lewdness, or prostitution is guilty of a misdemeanor.

**Chapter 9.56 - Nuisance Vehicles**

**Article I - Purpose and Introductory Sections**

**9.56.110 - Purpose**

The purpose of this chapter is to enact the provisions of California Vehicle Code Section 22659.5 that authorizes cities to adopt legislation for the seizure and impoundment of vehicles involved in prostitution, pandering, pimping and/or illegal dumping.

#### **9.56.130 - Public nuisance vehicles**

Any vehicle is declared a public nuisance and is subject to seizure and impoundment of up to 30 days if all of the following are met:

- A. The vehicle is used in the commission of or attempted commission of prostitution, pandering, or pimping, or illegal dumping.
- B. The owner or operator of the vehicle has had a prior conviction for the same offense or any combination of offenses that this chapter applies to within the three years prior to an arrest for a violation of one of offenses.
- C. The driver has been subject to a valid arrest for a violation of the California Penal Code Sections set out in Subsection A above.

## San Diego Municipal Code

The San Diego Municipal Code does not contain specific provisions on prostitution or human trafficking laws for those who purchase sex. Thus, California state law would be followed. San Diego does have laws regarding business licenses for sex related businesses.



# San Jose Code of Ordinances

## **Title 1. General Provisions**

### **Chapter 1.13. Administrative Nuisance Abatement**

#### **§ 1.13.040. Public nuisance prohibited**

No person may maintain or use property or allow their property to be maintained or used in a manner that creates or fosters the creation of a public nuisance.

#### **§ 1.13.050. Public nuisance defined**

A. For purposes of this chapter, a public nuisance is:

1. The maintenance or use of property in the city in a manner that jeopardizes or endangers the health, safety or welfare of persons on the premises or in the surrounding area; or
2. Real property that has been the site for nuisance activity including, but not limited to:
  - a. Disturbing the peace; or
  - g. Prostitution; or
  - h. The sale of stolen goods; or
  - n. Loitering;
3. The maintenance or use of property in the city in a manner that violates, or real property that has been the situs of a violation of, any provision of this code or any other city, state or federal law or regulation.

B. Nothing contained in this chapter shall prohibit persons from participating in activity which the city may not proscribe under the United States Constitution or the California Constitution.

#### **§ 1.13.070 - Cease and desist order**

A. If the city attorney determines that property in the city is being used or maintained in a manner that creates or fosters the creation of a public nuisance, the city attorney shall issue a nuisance abatement cease and desist order to the owner of the subject property, the occupant of the subject property and/or to any other person(s) responsible for creating or fostering the creation of the public nuisance.

B. The nuisance abatement cease and desist order shall:

1. Describe the nature of the public nuisance being created maintained or fostered by or on the subject property; and
2. Specify a compliance date by which the public nuisance shall cease.

C. A nuisance abatement cease and desist order shall be deemed to be evidence that the activities, behaviors, conditions or situations described in the order are creating or fostering the creation of a public nuisance unless and until the appeals hearing board or a court of competent jurisdiction determines otherwise.

## Santa Clara County Ordinance Code

The County of Santa Clara Ordinance Code does not contain specific provisions on prostitution or human trafficking laws for those who purchase sex. Thus, California law would be followed. Santa Clara does have laws regarding business licenses for massage establishments to help control human trafficking.

## Laws in Practice

### **Alameda County Sheriff's Office**

The Alameda County Sheriff's Office joined forces in 2015 with the Cook County Sheriff's Office on the National Day of Johns Arrest which netted over 1000 arrests of pimps, traffickers, and johns nationally. The Community Oriented Policing and Problem Solving (COPPS) unit also aids the Eden Township Substation on prostitution stings. The Alameda County Sheriff's Office has also participated in other nationwide stings including Operation Cross Country dedicated to rescuing children stuck in prostitution and human trafficking.

### **Hayward Police Department**

Hayward is a sub-region of the San Francisco Bay Area within Alameda County. At one point Hayward was the center of the food canning and salt production industries, which have long been defunct, likely adding to street prostitution and trafficking that it experiences. As a result, Hayward PD conducts regular reverse sting operations, even answering tips from the community. As of August 2015, Hayward began to partner with the Cook County Sheriff's Office for the National Day of Johns Arrest.

### **Los Angeles Police Department**

Prostitution is a chronic problem in Los Angeles. In 1973, the LAPD was among the first forces to implement street-level reverse stings. Today, LAPD conducts reverse sting on a nearly weekly basis which result in approximately 2,0000 arrests of sex buyers per year. Operations typically involve street-level reverse sting in which a undercover female officer poses as a decoy. The LAPD has also set up surveillance in massage parlors and replaces massage technicians with undercover female officers if a businesses is suspected of illegal activities.

Once arrested, johns are issued SOAP orders which bars them from entering areas associated with prostitution. Between 2003 and 2007, the city also instituted an ordinance giving police the right to seize and impound vehicles used for solicitation. Despite its successes (some 168 johns' cars were seized in 2007 alone), the tactic was discontinued after the California Supreme Court ruled it incompatible with preexisting state legislation.

In 2008, the LAPD collaborated with the Los Angeles City Attorney's Office to create a "john school". Known as the "Prostitution Diversion Program," the john school is modeled after the First Offender Prosecution Program in San Francisco. Men arrested for solicitation can sign up for the program if: (1) They have no prior arrests for solicitation, drugs, or violent crime, (2) they are willing to pay a \$600 fee, and (3) they submit to an HIV test. The men must successfully complete the 8 hour course, which includes a lecture on STD transmission and presentations from police officers, former prostituted women, and representatives from Sex Addicts Anonymous. Graduates of the program may have their solicitation charges waived if they avoid rearrests. As of July 2012, 600 men completed the program, with only four rearrests.

### **Oakland Police Department**

Oakland is primarily a working class city located on the San Francisco Bay. Oakland's problems with prostitution and human trafficking largely stem from the city's poverty. According to Demand Forum, roughly 17% of Oakland's 391,000 residents live well below the poverty line. Combatting human trafficking in the city has also become tougher as the city experiences new budget cuts preventing police from addressing trafficking and providing much

needed community resources to victims. Oakland's commercial sex market only continues to grow because of the city's proximity to San Francisco and because of its location along major interstates and its major seaports. The city's booming drug trafficking market and growing number of street gangs have only added to the problem. Nonetheless, Oakland police department conducts regular reverse stings and web stings in an effort to deter the purchase of sex.

OPD utilizes several other tactics to cut down on sex trafficking in the city, including auto seizures for vehicles used to solicit prostitution. SOAP orders are issued to those convicted of solicitation preventing said individuals from re-entering areas in the city known for prostitution. OPD also conducts public education campaigns to alert the public about human trafficking in their area and sends john letters to the registered owners of vehicles spotted in areas of prostitution. Recently, OPD even began to release the names, ages, and pictures of those arrested for solicitation in an effort to deter future solicitation by these men and others like them. As of 2015 Oakland PD went one step further and joined forces with the Cook County Sheriff's Office for the National Day of Johns Arrest which takes place semi-annually. Oakland may still have a long way to go in combatting and cutting down on human trafficking, however, OPD has taken all the right steps and continues to hone their efforts.

### **Santa Clara County Sheriff's Office**

Santa Clara is known to have started a john school program in the 1990s, but was probably short-lived. Men in the Santa Clara john school were included in a sample of john school participants for a study of the clients of prostituted women. Currently, the Santa Clara County Sheriff's Office occasionally arrests sex buyers, and prosecutors send some to the First Offender Prostitution Program (FOPP), a john school in San Francisco.

In 2016, the Santa Clara Sheriff's Office participated in the 12<sup>th</sup> National Johns Suppression Initiative, in which 6 johns were arrested. The Sheriff's Office also participated in the 13<sup>th</sup> National Johns Suppression Initiative in 2017, arresting 30 johns in 2016. A noteworthy anecdote was the detainment of a member of the Denver Broncos who was in town for the Super Bowl. The player's brother was cited for solicitation.

### **San Diego Human Trafficking Task Force**

San Diego has well-known and robust problems of prostitution and sex trafficking. A large military presence has helped to boost the demand for commercial sex in the city, and the proximity to Mexico is a factor in ensuring a large supply of individuals vulnerable to exploitation.

A report by SANDAG in 2013 concluded that San Diego County is home to 158 gangs that continue to play a significant role in crime across the county. The report estimates that there are approximately 7,500 documented gang members in San Diego County, many of which are linked to crimes such as drug distribution, robbery, human trafficking and prostitution. Gangs are increasingly working together to maximize profits, and the report triangulates well with others that find that gangs are systematically "diversifying their portfolios" with prostitution and sex trafficking.

Efforts to combat demand have been a part of San Diego's efforts to combat sex trafficking and prostitution. The city has been conducting reverse stings since 1981, possibly

before, and has had a “john school” education program for men arrested for soliciting prostitution since 2002 that has proven successful. The city has also employed SOAP orders, public education efforts, and neighborhood groups have been very active in efforts to curb demand.

The Prostitution Impact Panel (PIP) program was developed in 2000-2001, and held its first classes in 2002. The program is run by the City Attorney’s Office. PIP designers observed San Francisco’s john school (the First Offender Prostitution Program) and used it as a model, but altered it substantially to meet local needs and resources. The sessions are held every other month, and attendance is holding steady at about 15-20 offenders per session. Since its implementation, additional john/sex addict speakers have been added to the group, and they hold an informal Sex Addicts Anonymous “meeting” during an extended class break time where they can speak to the participants one-on-one. Additionally, efforts have begun to make the Court’s mandatory HIV testing accessible at the PIP location.

Arrested sex buyers are charged with violating California Penal code 647.b (a small number of offenders are charged with the similar charge of 653.22, loitering with intent to engage in prostitution) offered the option of this program. Successfully fulfilling its requirement results in a reduced charge (and not a dismissal, as in diversion programs). Requirements include paying a fee of \$200, attending the PIP class (for which they earn a certificate), and completing mandatory HIV/AIDS counseling. The charge is then reduced to a lesser offense. Offenders must pay a fine (which is in addition to the PIP fee). The charge also allows for a maximum of 90 days in jail (as opposed to 180 days for the original charge), but men who complete the program rarely receive jail time. The primary penalty of concern to the offenders is that the conviction stays on their criminal record.

The San Diego Human Trafficking Task Force (HTTF) works to disrupt and dismantle human trafficking and child exploitation organizations through a comprehensive, collaborative and regional law enforcement and prosecution response, in order to identify and rescue victims and hold their offenders accountable; along with promoting community awareness, expanding the exchange of information, and enhancing law enforcement resources and training. In 2017, the HTTF partnered with the Cook County Sheriff’s Office and participated in the 13th National Johns Suppression Initiative (NJSI). The Task Force arrested 22 sex buyers and 1 pimp/sex trafficker during the sting operation.

### **San Jose Police Department**

San Jose is the county seat of Santa Clara County, which is located at the southern end of the San Francisco Bay area. It is the third-largest city in California, with a population of approximately 940,000. Sex trafficking and prostitution have been identified by law enforcement and residents as substantial problems in the city and surrounding areas of the county. Trafficking is known to occur in the Bay Area because of its major harbors, airports, powerful economy, accelerating populations, large immigrant population and its industries. Cases of prostitute homicides and disappearances have been documented in the city. Residents have complained to the police about a growing trend of street prostitutes and the sex buyers seeking their services. Others have suggested that the rise in street gang activity in San Jose, particularly in South San Jose, is one of the chief reasons for the rise in commercial sex.

Police have been conducting periodic reverse stings since 1986, mostly at street-level and more recently, using the web. Neighborhood groups have also mobilized to combat prostitution and sex trafficking broadly, and the demand for commercial sex specifically. For example, the Santa Maria Urban Ministry organized a march in 2012 to protest prostitution and sex trafficking in the city, and the Washington Guadalupe Neighborhood Association and local YMCA supports efforts to combat demand as a means of attacking local problems associated with commercial sex in downtown San Jose areas, particularly near South First Street.

SJPD also has a Human Trafficking Task Force dedicated to identifying human trafficking, serving victims and building cases against perpetrators.

## Victim Services

### **Los Angeles Police Department**

The District Attorney's Victim-Witness Assistance Program helps victims of domestic violence obtain compensation. Victims have the right to file a civil suit for losses suffered due to abuse, including medical expenses, loss of earnings, expenses for injuries sustained, and damage to property, and any other related expenses incurred by the victim.

Victim-Witness Assistance Program counsels crime victims and their families, provide referrals to social agencies, assist crime victims through the difficult court process, and help promptly return property used in evidence.

### **Coalition to abolish Slavery & Trafficking (CAST)**

The Coalition to Abolish Slavery & Trafficking (CAST), a not-for-profit organization, established in 1998 in the wake of the El Monte sweatshop case in which 72 Thai garment workers were kept for eight years in slavery. CAST provides intensive case management, comprehensive services, and advocacy to survivors through multi-ethnic and multi-lingual service providers.

#### *SOCIAL SERVICES*

CAST's social services are meant to help clients recover from years of abuse by allowing them to become self-sufficient. These services include:

- Access to food, shelter and job training;
- Intensive case management (information, assistance and legal education);
- Mental health and wellness services (counseling, art therapy, peer support);
- Alternative non-Western healing therapies that are culturally appropriate; and
- Education and life skills training (English as a Second Language, computer and financial literacy).

#### *SHELTER*

CAST not only provides victims with safe shelter but through their Healing Garden they are able to provide victims with the comforts of their homelands. The Healing Garden allows residents to plant herbs and spices they can use in their cooking.

Residents of the Shelter also have access to multi-lingual, multi-cultural staff capable of addressing the unique needs of victims of trafficking.

#### *LEGAL SERVICES*

CAST's legal services program works with clients, community organizations, public-interest attorneys, and government agencies to provide survivors of trafficking linguistically appropriate, culturally sensitive, and victim-centered legal services. These services include:

- Securing release from detention
- Preparation for criminal trials
- Representation in removal proceedings
- Advocacy to protect rights as victim witnesses and to obtain Continued Presence and Certification
- Obtaining child custody and restraining orders against traffickers
- Establishing eligibility for refugee benefits

- Filing for T-Visas created specifically for victims of trafficking

### **South Bay Coalition to End Human Trafficking**

Founded by the DOJ, Bureau of Justice Assistance and Office of Justice Programs, Office for Victims of Crime, the South Bay Coalition to End Human Trafficking takes a victim-centered approach to combat trafficking. The Legal Services Committee promotes and monitors access to legal remedies for victims. The Outreach and Education Committee informs the community about all kinds of trafficking, how to best respond to victims, and how to identify victims. South Bay Coalition works with SJPd Human Trafficking Task Force. In this partnership, South Bay Coalition oversees public outreach, educational and training efforts with law enforcement. Victim Services provides on-going support, training, and mentoring through victim advocates. There also operate a 24-hour hotline for victims of human trafficking: 1-888-3737-888.

### **San Jose Victim's Services**

San Jose Victim's Services provide victims of human trafficking with protection and assistance, including:

- Information about their rights
- Access to translation/interpretation
- Free or low-cost legal services Federal and state benefits

For more information, e-mail the San Jose Victim's Services sight, [stopslavery@sanjoseca.gov](mailto:stopslavery@sanjoseca.gov).

### **Oakland Victim's Services**

Alameda County DA's Victim/Witness Assistance-Advocacy Program: In 1974, the DA's Office created the first Victim/Witness Assistance program in the United States. A division within the DA's Office the program provides advocacy to victims of all crimes. These services encompass crisis intervention, court escort/support, orientation to the criminal justice system, emergency assistance, and follow up contact. Victim Witness also has advocates who specialize in working with the elderly and dependent adults who have been victimized, domestic violence victims and those victims and witnesses who have been subpoenaed to attend a parole revocation hearing.

Contact: Victim/Witness Consultant

Phone: (510) 267-8872 or 510/267-8857

Victim/Witness Lakeside Office: (510) 272-6180

Alameda County Social Services Agency/Purple Ribbon: The Purple Ribbon provides on-site processing of Medi-CAL and CalFRESH applications for victims of domestic violence, sexual assault, and family/interpersonal violence.

Contact: Ana Cannober

Phone: (510) 517-1994

Highland Hospital Domestic Violence Program and Sexual Assault Center: Provides services to sexually abused clients 14 years and older as well as services to victims of domestic violence. Services include advocacy, counseling and medical support as well as the 24-hour crisis line: (510) 534-9290.



Contact: Wendy Dutton  
Phone: (510) 267-8815

### **Saving Innocence**

Saving Innocence aims to rescue childhood victims of sex trafficking and restore them to the community through partnerships with local law enforcement agencies, social service providers, and school programs. This project offers 24-hour emergency response to Los Angeles County as well as offering safe housing, medical care, counseling, education and mentorship, among other services.

Contact phone: (323) 379-4232

### **Mary Magdalene Project**

The Mary Magdalene Project was founded in 1980 by a Presbyterian women's group and have been working to fight for the freedom of girls and women in the Los Angeles area who have become victims to commercial sexual exploitation. Some of the services offered by MMP include a drop-in center, street outreach programs, emergency services, and survivor mentorship.

Contact phone: 818.988.4970

### **California's Regional Anti-Human Trafficking Task Forces**

In 2004 and 2005, the U.S. Department of Justice awarded grants to create six regional task forces in California to combat human trafficking. In 2009 and 2010, the California Emergency Management Agency used American Recovery and Reinvestment Act grant funds to supplement the original six task forces and establish three new regional task forces.

From mid-2010 to mid-2012, California's nine regional human trafficking task forces identified 1,277 victims, initiated 2,552 investigations, and arrested 1,798 individuals. As part of their work to combat human trafficking, the task forces also provide training to a variety of audiences on how to identify and respond to the crime. In the same two-year period, California's task forces provided training to 25,591 law enforcement personnel, prosecutors, victim service providers, and other first responders.

California's regional anti-human trafficking task forces employ a comprehensive, victim-centered approach and are made up of law enforcement and local, state, and federal prosecutors, as well as other governmental leaders and nongovernmental organizations (NGOs).

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# Colorado

## Revised Statutes – Solicitation

### **Title 13. Courts and Court Procedure**

#### **Article 10. Municipal Courts**

##### **§ 13-10-126. Prostitution offender program authorized - reports**

(1) Subject to the provisions of this section, a municipal or county court, or multiple municipal or county courts, may create and administer a program for certain persons who are charged with soliciting for prostitution, as described in section 18-7-202, C.R.S., patronizing a prostitute, as described in section 18-7-205, C.R.S., or any corresponding municipal code or ordinance.

(2) A program created and administered by a municipal or county court or multiple municipal or county courts pursuant to subsection (1) of this section shall:

(a) Permit enrollment in the program only by an offender who either:

(I) (A) Has no prior convictions or any charges pending for any felony; for any offense described in section 18-3-305, 18-3-306, or 18-13-128, C.R.S., in part 4 or 5 of article 3 of title 18, C.R.S., in part 3, 4, 6, 7, or 8 of article 6 of title 18, C.R.S., in section 18-7-201.7, 18-7-203, 18-7-205.7, or 18-7-206, C.R.S., or in part 3, 4, or 5 of article 7 of title 18, C.R.S.; or for any offense committed in another state that would constitute such an offense if committed in this state; and

(B) Has been offered and has agreed to a deferred sentencing arrangement as described in subsection (3) of this section; or

(II) (A) Has at least one prior conviction for any offense described in section 18-7-201, 18-7-202, 18-7-204, 18-7-205, or 18-7-207, C.R.S.; or for any offense committed in another state that would constitute such an offense if committed in this state; and

(B) Has been sentenced by a court to complete the program as part of the penalty imposed for a subsequent conviction for soliciting for prostitution, as described in section 18-7-202, C.R.S., patronizing a prostitute, as described in section 18-7-205, C.R.S., or any corresponding municipal code or ordinance.

(b) Permit the court or courts to require each offender who enrolls in the program to pay an administration fee, which fee the court or courts shall use to pay the costs of administering the program;

(c) To the extent practicable, be available to offenders, courts, and prosecutors of other jurisdictions; and

(d) Be administered by the court or courts with assistance from one or more municipal prosecutor's offices, one or more district attorney's offices, one or more state or local law enforcement agencies, and one or more nonprofit corporations, as defined in section 7-121-401, C.R.S., which nonprofit corporations have a stated mission to reduce human trafficking or prostitution. The court or courts are encouraged to consult, in addition to the aforementioned entities, recognized criminology experts and mental health professionals.

(3) (a) Enrollment in the program shall be offered to each offender at the sole discretion of the prosecuting attorney in each offender's case.

(b) If the prosecuting attorney offers enrollment in the program to an offender as a condition of a plea bargain agreement as described in subparagraph (I) of paragraph (a) of

subsection (2) of this section, the agreement shall include at a minimum the following stipulations:

(I) The offender shall enter a plea of guilty to the prostitution-related offense or offenses with which he or she is charged;

(II) The court shall defer judgment and sentencing of the offender for a period not to exceed two years, as described in section 18-1.3-102 (1), C.R.S., during which time the offender shall enroll in and complete the program and may be required to pay an administration fee, as described in paragraph (b) of subsection (2) of this section;

(III) Upon the offender's satisfactory completion of the program, the court shall dismiss with prejudice the prostitution-related charge or charges;

(IV) The offender shall waive his or her right to a speedy trial; and

(V) If the offender fails to complete the program or fails to satisfy any other condition of the plea bargain agreement, he or she shall be sentenced for the offenses to which he or she has pleaded guilty and shall be required to pay a fine of not less than two thousand five hundred dollars and not more than five thousand dollars, or the maximum amount available to a municipal or county court, in the discretion of the court, in addition to any other sentence imposed by the court.

(c) If the prosecuting attorney offers enrollment in the program to an offender pursuant to subparagraph (II) of paragraph (a) of subsection (2) of this section and the offender fails to complete the program, the offender shall be required to pay a fine of not less than two thousand five hundred dollars and not more than five thousand dollars, or the maximum amount available to the municipal or county court, in the discretion of the court, in addition to any other sentence imposed by the court.

(4) If a municipal or county court or multiple municipal or county courts create and administer a program pursuant to subsection (1) of this section, the court or courts shall prepare and submit a report to the judiciary committees of the house of representatives and senate, or any successor committees, concerning the effectiveness of the program. The court or courts shall submit the report not less than two years nor more than three years after the creation of the program. The report shall include information concerning:

(a) The cost of the program and the extent to which the cost is mitigated by the imposition of the fees described in paragraph (b) of subsection (2) of this section; and

(b) The effectiveness of the program in reducing recidivism among persons who commit prostitution-related offenses.

## **Title 18. Criminal Code**

### **Article 7. Offenses Relating to Morals**

#### **Part 2. Prostitution**

##### **§ 18-7-201. Prostitution prohibited**

(1) Any person who performs or offers or agrees to perform any act of sexual intercourse, fellatio, cunnilingus, masturbation, or anal intercourse with any person not his spouse in exchange for money or other thing of value commits prostitution.

(2) (a) "Fellatio", as used in this section, means any act of oral stimulation of the penis.

(b) "Cunnilingus", as used in this section, means any act of oral stimulation of the vulva or clitoris.

(c) “Masturbation”, as used in this section, means stimulation of the genital organs by manual or other bodily contact exclusive of sexual intercourse.

(d) “Anal intercourse”, as used in this section, means contact between human beings of the genital organs of one and the anus of another.

(3) Prostitution is a class 3 misdemeanor.

### **§ 18-7-202. Soliciting for prostitution**

(1) A person commits soliciting for prostitution if he:

(a) Solicits another for the purpose of prostitution; or

(b) Arranges or offers to arrange a meeting of persons for the purpose of prostitution; or

(c) Directs another to a place knowing such direction is for the purpose of prostitution.

(2) Soliciting for prostitution is a class 3 misdemeanor. A person who is convicted of soliciting for prostitution may be required to pay a fine of not more than five thousand dollars in addition to any penalty imposed by the court pursuant to section 18-1.3-501, which additional fine shall be transferred to the state treasurer, who shall transfer the same to the prostitution enforcement cash fund created in section 24-33.5-513, C.R.S.

### **§ 18-7-201.3 Affirmative defense—human trafficking – expungement of record protective order – definitions**

(1) A person charged with prostitution, as described in section 18-7-201 or any corresponding municipal code or ordinance, for an offense committed on or after July 1, 2015, which offense was committed as a direct result of being a victim of human trafficking, may assert as an affirmative defense that he or she is a victim of human trafficking as defined in subsection (4) of this section. To assert the affirmative defense pursuant to this subsection (1), the person charged with the offense must demonstrate by a preponderance of the evidence that he or she was a victim of human trafficking at the time of the offense. An official determination or official documentation from a federal, state, local, or tribal government agency indicating that the defendant was a victim at the time of the offense creates a presumption that his or her participation in the offense was a direct result of being a victim.

(2) (a) On or after January 1, 2016, a person charged with or convicted of prostitution, as described in section 18-7-201 or any corresponding municipal code or ordinance, for an offense committed before July 1, 2015, which offense was committed as a direct result of being a victim of human trafficking, as defined in subsection (4) of this section, may apply to the court for a sealing of his or her records pursuant to section 24-72-702 or 24-72-706. C.R.S., as applicable.

(b) A juvenile charged with or adjudicated of prostitution, as described in section 18-7-201 or any corresponding municipal code or ordinance, for an offense committed before July 1, 2015, which offense was committed as a direct result of being a victim of human trafficking, as defined in subsection (4) of this section, may apply to the court for expungement of his or her record pursuant to section 19-1-306, C.R.S.

(c) An official determination or documentation from a federal, state, local, or tribal government agency indicating that the defendant was a victim at the time of the offense creates a presumption that his or her participation in the offense was a direct result of being a victim.

(3) At the request of a person who asserted the affirmative defense pursuant to subsection (1) of this section, the court may at any time issue a protective order concerning protecting the confidentiality of the person asserting the affirmative defense.

(4) As used in this section, unless the context otherwise requires:

(a) “Human trafficking” means an offense described in part 5 of article 3 of this title, or any conduct that, if it occurred prior to the enactment of such part 5, would constitute an offense of human trafficking pursuant to part 5 of article 3 of this title.

(b) “Victim of human trafficking” means a “victim” as defined in section 18-3-502(12).

#### **§ 18-7-202. Soliciting for prostitution**

(1) A person commits soliciting for prostitution if he:

(a) Solicits another for the purpose of prostitution; or

(b) Arranges or offers to arrange a meeting of persons for the purpose of prostitution; or

(c) Directs another to a place knowing such direction is for the purpose of prostitution.

(2) Soliciting for prostitution is a class 3 misdemeanor. A person who is convicted of soliciting for prostitution may be required to pay a fine of not more than five thousand dollars in addition to any penalty imposed by the court pursuant to section 18-1.3-501, which additional fine shall be transferred to the state treasurer, who shall transfer the same to the prostitution enforcement cash fund created in section 24-33.5-513, C.R.S.

#### **§ 18-7-203. Pandering**

(1) Any person who does any of the following for money or other thing of value commits pandering:

(a) Inducing a person by menacing or criminal intimidation to commit prostitution; or

(b) Knowingly arranging or offering to arrange a situation in which a person may practice prostitution.

(2) (a) Pandering under paragraph (a) of subsection (1) of this section is a class 5 felony. A person who is convicted of pandering under paragraph (a) of subsection (1) of this section shall be required to pay a fine of not less than five thousand dollars and not more than ten thousand dollars in addition to any penalty imposed by the court pursuant to section 18-1.3-401, which additional fine shall be transferred to the state treasurer, who shall transfer the same to the prostitution enforcement cash fund created in section 24-33.5-513, C.R.S.

(b) Pandering under paragraph (b) of subsection (1) of this section is a class 3 misdemeanor. A person who is convicted of pandering under paragraph (b) of subsection (1) of this section shall be required to pay a fine of not less than five thousand dollars and not more than ten thousand dollars in addition to any penalty imposed by the court pursuant to section 18-1.3-501, which additional fine shall be transferred to the state treasurer, who shall transfer the same to the prostitution enforcement cash fund created in section 24-33.5-513, C.R.S.

#### **§ 18-7-204. Keeping a place of prostitution**

(1) Any person who has or exercises control over the use of any place which offers seclusion or shelter for the practice of prostitution and who performs any one or more of the following commits keeping a place of prostitution if he:

(a) Knowingly grants or permits the use of such place for the purpose of prostitution; or

(b) Permits the continued use of such place for the purpose of prostitution after becoming aware of facts or circumstances from which he should reasonably know that the place is being used for purposes of prostitution.

(2) Keeping a place of prostitution is a class 2 misdemeanor.

#### **§ 18-7-205. Patronizing a prostitute**

(1) Any person who performs any of the following with a person not his spouse commits patronizing a prostitute:

- (a) Engages in an act of sexual intercourse or of deviate sexual conduct with a prostitute; or
- (b) Enters or remains in a place of prostitution with intent to engage in an act of sexual intercourse or deviate sexual conduct.

(2) Patronizing a prostitute is a class 1 misdemeanor. A person who is convicted of patronizing a prostitute may be required to pay a fine of not more than five thousand dollars in addition to any penalty imposed by the court pursuant to section 18-1.3-401 or 18-1.3-503, which additional fine shall be transferred to the state treasurer, who shall transfer the same to the prostitution enforcement cash fund created in 24-33.5-513, C.R.S.

### **§ 18-7-206. Pimping**

Any person who knowingly lives on or is supported or maintained in whole or in part by money or other thing of value earned, received, procured, or realized by any other person through prostitution commits pimping, which is a class 3 felony.

### **§ 18-7-207. Prostitute making display**

Any person who by word, gesture, or action endeavors to further the practice of prostitution in any public place or within public view commits a class 1 petty offense.

### **§ 18-7-401. Definitions**

As used in this part 4, unless the context otherwise requires:

- (1) "Anal intercourse" means contact between human beings of the genital organs of one and the anus of another.
- (2) "Child" means a person under the age of eighteen years.
- (3) "Cunnilingus" means any act of oral stimulation of the vulva or clitoris.
- (4) "Fellatio" means any act of oral stimulation of the penis.
- (5) "Masturbation" means stimulation of the genital organs by manual or other bodily contact, or by any object, exclusive of sexual intercourse.
- (6) "Prostitution by a child" means either a child performing or offering or agreeing to perform any act of sexual intercourse, fellatio, cunnilingus, masturbation, or anal intercourse with any person not the child's spouse in exchange for money or other thing of value or any person performing or offering or agreeing to perform any act of sexual intercourse, fellatio, cunnilingus, masturbation, or anal intercourse with any child not the person's spouse in exchange for money or other thing of value.
- (7) "Prostitution of a child" means either inducing a child to perform or offer or agree to perform any act of sexual intercourse, fellatio, cunnilingus, masturbation, or anal intercourse with any person not the child's spouse by coercion or by any threat or intimidation or inducing a child, by coercion or by any threat or intimidation or in exchange for money or other thing of value, to allow any person not the child's spouse to perform or offer or agree to perform any act of sexual intercourse, fellatio, cunnilingus, masturbation, or anal intercourse with or upon such child. Such coercion, threat, or intimidation need not constitute an independent criminal offense and shall be determined solely through its intended or its actual effect upon the child.

### **§ 18-7-402. Soliciting for child prostitution**

(1) A person commits soliciting for child prostitution if he:



- (a) Solicits another for the purpose of prostitution of a child or by a child;
  - (b) Arranges or offers to arrange a meeting of persons for the purpose of prostitution of a child or by a child; or
  - (c) Directs another to a place knowing such direction is for the purpose of prostitution of a child or by a child.
- (2) Soliciting for child prostitution is a class 3 felony.

#### **§ 18-7-403. Pandering of a child**

- (1) Any person who does any of the following for money or other thing of value commits pandering of a child:
- (a) Inducing a child by menacing or criminal intimidation to commit prostitution; or
  - (b) Knowingly arranging or offering to arrange a situation in which a child may practice prostitution.
- (2) Pandering under paragraph (a) of subsection (1) of this section is a class 2 felony. Pandering under paragraph (b) of subsection (1) of this section is a class 3 felony.

#### **§ 18-7-403.5. Procurement of a child**

Any person who intentionally gives, transports, provides, or makes available, or who offers to give, transport, provide, or make available, to another person a child for the purpose of prostitution of the child commits procurement of a child, which is a class 3 felony.

#### **§ 18-7-404. Keeping a place of child prostitution**

- (1) Any person who has or exercises control over the use of any place which offers seclusion or shelter for the practice of prostitution and who performs any one or more of the following commits keeping a place of child prostitution if he:
- (a) Knowingly grants or permits the use of such place for the purpose of prostitution of a child or by a child; or
  - (b) Permits the continued use of such place for the purpose of prostitution of a child or by a child after becoming aware of facts or circumstances from which he should reasonably know that the place is being used for purposes of such prostitution.
- (2) Keeping a place of child prostitution is a class 3 felony.

#### **§ 18-7-405. Pimping of a child**

Any person who knowingly lives on or is supported or maintained in whole or in part by money or other thing of value earned, received, procured, or realized by a child through prostitution commits pimping of a child, which is a class 3 felony.

#### **§ 18-7-405.5. Inducement of child prostitution**

- (1) Any person who by word or action, other than conduct specified in section 18-7-403 (1)(a), induces a child to engage in an act which is prostitution by a child, as defined in section 18-7-401 (6), commits inducement of child prostitution.
- (2) Inducement of child prostitution is a class 3 felony.

#### **§ 18-7-406. Patronizing a prostituted child**

- (1) Any person who performs any of the following with a child not his spouse commits patronizing a prostituted child:
- (a) Engages in an act which is prostitution of a child or by a child, as defined in section 18-7-401 (6) or (7); or

- (b) Enters or remains in a place of prostitution with intent to engage in an act which is prostitution of a child or by a child, as defined in section 18-7-401 (6) or (7).
- (2) Patronizing a prostituted child is a class 3 felony.

### **§ 18-7-407. Criminality of conduct**

In any criminal prosecution under sections 18-7-402 to 18-7-407, it shall be no defense that the defendant did not know the child's age or that he reasonably believed the child to be eighteen years of age or older.

## **Title 19. Children's Code**

### **Article 1. General Provisions**

#### **Part 3. Records and Information**

### **§ 19-1-306. Expungement of juvenile delinquent records**

- (1) For the purposes of this section, "expungement" is defined in section 19-1-103 (48). Upon the entry of an expungement order, the person, agency, and court may properly indicate that no record exists.
- (2) (a) At the time of the adjudication, the court shall advise the adjudicated juvenile and any respondent parent or guardian of the right to petition the court for the expungement of the juvenile's record. The court, on its own motion or the motion of the juvenile probation department, the juvenile parole department, the juvenile, a respondent parent or guardian, or a court-appointed guardian ad litem, may initiate expungement proceedings concerning the record of any juvenile who has been under the jurisdiction of the court.
  - (b) Expungement shall be effectuated by physically sealing or conspicuously indicating on the face of the record or at the beginning of the computerized file of the record that said record has been designated as expunged.
- (3) After expungement, basic identification information on the juvenile and a list of any state and local agencies and officials having contact with the juvenile, as they appear from the records, shall not be open to the public but shall be available to a district attorney, local law enforcement agency, the department of human services, the state judicial department, and the victim as defined in section 24-4.1-302 (5), C.R.S.; except that such information shall not be available to an agency of the military forces of the United States.
- (4) Records designated as expunged may only be inspected by order of the court, after a hearing and good cause shown. Notice of said hearing shall be given to all interested parties at least five days in advance of such hearing.
- (5) (a) Expungement proceedings shall be initiated by the filing of a petition in the appropriate juvenile court requesting an order of expungement. No filing fee shall be required. Any record that is ordered expunged shall, notwithstanding any such order for expungement, be available to any judge and the probation department for use in any future juvenile or adult sentencing hearing regarding the person whose record was expunged.
  - (a.5) Notwithstanding any order for expungement pursuant to this section, any criminal justice record of a juvenile who has been charged, adjudicated, or convicted as a repeat or mandatory juvenile offender shall be available for use by a court, a district attorney, any law enforcement agency, or any agency of the state judicial department in any subsequent criminal investigation, prosecution, or adjudication under this title or during probation or parole supervision, if otherwise permitted by law.

- (b) Upon the filing of a petition, the court shall set a date for a hearing on the petition for expungement and shall notify the appropriate prosecuting agency and anyone whom the court has reason to believe may have relevant information related to the expungement of the record.
- (c) The court may order expunged all records in the petitioner's case in the custody of the court and any records in the custody of any other agency or official if at the hearing the court finds that:
- (I) The petitioner who is the subject of the hearing has not been convicted of, or adjudicated a juvenile delinquent for, any felony offense or a misdemeanor offense involving domestic violence, unlawful sexual behavior, or possession of a weapon since the termination of the court's jurisdiction or the petitioner's unconditional release from parole supervision;
  - (II) No proceeding concerning a felony, misdemeanor, or delinquency action is pending or being instituted against the petitioner.
  - (II.5) (A) The petitioner has satisfied court-ordered restitution or is current on a restitution repayment agreement with the court collections investigator that has been entered in the electronic case record to make payment on a schedule pursuant to section 16-18.5-104 (4), C.R.S.
  - (B) If, following the entry of an order of expungement under this section, a petitioner fails to make required payments on a restitution repayment agreement, a court collections investigator may, following notice to the petitioner, file a motion with the court that entered the order to have the order of expungement reversed.
  - (III) The rehabilitation of the petitioner has been attained to the satisfaction of the court; and
  - (IV) The expungement is in the best interests of the petitioner and the community.
- (d) The court shall order expunged all records in the custody of the court and any records in the custody of any other agency or official that pertain to the petitioner's conviction for prostitution, as described in section 18-7-201, C.R.S.; soliciting for prostitution, as described in section 18-7-202, C.R.S.; keeping a place of prostitution, as described in section 18-7-204, C.R.S.; public indecency, as described in section 18-7-301, C.R.S.; soliciting for child prostitution, as described in section 18-7-402, C.R.S.; or any petitioner who is the subject of the hearing has established by a preponderance of the evidence that, at the time he or she committed the offense, he or she:
- (I) Had been trafficked by another person, as described in section 18-3-503 or 18-3-504, C.R.S., for the purpose of performing the offense; or
  - (II) Was coerced by another person, as described in section 18-3-503, C.R.S., to perform the offense.
- (6) A person is eligible to petition for an expungement order:
- (a) Immediately upon:
    - (I) A finding of not guilty at an adjudicatory trial;
    - (II) Dismissal of the petition in its entirety as a result of nonprosecution of the offense; or
    - (III) Successful completion of a juvenile diversion program, a deferred adjudication, or an informal adjustment;

- (a.5) At any time for the purposes described in paragraph (d) of subsection (5) of this section;
- (b) One year from the date of:
  - (I) A law enforcement contact that did not result in a referral to another agency; or
  - (II) The termination of the court's jurisdiction over the petitioner after successful completion of probation;
- (c) Three years from the date of:
  - (II) The petitioner's unconditional release from commitment to the department of human services; or
  - (III) The petitioner's unconditional release from parole supervision; or
- (d) Five years from the date of the termination of the court's jurisdiction over the petitioner or the petitioner's unconditional release from probation or parole supervision, whichever date is later, if the juvenile has been adjudicated a repeat or mandatory juvenile offender and if the juvenile has not further violated any criminal statute.
- (7) The following persons are not eligible to petition for the expungement of any juvenile record:
  - (a) Any person who has been adjudicated as an aggravated juvenile offender pursuant to section 19-2-516 (4) or a violent juvenile offender pursuant to section 19-2-516 (3);
  - (c) Any person who, as a juvenile, has been charged by the direct filing of an information in the district court or by indictment pursuant to section 19-2-517, unless the person was sentenced as a juvenile in the same matter;
  - (d) Any person who has been adjudicated for an offense involving unlawful sexual behavior as defined in section 16-22-102 (9), C.R.S.;
- (8) A person may file a petition with the court for expungement of his or her record only once during any twelve-month period.

## Revised Statutes – Human Trafficking

### **Title 13. Courts and Court Procedure**

#### **Article 21. Damages**

##### **Part 1. General Provisions**

##### **§ 13-21-127. Civil damages for human trafficking and involuntary servitude**

- (1) In addition to all other remedies, a victim, as defined in section 18-3-502 (12), C.R.S., is entitled to recover damages proximately caused by any person who commits human trafficking for involuntary servitude, as described in section 18-3-503, C.R.S., or human trafficking for sexual servitude, as described in section 18-3-504, C.R.S.
- (2) A conviction for human trafficking for involuntary servitude, as described in section 18-3-503, C.R.S., or human trafficking for sexual servitude, as described in section 18-3-504, C.R.S., is not a condition precedent to maintaining a civil action pursuant to the provisions of this section.

### **Title 18.Criminal Code**

#### **Article 3. Offenses Against the Person**

##### **Part 5. Human Trafficking and Slavery**

##### **§ 18-3-501. Trafficking in adults**

- (1) The general assembly hereby finds and declares that:
  - (a) Human trafficking constitutes a serious problem in Colorado and across the nation;
  - (b) Human trafficking is abhorrent to a civilized society and deserving of the most diligent response from the state;
  - (c) Human trafficking often involves minors who have been forced into involuntary servitude and commercial sexual activity;
  - (d) Human trafficking can take many forms but generally includes the use of physical abuse, threats of harm, or fear of other consequences to prevent victims from reporting the activity; and
  - (e) Human trafficking creates a cycle of violence, impacting victims, families, and communities.
- (2) The general assembly further finds and declares that:
  - (a) Legislation is required to combat this despicable practice, to make it easier to prosecute and punish persons who engage in human trafficking, and to protect the victims; and
  - (b) The general assembly supports a comprehensive approach to combating human trafficking, which approach includes prevention, protection, prosecution, and partnerships.
- (3) Now, therefore, the general assembly joins the federal government and other states around the nation in passing legislation in order to combat human trafficking and protect the victims.

##### **§ 18-3-502. Definitions**

As used in this part 5, unless the context otherwise requires:

- (1) “Adult” means a person eighteen years of age or older.
- (2) “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:

- (a) The use or threat of the use of force against, abduction of, causing of serious harm to, or physical restraint of a person;
  - (b) 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;
  - (c) 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;
  - (d) Threatening to notify law enforcement officials that a person is present in the United States in violation of federal immigration laws.
  - (e) The destruction or taking, or a threat to destroy or take, a person's identification document or other property;
  - (f) Controlling or threatening to control a person's access to a controlled substance, as defined in section 18-18-102(5);
  - (g) The use of debt bondage; or
  - (h) The exploitation of a person's physical or mental impairment, where such impairment has a substantial adverse effect on the person's cognitive or volitional functions.
- (3) "Commercial sexual activity" means sexual activity for which anything of value is given to, promised to, or received by a person.
- (4) "Debt bondage" means:
- (a) Demanding commercial sexual activity as payment toward or satisfaction of a real or purported debt; or
  - (b) Demanding labor or services as payment toward satisfaction of a real or purported liquidation of the debt; or
  - (c) Demanding labor or services where the length of the labor or services is not limited and the nature of the labor or services is not defined.
- (5) "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.
- (6) "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.
- (7) "Makes available" means to facilitate contact between a minor and another person.
- (8) "Minor" means a person less than eighteen years of age.
- (9) "Person" has the same meaning as set forth in section 2-4-401 (8), C.R.S.
- (10) "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.
- (11) "Sexual activity" means:
- (a) Sexual conduct, as defined in section 18-3-401 (4);
  - (b) Sexual intrusion, as defined in section 18-3-401 (5);
  - (c) Sexual penetration, as defined in section 18-3-401 (6);
  - (d) Sexual exploitation of a child, pursuant to section 18-6-403 (3) (a) and (3) (d); or
  - (e) An obscene performance, as defined in section 18-7-101.

(12) “Victim” means a person who is alleged to have been, or who has been, subjected to human trafficking, as described in section 18-3-503 or section 18-3-504.

**§ 18-3-504. Human trafficking for sexual servitude – human trafficking of a minor for sexual servitude**

(1) (a) 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 person to engage in commercial sexual activity commits human trafficking for sexual servitude.

(b) Human trafficking for sexual servitude is a class 3 felony.

(2) (a) A person who 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 commits human trafficking of a minor for sexual servitude.

(b) Human trafficking of a minor for sexual servitude is a class 2 felony.

(c) In any prosecution under this subsection (2), it is not a defense that:

(I) 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;

(II) The minor consented to participating in commercial sexual activity;

(III) The defendant did not know the minor's age or reasonably believed the minor to be eighteen years of age or older; or

(IV) The minor or another person represented the minor to be eighteen years of age or older.

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

(4) Conviction for an offense described in this section does not preclude conviction for an offense described in article 6 or 7 of this title based in whole or in part on the same or related conduct, and the court shall not require the prosecution to elect at trial between such offenses.

**§ 18-3-505. Human trafficking council – created – duties – repeal**

(1) (a) There is created in the department of public safety the Colorado human trafficking council, referred to within this section as the "council". The purpose of the council is to bring together leadership from community-based and statewide anti-trafficking efforts, to build and enhance collaboration among communities and counties within the state, to establish and improve comprehensive services for victims and survivors of human trafficking, to assist in the successful prosecution of human traffickers, and to help prevent human trafficking in Colorado.

(b) The membership of the council shall reflect, to the extent possible, representation of urban and rural areas of the state and a balance of expertise, both governmental and non-governmental, in issues relating to human trafficking. The council shall include members with expertise in child welfare and human services to address the unique needs of child victims, including those child victims who are involved in the child welfare system. The membership of the council shall consist of the following persons, who shall be appointed as follows:

(I) Two representatives from the department of human services, each to be appointed by the executive director of the department of human services;

(II) A representative of the department of law, to be appointed by the attorney general;

- (III) A representative of the state department of labor and employment, to be appointed by the executive director of the department of labor and employment;
- (IV) A representative of the division of the Colorado state patrol that addresses human smuggling and human trafficking pursuant to section 24-33.5-211, C.R.S., to be appointed by the executive director of the department of public safety;
- (V) A representative of a statewide association of police chiefs, to be appointed by the governor or his or her designee;
- (VI) A representative of a statewide association of county sheriffs, to be appointed by the governor or his or her designee;
- (VII) A representative of a statewide coalition for victims of sexual assault, to be appointed by the governor or his or her designee;
- (VIII) A representative of a statewide organization that provides services to crime victims, to be appointed by the governor or his or her designee;
- (IX) A representative of a statewide immigrant rights organization, to be appointed by the governor or his or her designee;
- (X) A representative of a statewide organization of district attorneys, to be appointed by the governor or his or her designee;
- (XI) A representative of a statewide organization of criminal defense attorneys, to be appointed by the governor or his or her designee;
- (XII) At least three but not more than five persons, each representing a regional or city-wide human trafficking task force or coalition, each to be appointed by the governor or his or her designee;
- (XIII) A representative of a nonprofit organization that facilitates the treatment or housing of human trafficking victims, to be appointed by the governor or his or her designee;
- (XIV) A representative of a college or university department that conducts research on human trafficking, to be appointed by the governor or his or her designee;
- (XV) A representative of a statewide organization that provides legal advocacy to abused, neglected, and at-risk children, to be appointed by the governor or his or her designee;
- (XVI) Two representatives of organizations that provide direct services to victims of human trafficking, to be appointed by the governor or his or her designee;
- (XVII) One representative of a faith-based organization that assists victims of human trafficking, to be appointed by the governor or his or her designee;
- (XVIII) Two persons, each of whom is a director of a county department of social services, one from an urban county and the other from a rural county, each to be appointed by the governor or his or her designee;
- (XIX) One person who provides child welfare services for a county department of social services, to be appointed by the governor or his or her designee;
- (XX) Two persons who are former victims of human trafficking, one who is a former victim of human trafficking for involuntary servitude and one who is a former victim of human trafficking for sexual servitude, each to be appointed by the governor or his or her designee;
- (XXI) A representative of a child advocacy center;



- (XXII) One person to be appointed by the commissioner of agriculture; and
- (XXIII) One person representing the judicial branch, to be appointed by the chief justice of the supreme court.

(2) Each appointing authority described in subsection (1) of this section shall make his or her appointments to the council on or before August 1, 2014. The members of the council shall elect presiding officers for the council, including a chair and vice-chair, from among the council members appointed pursuant to subsection (1) of this section, which presiding officers shall serve terms of two years. Council members may reelect a presiding officer.

(3) Each member of the council shall serve at the pleasure of his or her appointing authority for a term of four years. The appointing authority may reappoint the member for an additional term or terms. Members of the council shall serve without compensation but may be reimbursed for actual travel expenses incurred in the performance of their duties.

(4) The council shall hold its first meeting on or before November 1, 2014, at a time and place to be designated by the executive director of the department of public safety, or by his or her designee. The council shall meet at least four times each year and shall carry out the following duties:

(a) On or before January 1, 2016, make recommendations to the judiciary committees of the house of representatives and senate, or any successor committees, concerning:

(I) Whether the general assembly should establish standards and a process for the certification of organizations that provide services to victims of human trafficking;

(II) Whether the general assembly should establish a grant program for organizations that provide services to victims of human trafficking, including consideration of how such a grant program may be funded; and

(III) Whether the general assembly should enact legislation concerning:

(A) The prosecution of or granting of immunity to a child victim of commercial sexual exploitation for offenses related to that exploitation;

(B) The creation of other legal protections, including statutory defenses for child victims of commercial sexual exploitation for offenses related to that exploitation and the creation of any necessary changes to title 19, C.R.S., to implement those legal protections or defenses; or

(C) Standards, guidelines, or mandates regarding the appropriate assessment, placement, and treatment of child victims of commercial sexual exploitation through title 19, C.R.S., including but not limited to the use of locked placement.

(a.5) The recommendations submitted pursuant to paragraph (a) of this subsection (4) must include a full explanation of each recommendation with a discussion of the benefits of each recommendation, any problems that might be encountered, and how those problems, if any, might be mitigated.

(b) On or before January 1, 2017, and on or before January 17 of each year thereafter, submit a report to the judiciary committees of the house of representatives and senate, or any successor committees, summarizing the activities of the council during the preceding year;

(c) Consider and make, as it deems necessary, recommendations to the judiciary committees of the house of representatives and senate, or to any successor committees, concerning any statutory changes that the council deems necessary to facilitate the

prosecution and punishment of persons who engage in, and to protect the victims of, human trafficking;

(d) Develop an implementation plan for a public awareness campaign to educate the public about human trafficking and place victims services contact information in places where victims of human trafficking are likely to see it;

(e) Develop training standards and curricula for organizations that provide assistance to victims of human trafficking, for persons who work in or who frequent places where human trafficking victims are likely to appear, and for law enforcement agencies;

(f) Identify best practices for the prevention of human trafficking, particularly for the prevention of child sex trafficking;

(g) Collect data relating to the prevalence of, and the efforts of law enforcement to combat, human trafficking in Colorado. The council shall annually report the data to the judiciary committees of the house of representatives and senate, or to any successor committees.

(h) Research and pursue funding opportunities for the council;

(i) On or after January 1, 2019, perform a post-enactment review of section 18-7-201.3 and report its findings to the judiciary committees of the senate and house of representatives, or any successor committees.

(5) The department of public safety is authorized to accept and expend gifts, grants, and donations for the purpose of assisting the council in fulfilling its duties pursuant to this section.

(6) This section is repealed, effective September 1, 2019. Before repeal, the department of regulatory agencies shall review the council pursuant to section 2-3-1203, C.R.S.

## **Article 6. Offenses Involving the Family Relations**

### **Part 4. Wrongs to Children**

#### **§ 18-6-404. Procurement of a child for sexual exploitation**

Any person who intentionally gives, transports, provides, or makes available, or who offers to give, transport, provide, or make available, to another person a child for the purpose of sexual exploitation of a child commits procurement of a child for sexual exploitation, which is a class 3 felony.

## **Article 13. Miscellaneous Offenses**

#### **§ 18-13-128. Smuggling of humans**

(1) A person commits smuggling of humans if, for the purpose of assisting another person to enter, remain in, or travel through the United States or the state of Colorado in violation of immigration laws, he or she provides or agrees to provide transportation to that person in exchange for money or any other thing of value.

(2) Smuggling of humans is a class 3 felony.

(3) A person commits a separate offense for each person to whom he or she provides or agrees to provide transportation in violation of subsection (1) of this section.

(4) Notwithstanding the provisions of section 18-1-202, smuggling of humans offenses may be tried in any county in the state where a person who is illegally present in the United States who is a subject of the action is found.

# Denver Revised Municipal Code

## **Chapter 38. Offenses, Miscellaneous Provisions**

### **Article V. Offenses Relating to Morals**

#### **Division 2. Offenses Relating to Sex**

##### **§ 38-156. Definitions**

The following words and phrases, when used in this division, shall be defined as listed below:

- (1) *Anal intercourse*, as used in this section, means contact between the genital organs of one (1) person and the anus of another person.
- (2) *Cunnilingus*, as used in this section, means any act of oral stimulation of the vulva or clitoris.
- (3) *Facility* means any place or thing which provides seclusion, privacy, opportunity, protection, comfort or assistance to or for a person engaging or intending to engage in prostitution.
- (4) *Fellatio*, as used in this section, means any act of oral stimulation of the penis.
- (5) *House of prostitution* means a house or place kept or resorted to for the purpose of prostitution.
- (6) *Masturbation*, as used in this section, means stimulation of the genital organs by manual or other bodily contact exclusive of sexual intercourse.
- (7) *Pandering* means knowingly arranging or offering to arrange a situation in which a person may practice prostitution.
- (8) *Prostitution* means any act of sexual intercourse, including but not limited to fellatio, cunnilingus, masturbation, or anal intercourse, with any person not his/her spouse in exchange for money or other thing of value.
- (9) *Spouse* means persons sharing living quarters in a domestic relationship.

##### **§ 38-157. Public indecency**

- (A) It shall be unlawful for any person to perform an act of public indecency.
- (B) Any person commits public indecency who performs any of the following in a public place or where the conduct may reasonably be expected to be viewed by members of the public:
- (1) An act of sexual intercourse;
  - (2) An act of deviate sexual intercourse;
  - (3) Insertion of one (1) or more fingers or other object into the vagina or anus;
  - (4) Masturbation;
  - (5) Caressing or fondling of the genitals of another person;
  - (6) Patently offensive representations or imitations of sexual intercourse, masturbation, or excretory functions accompanied by exhibition of the genitals.
  - (7) Lewd fondling or caressing of the body of another person.

##### **§ 38-158. Prostitution**

- (A) It shall be unlawful for any person:
- (1) Knowingly to solicit, induce, entice, or otherwise engage another person for the purpose of obtaining an offer or an agreement for any act of prostitution. Evidence of such illegal conduct includes, but is not limited to, the following:  
In the context of discussing sexual acts, money, or other things of value:
    - a. Inquiring about whether a person is a police officer;

- b. Searching for articles that would identify a person as a police officer;
  - c. Requesting a person to perform acts to prove that the person is not a police officer, including, but not limited to:
    - (i) The touching or exposure of genitals or female breasts; or
    - (ii) The consumption or use of alcohol, marijuana, or illegal controlled substances;
  - (2) To arrange or offer to arrange a meeting of or to procure persons for the purpose of prostitution;
  - (3) To direct another person to a place knowing such direction is for the purpose of prostitution;
  - (4) Knowingly to arrange or offer to arrange a situation in which a person may practice prostitution;
  - (5) To have or exercise or control the use of any facility, and:
    - a. Knowingly to grant or permit the use of such facility for the purpose of prostitution; or
    - b. Knowingly to permit the continued use of such facility for the purpose of prostitution, after becoming aware of facts or circumstances from which such person should reasonably know that such facility is being used for purposes of prostitution;
  - (6) To perform, offer or agree to any act of prostitution;
  - (7) To enter or remain in a house of prostitution with the intent to engage in an act of prostitution.
- (B) Persons convicted of violating and persons pleading guilty or nolo contendere to violation of subsection (A) shall, in addition to any sentence of jail time, pay a fine of five hundred dollars (\$500.00) for the first offense; seven hundred fifty dollars (\$750.00) for the second offense within five (5) years; and nine hundred ninety-nine dollars (\$999.00) for the third and subsequent offenses. No part of the minimum fine may be suspended, however, the court may order a person convicted of violating subsection (A) to perform useful public service, and credit the dollar amount earned through such public service toward payment of the minimum fine owed. The person shall be paid at the standard hourly rate for such public service as established by the rules and regulations of the court. Useful public service shall be considered work which is beneficial to the public and which involves a minimum of public cost.
- (C) The police shall immediately notify the manager of environmental health of persons charged with violations of this section, and the manager shall order a medical examination pursuant to section 24-131 of the Revised Municipal Code.

**§ 38-163. Use of transient accommodations for purposes relating to sexual offenses**

It shall be unlawful for any person knowingly to permit the use of or to use any hotel, motor hotel, lodging house, rooming house, or other place whatsoever, where transients are accommodated, for the purpose of committing an offense relating to sex, as provided in this division.

## Laws in Practice

### **Denver Police Department**

Denver was one of the first cities to utilize a John's School to combat demand. Denver had two operative John's School. The first opened in 1999 by the City Attorney's Office. The focus of this John's School was on counseling, until it ultimately closed its door in 2011. The second John's School was launched in 2009 and modeled after the San Francisco FOPP. It was a one-day educational class with lectures made by health officials and victims of prostitution. In addition to the John's schools, Denver has employed systematic shaming efforts (John TV and media releases), community service, and auto seizures. An auto seizure carries a towing cost of \$120 and daily storage costs of \$20.

To carry out these missions, Denver Police Department partners with Denver City Attorney's Office and Michael Holtby, a counselor who runs the John's School Program.

#### *Nature of the John's School Program*

The program is restricted to individuals who admit their guilt, who have no prior offenses, who wish to have their records cleared upon completion of the program. Payment is due at the time of the first appointment. The cost is \$65 for each session; \$130 for the entire program. The costs of the program are higher than if men just plea guilty and pay the fine, but less than the fine for soliciting.

## Victim Services

### **Denver Police Department**

Denver Police Department has a Victims Assistance Unit (VAU) which provides immediate intervention, support, information, referrals and other assistance to victims of crime. They also partner with various agencies that can offer victims more help financially and emotionally. One such agency is the Denver Center for Crime Victims. The DCCV is a nonprofit agency that serves all victims of crime regardless of age, gender, ethnicity, race, religion, sexual orientation, disability or national origin. A large part of their focus is on trauma counseling. DCCV Hotline: (303) 894-8000.

The Victim Services Network (VSN) connects support agencies and communities to provide innovative, seamless and integrated services to victims of crime in Denver. There are currently five committees that complete the work of the network: the Executive Committee, the Crime Victims Advisory Council, the Networking and Advocacy Committee, the Technology Committee and the Strategic Funding Task Force. To facilitate collaboration, numerous protocols and guidelines govern how victim service agencies work together with regard to ethical communication, technology, vicarious trauma, and cultural competency.

Another big agency Denver PD works with is SafeHouse which serves victims of domestic violence and their children through both an emergency shelter and non-residential Counseling/Advocacy Center. All of the women and children at SafeHouse have access to a full range of services including individual and group counseling, advocacy and safety planning. SafeHouse Phone: (303) 318-9989.

Other partnering agencies offer services for victims of rape, elderly victims and disabled victims. In general Denver's model of services to victims is heavily focused on counseling. Though the website does not mention services available specifically for victims of prostitution or sex trafficking, it does provide general information on trauma and how to combat it.

### **Project SUCCESS**

Project SUCCESS is a collaborative effort among members of the Denver community aimed at reducing prostitution and prostitution related crimes in Denver. Empowerment is present in the Denver County Courtroom everyday. As women plead guilty or no contest to municipal charges ranging from trespassing to shoplifting, assault to disturbing the peace or prostitution, we offer our services. After release from jail, women attend a mandatory orientation meeting to begin their action plan. We design each plan accordingly to each woman's needs and desires.

Women also may be offered the opportunity to come to Empowerment instead of a fine and/or jail sentence. The Empowerment Program offers referrals to individuals if the services they are in need of are not offered at the program. Further, Project SUCCESS provides basic emergency services for homeless single women who need intensive case management services that will connect them to shelter, food, health services and other services vital to their personal safety. Once enrolled in the project, women have access to transportation assistance, Confidential HIV-Testing, Hygiene Products, Support Groups, GED Tutoring, Employment

Skills, Computer Skill Classes and an Education Specialist for those who want to pursue secondary education.

For further information contact The Empowerment Program at phone: (303) 320-1989 or visit their website at <http://www.empowermentprogram.org/>.

### **Street's Hope**

Street Hope is a non-profit organization founded in 2004. The organization assists women who have a desire to leave any sexually oriented business. In 2012, Street's Hope revamped its program to offer more intensive services. These services included: housing (approximately 1 year), on-site access to basic needs (of clothing, food, and hygiene banks), long term individual trauma therapy, on site daily group therapy, intensive case management, mentoring relationships, assistance with life skills, vocational and educational trainings, addiction recovery support and (optional) spiritual support. Each women's treatment is individualized. For further information contact Street's Hope at 303-433-2712 or visit their website at <http://streetshope.org/>.

### **Colorado Organization for Victim Assistance.**

COVA Colorado Organization for Victim Assistance (COVA) is a non-profit organization that was founded in 1982. COVA is committed to fairness and healing for crime victims, their families and communities through leadership, education, and advocacy.

COVA also has a human trafficking program that provides services for a broad range of human trafficking victims. Depending on the needs of the individual, the victim is provided either primary case management or coordinated case management with other programs. COVA helps both domestic and international victims; adults and minors; sex and labor trafficking.

Some the services COVA provides are:

- Housing and shelter referrals
- Resources to assist with food, hygiene products, clothing and transportation
- Phones
- Referrals for medical and mental health services
- Referrals for legal assistance
- Support in gaining additional education, including GED and ESL classes
- Referrals to job training programs
- Support in applying for Address Confidentiality \

COVA also provides comprehensive training on human trafficking to law enforcement, advocates, businesses, community programs, religious organizations and concerned citizens.

### **Restore Innocence**

Restore Innocence is a non-profit organization in Colorado Springs, CO that was created to aid victims of human trafficking in the rescue, restoration and reintegration process by providing services that cater to the survivors' physical, emotional, and spiritual needs.

Restore Innocence care for survivors of human trafficking through mentoring and creating/sending restoration bags. The mentoring program matches trained and education mentors with survivors to serve as safe person for survivors to talk to and help them through the healing process. Mentors make a minimum one year commitment. However, about 75 percent

of the mentors continue the relationships beyond the one year. The restorative bags are filled with news that are given to survivors upon rescue. The organization has shipped over 2500 restoration bags to law enforcement agencies in 42 states.

Some the services COVA provides are:

- Pants
- Hoodie
- T-shirt
- Sports bra
- Underwear
- Socks
- Toiletries
- Hair ties and brushes
- Flip flops
- Blister gel bandages
- Small fleece blanket
- Huggable sized stuffed animal



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# Georgia

## Official Code – Solicitation

### **Title 16. Crimes and Offenses**

#### **Chapter 6. Sexual Offenses**

##### **§ 16-6-10. Keeping a place of prostitution**

A person having or exercising control over the use of any place or conveyance which would offer seclusion or shelter for the practice of prostitution commits the offense of keeping a place of prostitution when he knowingly grants or permits the use of such place for the purpose of prostitution.

##### **§ 16-6-11. Pimping**

A person commits the offense of pimping when he or she performs any of the following acts:

- (1) Offers or agrees to procure a prostitute for another;
- (2) Offers or agrees to arrange a meeting of persons for the purpose of prostitution;
- (3) Directs or transports another person to a place when he or she knows or should know that the direction or transportation is for the purpose of prostitution;
- (4) Receives money or other thing of value from a prostitute, without lawful consideration, knowing it was earned in whole or in part from prostitution; or
- (5) Aids or abets, counsels, or commands another in the commission of prostitution or aids or assists in prostitution where the proceeds or profits derived therefrom are to be divided on a pro rata basis.

##### **§ 16-6-12. Pandering**

A person commits the offense of pandering when he or she solicits a person to perform an act of prostitution in his or her own behalf or in behalf of a third person or when he or she knowingly assembles persons at a fixed place for the purpose of being solicited by others to perform an act of prostitution.

##### **§ 16-6-13. Penalties for violating Code Section 16-6-9 through 16-6-12**

(a) Except as otherwise provided in subsection (b) of this Code section, a person convicted of any of the offenses enumerated in Code Sections 16-6-10 through 16-6-12 shall be punished as for a misdemeanor of a high and aggravated nature. A person convicted of the offense enumerated in Code Section 16-6-9 shall be punished as for a misdemeanor.

(b)

(1) A person convicted of any of the offenses enumerated in Code Sections 16-6-10 through 16-6-12 when such offense involves the conduct of a person who is at least 16 but less than 18 years of age shall be guilty of a felony and shall be punished by imprisonment for a period of not less than five nor more than 20 years, a fine of not less than \$2,500.00 nor more than \$10,000.00, or both.

(2) A person convicted of any of the offenses enumerated in Code Sections 16-6-10 through 16-6-12 when such offense involves the conduct of a person under the age of 16 years shall be guilty of a felony and shall be punished by imprisonment for a period of not less than ten nor more than 30 years, a fine of not more than \$100,000.00, or both.

(3) Adjudication of guilt or imposition of a sentence for a conviction of a second or subsequent offense pursuant to this subsection, including a plea of nolo contendere, shall not be suspended, probated, deferred, or withheld.

(c)

- (1) The clerk of the court in which a person is convicted of pandering shall cause to be published a notice of conviction for each such person convicted. Such notices of conviction shall be published in the manner of legal notices in the legal organ of the county in which such person resides or, in the case of nonresidents, in the legal organ of the county in which the person was convicted. Such notice of conviction shall be one column wide by two inches long and shall contain the photograph taken by the arresting law enforcement agency at the time of arrest, name, and address of the convicted person and the date, time, place of arrest, and disposition of the case and shall be published once in the legal organ of the appropriate county in the second week following such conviction or as soon thereafter as publication may be made.
- (2) The convicted person for which a notice of conviction is published pursuant to this subsection shall be assessed the cost of publication of such notice and such assessment shall be imposed at the time of conviction in addition to any other fine imposed pursuant to this Code section.
- (3) The clerk of the court, the publisher of any legal organ which publishes a notice of conviction, and any other person involved in the publication of an erroneous notice of conviction shall be immune from civil or criminal liability for such erroneous publication, provided such publication was made in good faith.
- (d) In addition to any other penalty authorized under subsections (a) and (b) of this Code section, a person convicted of an offense enumerated in Code Sections 16-6-9 through 16-6-12 shall be fined \$2,500.00 if such offense was committed within 1,000 feet of any school building, school grounds, public place of worship, or playground or recreation center which is used primarily by persons under the age of 17 years.

**§ 16-6-13.1. Testing for sexually transmitted diseases required.**

- (a) Any term used in this Code section and defined in Code Section 31-22-9.1 shall have the meaning provided for such term in Code Section 31-22-9.1.
- (b) Upon a verdict or plea of guilty or a plea of nolo contendere to the offense of pandering, the court in which that verdict is returned or plea entered shall as a condition of probation or a suspended sentence require the defendant in such case to submit to testing for sexually transmitted diseases within 45 days following the date of the verdict or plea and to consent to release of the test results to the defendant's spouse if the defendant is married; provided, however, that a defendant who is not a resident of this state shall, upon a verdict or plea of guilty or a plea of nolo contendere, be ordered by the court to undergo immediate testing for sexually transmitted diseases and shall remain in the custody of the court until such testing is completed. The clerk of the court, in the case of a defendant who is a resident of this state, shall mail, within three days following the date of that verdict or plea, a copy of that verdict or plea to the Department of Public Health. The tests for sexually transmitted diseases required under this subsection shall be limited to the eight most common sexually transmitted diseases as determined by the Department of Public Health.
- (c) The Department of Public Health, within 30 days following the notification under subsection (b) of this Code section, shall arrange for the tests for the person required to submit thereto. Such person shall bear the costs of such tests.
- (d) Any person required under this Code section to submit to testing for sexually transmitted diseases who fails or refuses to submit to the tests arranged pursuant to subsection (c) of this Code section shall be subject to such measures deemed necessary by the court in which the verdict was returned or plea entered to require voluntary submission to the tests.

**§ 16-6-13.2. Civil forfeiture of motor vehicle.**

- (a) As used in this Code section, the term “motor vehicle” shall have the same meaning as set forth in Code Section 40-1-1.
- (b) Any motor vehicle used by a person to facilitate a violation of Code Section 16-6-10, 16-6-11 when the offense involved the pimping of a person to perform an act of prostitution, 16-6-12, or 16-6-14 is declared to be contraband and no person shall have a property right in it.
- (c) Any property subject to forfeiture pursuant to subsection (b) of this Code section shall be forfeited in accordance with the procedures set forth in Chapter 16 of Title 9.

**§ 16-6-14. Pandering by compulsion.**

A person commits the offense of pandering by compulsion when he or she by duress or coercion causes a person to perform an act of prostitution and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than ten years.

**§ 16-6-15. Solicitation of sodomy.**

- (a) A person commits the offense of solicitation of sodomy when he solicits another to perform or submit to an act of sodomy. Except as provided in subsection (b) of this Code section, a person convicted of solicitation of sodomy shall be punished as for a misdemeanor.
- (b) A person convicted of solicitation of sodomy when such offense involves the solicitation of a person or persons under the age of 18 years to perform or submit to an act of sodomy for money shall be guilty of a felony and shall be punished by imprisonment for a period of not less than five nor more than 20 years and shall be fined not less than \$2,500.00 nor more than \$10,000.00.

**§ 16-6-16. Masturbation for hire.**

- (a) A person, including a masseur or masseuse, commits the offense of masturbation for hire when he erotically stimulates the genital organs of another, whether resulting in orgasm or not, by manual or other bodily contact exclusive of sexual intercourse or by instrumental manipulation for money or the substantial equivalent thereof.
- (b) A person committing the offense of masturbation for hire shall be guilty of a misdemeanor.

**§ 16-6-187. Giving massages in place used for lewdness, prostitution, assignation, or masturbation for hire.**

- (a) It shall be unlawful for any masseur or masseuse to massage any person in any building, structure, or place used for the purpose of lewdness, assignation, prostitution, or masturbation for hire.
- (b) As used in this Code section, the term:
  - (1) “Masseur” means a male who practices massage or physiotherapy, or both.
  - (2) “Masseuse” means a female who practices massage or physiotherapy, or both.
- (c) Any person who violates this Code section shall be guilty of a misdemeanor.

**Title 17. Criminal Procedure**

**Chapter 15. Victim Compensation**

**§ 17-15-7. Persons eligible for awards.**

- (a) Except as otherwise provided in this Code section, the following persons shall be eligible for awards pursuant to this chapter:
  - (1) A person who:

(D) Suffers a serious mental or emotional trauma as a result of being trafficked for labor servitude or sexual servitude as defined in Code Section 16-5-46;

## Official Code – Human Trafficking

### **§ 16-5-40. Kidnapping.**

- (a) A person commits the offense of kidnapping when such person abducts or steals away another person without lawful authority or warrant and holds such other person against his or her will.
- (b)
  - (1) For the offense of kidnapping to occur, slight movement shall be sufficient; provided, however, that any such slight movement of another person which occurs while in the commission of any other offense shall not constitute the offense of kidnapping if such movement is merely incidental to such other offense.
  - (2) Movement shall not be considered merely incidental to another offense if it:
    - (A) Conceals or isolates the victim;
    - (B) Makes the commission of the other offense substantially easier;
    - (C) Lessens the risk of detection; or
    - (D) Is for the purpose of avoiding apprehension.
- (c) The offense of kidnapping shall be considered a separate offense and shall not merge with any other offense.
- (d) A person convicted of the offense of kidnapping shall be punished by:
  - (1) Imprisonment for not less than ten nor more than 20 years if the kidnapping involved a victim who was 14 years of age or older;
  - (2) Imprisonment for life or by a split sentence that is a term of imprisonment for not less than 25 years and not exceeding life imprisonment, followed by probation for life, if the kidnapping involved a victim who is less than 14 years of age;
  - (3) Life imprisonment or death if the kidnapping was for ransom; or
  - (4) Life imprisonment or death if the person kidnapped received bodily injury.
- (e) Any person convicted under this Code section shall, in addition, be subject to the sentencing and punishment provisions of Code Sections 17-10-6.1 and 17-10-7.
- (f) The offense of kidnapping is declared to be a continuous offense, and venue may be in any county where the accused exercises dominion or control over the person of another.

### **§ 16-5-41. False imprisonment.**

- (a) A person commits the offense of false imprisonment when, in violation of the personal liberty of another, he arrests, confines, or detains such person without legal authority.
- (b) A person convicted of the offense of false imprisonment shall be punished by imprisonment for not less than one nor more than ten years.
- (c) Any person convicted under this Code section wherein the victim is not the child of the defendant and the victim is less than 14 years of age shall, in addition, be subject to the sentencing and punishment provisions of Code Section 17-10-6.2.

### **§ 16-5-46. Trafficking of persons for labor or sexual servitude.**

- (a) As used in this Code section, the term:
  - (1) “Developmental disability” shall have the same meaning as set forth in Code Section 37-1-1.
  - (2) “Coercion means”

- (A) Causing or threatening to cause bodily harm to any individual, physically restraining or confining any individual, or threatening to physically restrain or confine any individual;
  - (B) Exposing or threatening to expose any fact or information or disseminating or threatening to disseminate any fact or information that would tend to subject an individual to criminal or immigration proceedings, hatred, contempt, or ridicule;
  - (C) 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 individual;
  - (D) Providing a controlled substance to such individual for the purpose of compelling such individual to engage in labor or sexual servitude against his or her will; or
  - (E) Causing or threatening to cause financial harm to any individual or using financial control over any individual.
- (3) "Controlled substance" shall have the same meaning as set forth in Code Section 16-13-21.
- (4) "Deception" means:
- (A) Creating or confirming another's impression of an existing fact or past event which is false and which the accused knows or believes to be false;
  - (B) Maintaining the status or condition of an individual arising from a pledge by such individual 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 or the length and nature of those services are not respectively limited and defined, or preventing an individual from acquiring information pertinent to the disposition of such debt; or
  - (C) Promising benefits or the performance of services which 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 Code section.
- (5) "Labor servitude" means work or service of economic or financial value which is performed or provided by another individual and is induced or obtained by coercion or deception.
- (6) "Performance" shall have the same meaning as set forth in Code Section 16-12-100.
- (7) "Sexually explicit conduct" shall have the same meaning as set forth in Code Section 16-12-100.
- (8) "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:
- (A) By coercion or deception;
  - (B) From an individual who is under the age of 18 years;
  - (C) From an individual whom the accused believes to be under the age of 18 years;
  - (D) From an individual who has a developmental disability; or
  - (E) From an individual whom the accused believes to have a developmental disability.



(b) 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.

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

(d) 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 Code section.

(e) The sexual history or history of commercial sexual activity of a person alleged to have been trafficked or such person's connection by blood or marriage to an accused in the case or to anyone involved in such person's trafficking shall be excluded from evidence if the court finds at a hearing outside the presence of the jury that the probative value of the evidence is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury.

(f)

(1) Except as provided in paragraph (2) of this subsection, any person who commits the offense of trafficking an individual for labor or sexual servitude shall be guilty of a felony, and upon conviction thereof, shall be punished by imprisonment for not less than ten nor more than 20 years and a fine not to exceed \$100,000.00.

(2) Any person who commits the offense of trafficking an individual for labor or sexual servitude against an individual who is under the age of 18 years shall be guilty of a felony, and upon conviction thereof, shall be punished by imprisonment for not less than ten nor more than 20 years and a fine not to exceed \$100,000.00; provided, however, that if the offense is committed against an individual under 18 years of age and such individual under the age of 18 years was coerced or deceived into being trafficked for labor or sexual servitude or if the offense is committed against an individual who has a developmental disability, the person shall be guilty of a felony, and upon conviction thereof, shall be punished by imprisonment for not less than 25 nor more than 50 years or life imprisonment and a fine not to exceed \$100,000.00.

(g)

(1) As used in this subsection, the terms "civil forfeiture proceedings," "proceeds," and "property" shall have the same meanings as set forth in Code Section 9-16-2.

(2) Any property which is, directly or indirectly, used or intended for use in any manner to facilitate a violation of this Code section and any proceeds are declared to be contraband and no person shall have a property right in them.

(3) Any property subject to forfeiture pursuant to paragraph (2) of this subsection shall be forfeited in accordance with the procedures set forth in Chapter 16 of Title 9.

(4) The Attorney General shall be specifically authorized to commence civil forfeiture proceedings under this Code section.

(h) Prosecuting attorneys and the Attorney General shall have concurrent authority to prosecute any criminal cases arising under the provisions of this Code section and to perform any duty that necessarily appertains thereto.

(i) Each violation of this Code section shall constitute a separate offense and shall not merge with any other offense.

(j) A corporation may be prosecuted under this Code section for an act or omission constituting a crime under this Code section only if an agent of the corporation performs the conduct which is an element of the crime while acting within the scope of his or her office or employment and on behalf of the corporation and the commission of the crime was either authorized, requested, commanded, performed, or within the scope of his or her employment on behalf of the corporation or constituted a pattern of illegal activity that an agent of the company knew or should have known was occurring.

(k) The sole fact that an undercover operative or law enforcement officer was involved in the detection and investigation of an offense under this Code section shall not constitute a defense to prosecution under this Code section; provided, however, that Code Section 16-3-25 may still provide an absolute defense.

## Alpharetta Municipal Code

Alpharetta does not have a codified municipal ordinance of their own, thus, they rely on the State of Georgia Penal Code.

## Code of DeKalb County

### **§ 18-3. Drug and illegal gambling houses, houses of prostitution and other disorderly houses.**

(a) Any dwelling, building, or structure used for prostitution, illegal gambling, or in connection with the commission of drug crimes is hereby declared to be a public nuisance. However, consistent with the public policy of the State of Georgia, this chapter shall not apply to any publicly owned cultural facility pursuant to O.C.G.A. § 41-1-8, as may hereinafter be amended.

(b) It is the affirmative duty of the owner of every dwelling, building, or structure within unincorporated DeKalb County to construct and maintain such dwelling, building, or structure in conformance with applicable codes in the Official Code of Georgia, and all ordinances in force within unincorporated DeKalb County.

(g) The court may authorize the issuance of ex parte administrative search warrants reasonably calculated to determine whether the nuisance has been abated or whether the order of the court has been obeyed.

(h) If the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the public officer may cause such dwelling, building, or structure to be repaired, altered, or improved or to be vacated and closed or demolished. The public officer shall cause to be posted on the main entrance of the building, dwelling, or structure a placard with the following words:

"This building is unfit for human habitation or commercial, industrial, or business use and does not comply with the applicable codes or has been ordered secured to prevent its use in connection with illegal activities or constitutes an endangerment to public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this building is prohibited and unlawful."

## Laws in Practice

### **Alpharetta, Georgia**

Alpharetta is a northern suburb of Atlanta, which could be a big reason why Alpharetta experiences sex trafficking. In fact, illicit sexual activities in massage parlors were such a problem in Alpharetta that the legislature recently passed a new ordinance specifically addressing this issue. Alpharetta PD has taken a proactive approach to combat demand for commercial sex by joining the 9th National Day of Johns Arrest, organized by the Cook County Sheriff's Office. In addition to conducting regular reverse stings, the police department also releases the identities of individuals arrested for solicitation to the media.

### **Dekalb County, Georgia**

In addition to city-level efforts to curtail demand, the DeKalb County Police Department has staged periodic reverse stings from undisclosed locations within the county. In 1988, for example, Cobb County law enforcement officers and DeKalb police partnered with Atlanta's Metro Drug and Vice department to arrest 25 male customers as well as three women involved in a phone escort service in a 5-night reverse sting/sting operation.

In early 2015, the Cook County Sheriff's Office reported that DCPD officers had again targeted demand, arresting three johns as part of the ninth annual *National Day of Johns Arrests*. The operation was conducted with the support of the Georgia Attorney General's Office. Although it was noted that the investigations were launched between January 25, 2015 and February 1, 2015, the logistical details of the DCPD operation— including the identities of the men arrested— were not disclosed to the public.

## Victim Services

### **Georgia Cares**

Georgia Cares is an independent, not-for-profit organization which serves victims of child sex trafficking. It serves all youth victims in Georgia who are confirmed or suspected victims of commercial sexual exploitation and sex trafficking. Georgia Cares offers many services to these young victims, beginning with a 24-hour emergency hotline (404-602-0068). Through the hotline victims are provided with information about Georgia Cares programs, given assistance reaching law enforcement for victim rescue, and further referrals for assistance. Throughout their stay at Georgia Cares, youth work with Care Coordinators to engage in safety planning. This involves identifying a victim's safety triggers, concerns and the support needed to appropriately respond to crises. Youth are also assigned a Mentor, who provides tutoring, financial planning, and job readiness. Mentors work with their youths for at least 12 months, although their aid can be extended. To ensure that youths have successfully transitioned, Georgia Cares follows up with youths that have graduated their program at least every six months for up to one year. They also communicate with parents or caretakers to ascertain whether and to what extent a youth's recovery is continuing.

In addition to the services above, Georgia Cares also provides victims with case management, coordination services and placement in a safe house if needed. They work in collaboration with other organizations to provide emergency beds, safe homes for long-term care, and independent living options. For more information visit [www.gacares.org/index.php](http://www.gacares.org/index.php).

### **Georgia Statewide Human Trafficking Task Force**

In 2008, the Governor's Office for Children and Families began focus on assisting sexually exploited children. However, in July 2014, the program was transferred to the Criminal Justice Coordinating Council in order to examine the entire scope of the issue of human trafficking. The task force is based off of the following eight principles:

1. Community awareness and education
2. Youth awareness and safety
3. Deterring traffickers and buyers
4. Keeping at-risk youth safe
5. Apprehending, investigating and prosecuting
6. Examine labor, international, and adult sex trafficking
7. Supporting and protecting survivors
8. Ensuring the survival and thriving of survivors

### **Covenant House Georgia**

Covenant House Georgia (CHGA) is an organization that provides shelter and services to Atlanta's homeless and runaway youth. It is a 46-bed crisis shelter where youth are given the opportunity to achieve stability, work with a case manager and develop a plan for the future. Additionally, two independent living programs are offered, a 20-bed apartment-based program and a 24-bed program onsite called Rights of Passage. These programs are designed to help our youth learn to live independently.

Since 2000, more than 15,000 youth have received support from CHGA. As of now, more than 1,000 homeless and at-risk youth are served every year. CHGA offers a variety of services to assist the youth to self-sufficiency. Their guiding principle is unconditional love

and a door that's open 24/7. Their services are free and every youth comes to the door is help. No one is turned away without being helped.

CHGA receives many children who have been trafficked. An effort to awareness about human trafficking, CHGA has issued an Urgent Call to Service. Asking states, schools, civic groups, police, social service agencies, and child advocates to speak out for victims of human trafficking.

## References

1. Abt Associates, DEMANDforum.net, Alpharetta, GA, <http://www.demandforum.net/site/alpharetta-ga> (accessed April 17, 2015).
2. Abt Associates, DEMANDforum.net, DeKalb County, GA, <http://www.demandforum.net/site/dekalb-county-ga> (accessed April 17, 2015).
3. DeKalb County Mun. Code (Ga.) § 18-3 (2014).
4. Georgia Cares, <http://www.gacares.org/index.php> (accessed April 17, 2015).
5. Covenant House Georgia, <http://www.covenanthousega.org/> (accessed May 1, 2017).
6. O.C.G.A. § 16-6-10 (2014).
7. O.C.G.A. § 16-6-11 (2014).
8. O.C.G.A. § 6-6-12 (2014).
9. O.C.G.A. § 16-6-13 (2014).
10. O.C.G.A. § 16-6-13.1 (2014).
11. O.C.G.A. § 16-6-13.2 (2014).
12. O.C.G.A. § 16-6-14 (2014).
13. O.C.G.A. § 16-6-15 (2014).
14. O.C.G.A. § 16-6-16 (2014).
15. O.C.G.A. § 16-6-187 (2014).
16. O.C.G.A. § 16-5-40 (2014).
17. O.C.G.A. § 16-5-41 (2014).
18. O.C.G.A. § 16-5-46 (2014).
19. O.C.G.A. § 17-15-7 (2014).



# Illinois

## Compiled Statutes – Solicitation

### **Act 5. Criminal Code of 2012**

#### **Title III. Specific Offenses**

#### **Part B. Offenses Directed Against the Person**

#### **Article 11. Sex Offenses**

#### **Subdivision 15. Prostitution Offenses**

#### **§ 11-14. Prostitution**

(a) Any person who knowingly performs, offers or agrees to perform any act of sexual penetration as defined in Section 11-0.1 of this Code for anything of value, or any touching or fondling of the sex organs of one person by another person, for anything of value, for the purpose of sexual arousal or gratification commits an act of prostitution.

(b) Sentence. A violation of this Section is a Class A misdemeanor.

(c-5) It is an affirmative defense to a charge under this Section that the accused engaged in or performed prostitution as a result of being a victim of involuntary servitude or trafficking in persons as defined in Section 10-9 of this Code.

(d) Notwithstanding the foregoing, if it is determined, after a reasonable detention for investigative purposes, that a person suspected of or charged with a violation of this Section is a person under the age of 18, that person shall be immune from prosecution for a prostitution offense under this Section, and shall be subject to the temporary protective custody provisions of Sections 2-5 and 2-6 of the Juvenile Court Act of 1987. Pursuant to the provisions of Section 2-6 of the Juvenile Court Act of 1987, a law enforcement officer who takes a person under 18 years of age into custody under this Section shall immediately report an allegation of a violation of Section 10-9 of this Code to the Illinois Department of Children and Family Services State Central Register, which shall commence an initial investigation into child abuse or child neglect within 24 hours pursuant to Section 7.4 of the Abused and Neglected Child Reporting Act.

#### **§ 11-14.1. Solicitation of a sexual act**

(a) Any person who offers a person not his or her spouse any money, property, token, object, or article or anything of value for that person or any other person not his or her spouse to perform any act of sexual penetration as defined in Section 11-0.1 of this Code, or any touching or fondling of the sex organs of one person by another person for the purpose of sexual arousal or gratification, commits solicitation of a sexual act.

(b) Sentence. Solicitation of a sexual act is a Class A misdemeanor. Solicitation of a sexual act from a person who is under the age of 18 or who is a person with a severe or profound intellectual disability is a Class 4 felony. If the court imposes a fine under this subsection (b), it shall be collected and distributed to the Specialized Services for Survivors of Human Trafficking Fund in accordance with Section 5-9-1.21 of the Unified Code of Corrections.

(b-5) It is an affirmative defense to a charge of solicitation of a sexual act with a person who is under the age of 18 or who is a person with a severe or profound intellectual disability that the accused reasonably believed the person was of the age of 18 years or over or was not a person with a severe or profound intellectual disability at the time of the act giving rise to the charge.

(c) This Section does not apply to a person engaged in prostitution who is under 18 years of age.

(d) A person cannot be convicted under this Section if the practice of prostitution underlying the offense consists exclusively of the accused's own acts of prostitution under Section 11-14 of this Code.

### **§ 11-14.3. Promoting prostitution**

(a) Any person who knowingly performs any of the following acts commits promoting prostitution:

- (1) advances prostitution as defined in Section 11-0.1;
- (2) profits from prostitution by:
  - (A) compelling a person to become a prostitute;
  - (B) arranging or offering to arrange a situation in which a person may practice prostitution; or
  - (C) any means other than those described in subparagraph (A) or (B), including from a person who patronizes a prostitute. This paragraph (C) does not apply to a person engaged in prostitution who is under 18 years of age. A person cannot be convicted of promoting prostitution under this paragraph (C) if the practice of prostitution underlying the offense consists exclusively of the accused's own acts of prostitution under Section 11-14 of this Code.

(b) Sentence.

- (1) A violation of subdivision (a)(1) is a Class 4 felony, unless committed within 1,000 feet of real property comprising a school, in which case it is a Class 3 felony. A second or subsequent violation of subdivision (a)(1), or any combination of convictions under subdivision (a)(1), (a)(2)(A), or (a)(2)(B) and Section 11-14 (prostitution), 11-14.1 (solicitation of a sexual act), 11-14.4 (promoting juvenile prostitution), 11-15 (soliciting for a prostitute), 11-15.1 (soliciting for a juvenile prostitute), 11-16 (pandering), 11-17 (keeping a place of prostitution), 11-17.1 (keeping a place of juvenile prostitution), 11-18 (patronizing a prostitute), 11-18.1 (patronizing a juvenile prostitute), 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated juvenile pimping), or 11-19.2 (exploitation of a child), is a Class 3 felony.
- (2) A violation of subdivision (a)(2)(A) or (a)(2)(B) is a Class 4 felony, unless committed within 1,000 feet of real property comprising a school, in which case it is a Class 3 felony.
- (3) A violation of subdivision (a)(2)(C) is a Class 4 felony, unless committed within 1,000 feet of real property comprising a school, in which case it is a Class 3 felony. A second or subsequent violation of subdivision (a)(2)(C), or any combination of convictions under subdivision (a)(2)(C) and subdivision (a)(1), (a)(2)(A), or (a)(2)(B) of this Section (promoting prostitution), 11-14 (prostitution), 11-14.1 (solicitation of a sexual act), 11-14.4 (promoting juvenile prostitution), 11-15 (soliciting for a prostitute), 11-15.1 (soliciting for a juvenile prostitute), 11-16 (pandering), 11-17 (keeping a place of prostitution), 11-17.1 (keeping a place of juvenile prostitution), 11-18 (patronizing a prostitute), 11-18.1 (patronizing a juvenile prostitute), 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated juvenile pimping), or 11-19.2 (exploitation of a child), is a Class 3 felony.

### **§ 11-14.4. Promoting juvenile prostitution**

(a) Any person who knowingly performs any of the following acts commits promoting juvenile prostitution:

- (1) advances prostitution as defined in Section 11-0.1, where the minor engaged in prostitution, or any person engaged in prostitution in the place, is under 18 years of age or is a person with a severe or profound intellectual disability at the time of the offense;

(2) profits from prostitution by any means where the prostituted person is under 18 years of age or is a person with a severe or profound intellectual disability at the time of the offense;

(3) profits from prostitution by any means where the prostituted person is under 13 years of age at the time of the offense;

(4) confines a child under the age of 18 or a person with a severe or profound intellectual disability against his or her will by the infliction or threat of imminent infliction of great bodily harm or permanent disability or disfigurement or by administering to the child or the person with a severe or profound intellectual disability, without his or her consent or by threat or deception and for other than medical purposes, any alcoholic intoxicant or a drug as defined in the Illinois Controlled Substances Act or the Cannabis Control Act or methamphetamine as defined in the Methamphetamine Control and Community Protection Act and:

(A) compels the child or the person with a severe or profound intellectual disability to engage in prostitution;

(B) arranges a situation in which the child or the person with a severe or profound intellectual disability may practice prostitution; or

(C) profits from prostitution by the child or the person with a severe or profound intellectual disability.

(b) For purposes of this Section, administering drugs, as defined in subdivision (a)(4), or an alcoholic intoxicant to a child under the age of 13 or a person with a severe or profound intellectual disability shall be deemed to be without consent if the administering is done without the consent of the parents or legal guardian or if the administering is performed by the parents or legal guardian for other than medical purposes.

(c) If the accused did not have a reasonable opportunity to observe the prostituted person, it is an affirmative defense to a charge of promoting juvenile prostitution, except for a charge under subdivision (a)(4), that the accused reasonably believed the person was of the age of 18 years or over or was not a person with a severe or profound intellectual disability at the time of the act giving rise to the charge.

(d) Sentence. A violation of subdivision (a)(1) is a Class 1 felony, unless committed within 1,000 feet of real property comprising a school, in which case it is a Class X felony. A violation of subdivision (a)(2) is a Class 1 felony. A violation of subdivision (a)(3) is a Class X felony. A violation of subdivision (a)(4) is a Class X felony, for which the person shall be sentenced to a term of imprisonment of not less than 6 years and not more than 60 years. A second or subsequent violation of subdivision (a)(1), (a)(2), or (a)(3), or any combination of convictions under subdivision (a)(1), (a)(2), or (a)(3) and Sections 11-14 (prostitution), 11-14.1 (solicitation of a sexual act), 11-14.3 (promoting prostitution), 11-15 (soliciting for a prostitute), 11-15.1 (soliciting for a juvenile prostitute), 11-16 (pandering), 11-17 (keeping a place of prostitution), 11-17.1 (keeping a place of juvenile prostitution), 11-18 (patronizing a prostitute), 11-18.1 (patronizing a juvenile prostitute), 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated juvenile pimping), or 11-19.2 (exploitation of a child) of this Code, is a Class X felony.

(e) Forfeiture. Any person convicted of a violation of this Section that involves promoting juvenile prostitution by keeping a place of juvenile prostitution or convicted of a violation of subdivision (a)(4) is subject to the property forfeiture provisions set forth in Article 124B of the Code of Criminal Procedure of 1963.

(f) For the purposes of this Section, “prostituted person” means any person who engages in, or agrees or offers to engage in, any act of sexual penetration as defined in Section 11-0.1 of this Code for any money, property, token, object, or article or anything of value, or any touching or fondling of the sex organs of one person by another person, for any money, property, token, object, or article or anything of value, for the purpose of sexual arousal or gratification.

### **§ 11-18. Patronizing a prostitute**

(a) Any person who knowingly performs any of the following acts with a person not his or her spouse commits patronizing a prostitute:

- (1) Engages in an act of sexual penetration as defined in Section 11-0.1 of this Code with a prostitute; or
- (2) Enters or remains in a place of prostitution with intent to engage in an act of sexual penetration as defined in Section 11-0.1 of this Code; or
- (3) Engages in any touching or fondling with a prostitute of the sex organs of one person by the other person, with the intent to achieve sexual arousal or gratification.

(b) Sentence. Patronizing a prostitute is a Class 4 felony, unless committed within 1,000 feet of real property comprising a school, in which case it is a Class 3 felony. A person convicted of a second or subsequent violation of this Section, or of any combination of such number of convictions under this Section and Sections 11-14 (prostitution), 11-14.1 (solicitation of a sexual act), 11-14.3 (promoting prostitution), 11-14.4 (promoting juvenile prostitution), 11-15 (soliciting for a prostitute), 11-15.1 (soliciting for a juvenile prostitute), 11-16 (pandering), 11-17 (keeping a place of prostitution), 11-17.1 (keeping a place of juvenile prostitution), 11-18.1 (patronizing a juvenile prostitute), 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated juvenile pimping), or 11-19.2 (exploitation of a child) of this Code, is guilty of a Class 3 felony. If the court imposes a fine under this subsection (b), it shall be collected and distributed to the Specialized Services for Survivors of Human Trafficking Fund in accordance with Section 5-9-1.21 of the Unified Code of Corrections.

### **§ 11-18.1. Patronizing a minor engaged in prostitution**

(a) Any person who engages in an act of sexual penetration as defined in Section 11-0.1 of this Code with a person engaged in prostitution who is under 18 years of age or is a person with a severe or profound intellectual disability commits patronizing a minor engaged in prostitution.

(a-5). Any person who engages in any touching or fondling, with a person engaged in prostitution who either is under 18 years of age or is a person with a severe or profound intellectual disability, of the sex organs of one person by the other person, with the intent to achieve sexual arousal or gratification, commits patronizing a minor engaged in prostitution.

(b) It is an affirmative defense to the charge of patronizing a minor engaged in prostitution that the accused reasonably believed that the person was of the age of 18 years or over or was not a person with a severe or profound intellectual disability at the time of the act giving rise to the charge.

(c) Sentence. A person who commits patronizing a juvenile prostitute is guilty of a Class 3 felony, unless committed within 1,000 feet of real property comprising a school, in which case it is a Class 2 felony. A person convicted of a second or subsequent violation of this Section, or of any combination of such number of convictions under this Section and Sections 11-14 (prostitution), 11-14.1 (solicitation of a sexual act), 11-14.3 (promoting prostitution), 11-14.4 (promoting juvenile prostitution), 11-15 (soliciting for a prostitute), 11-15.1 (soliciting for a juvenile prostitute), 11-16 (pandering), 11-17 (keeping a place of prostitution), 11-17.1 (keeping

a place of juvenile prostitution), 11-18 (patronizing a prostitute), 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated juvenile pimping), or 11-19.2 (exploitation of a child) of this Code, is guilty of a Class 2 felony. The fact of such conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during such trial.

## **Title V. Added Articles**

### **Article 36.5. Vehicle Impoundment**

#### **§ 36.5-5. Vehicle impoundment**

(a) In addition to any other penalty, fee or forfeiture provided by law, a peace officer who arrests a person for a violation of Section 10-9, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-18, or 11-18.1 of this Code or related municipal ordinance, may tow and impound any vehicle used by the person in the commission of the violation. The person arrested for one or more such violations shall be charged a \$1,000 fee, to be paid to the law enforcement agency that made the arrest or its designated representative. The person may recover the vehicle from the impound after a minimum of 2 hours after arrest upon payment of the fee.

(b) \$500 of the fee shall be distributed to the law enforcement agency whose peace officers made the arrest, for the costs incurred by the law enforcement agency to investigate and to tow and impound the vehicle. Upon the defendant's conviction of one or more of the violations in connection with which the vehicle was impounded and the fee imposed under this Section, the remaining \$500 of the fee shall be deposited into the Specialized Services for Survivors of Human Trafficking Fund and disbursed in accordance with subsections (d), (e), and (f) of Section 5-9-1.21 of the Unified Code of Corrections.

(c) Upon the presentation by the defendant of a signed court order showing that the defendant has been acquitted of all of the violations in connection with which a vehicle was impounded and a fee imposed under this Section, or that the charges against the defendant for those violations have been dismissed, the law enforcement agency shall refund the \$1,000 fee to the defendant.

## **Chapter 725. Criminal Procedure**

### **Title VI. Proceedings at Trial**

#### **Article 116. Post-Trial Motions**

##### **§ 116-2.1. Motion to vacate prostitution convictions for sex trafficking victims**

(a) A motion under this Section may be filed at any time following the entry of a verdict or finding of guilty where the conviction was under Section 11-14 (prostitution) or Section 11-14.2 (first offender; felony prostitution) of the Criminal Code of 1961 or the Criminal Code of 2012 or a similar local ordinance and the defendant's participation in the offense was a result of having been a trafficking victim under Section 10-9 (involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons) of the Criminal Code of 1961 or the Criminal Code of 2012; or a victim of a severe form of trafficking under the federal Trafficking Victims Protection Act (22 U.S.C. Section 7102(13)): provided that:

(1) a motion under this Section shall state why the facts giving rise to this motion were not presented to the trial court, and shall be made with due diligence, after the defendant has ceased to be a victim of such trafficking or has sought services for victims of such trafficking, subject to reasonable concerns for the safety of the defendant, family members of the defendant, or other victims of such trafficking that may be jeopardized by

the bringing of such motion, or for other reasons consistent with the purpose of this Section; and

(2) reasonable notice of the motion shall be served upon the State.

(b) The court may grant the motion if, in the discretion of the court, the violation was a result of the defendant having been a victim of human trafficking. Evidence of such may include, but is not limited to:

(1) certified records of federal or State court proceedings which demonstrate that the defendant was a victim of a trafficker charged with a trafficking offense under Section 10-9 of the Criminal Code of 1961 or the Criminal Code of 2012, or under 22 U.S.C. Chapter 78;

(2) certified records of “approval notices” or “law enforcement certifications” generated from federal immigration proceedings available to such victims; or

(3) a sworn statement from a trained professional staff of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the defendant has sought assistance in addressing the trauma associated with being trafficked.

Alternatively, the court may consider such other evidence as it deems of sufficient credibility and probative value in determining whether the defendant is a trafficking victim or victim of a severe form of trafficking.

(c) If the court grants a motion under this Section, it must vacate the conviction and may take such additional action as is appropriate in the circumstances.

## **Chapter 740. Civil Liabilities**

### **§ 128/15. Cause of action**

(a) Violations of this Act are actionable in civil court.

(b) A victim of the sex trade has a cause of action against a person or entity who:

(1) recruits, profits from, or maintains the victim in any sex trade act;

(2) intentionally abuses, as defined in Section 103 of the Illinois Domestic Violence Act of 1986, or causes bodily harm, as defined in Section 11-0.1 of the Criminal Code of 2012, to the victim in any sex trade act; or

(3) knowingly advertises or publishes advertisements for purposes of recruitment into sex trade activity.

### **§ 128/20. Relief**

A prevailing victim of the sex trade shall be entitled to all relief that would make him or her whole. This includes, but is not limited to:

(1) declaratory relief;

(2) injunctive relief;

(3) recovery of costs and attorney fees including, but not limited to, costs for expert testimony and witness fees;

(4) compensatory damages including, but not limited to:

(A) economic loss, including damage, destruction, or loss of use of personal property, and loss of past or future earning capacity; and

(B) damages for death, personal injury, disease, and mental and emotional harm, including medical, rehabilitation, burial expenses, pain and suffering, and physical impairment;

- (5) punitive damages; and
- (6) damages in the amount of the gross revenues received by the defendant from, or related to, the sex trade activities of the plaintiff.

**§ 128/25. Non-defenses**

- (a) It is not a defense to an action brought under this Act that:
  - (1) the victim of the sex trade and the defendant had a marital or consenting sexual relationship;
  - (2) the defendant is related to the victim of the sex trade by blood or marriage, or has lived with the defendant in any formal or informal household arrangement;
  - (3) the victim of the sex trade was paid or otherwise compensated for sex trade activity;
  - (4) the victim of the sex trade engaged in sex trade activity prior to any involvement with the defendant;
  - (5) the victim of the sex trade made no attempt to escape, flee, or otherwise terminate contact with the defendant;
  - (6) the victim of the sex trade consented to engage in acts of the sex trade;
  - (7) it was a single incident of activity; or
  - (8) there was no physical contact involved.
- (b) Any illegality of the sex trade activity on the part of the victim of the sex trade shall not be an affirmative defense to any action brought under this Act.

**§ 128/45. No avoidance of liability**

No person may avoid liability under this Act by means of any conveyance of any right, title, or interest in real property, or by any indemnification, hold harmless agreement, or similar agreement that purports to show consent of the victim of the sex trade.



## Compiled Statutes – Human Trafficking

### **Title III. Specific Offenses**

#### **Part B. Offenses Directed Against the Person**

#### **Article 10. Kidnaping and Related Offenses**

##### **§ 10-9. Trafficking in persons, involuntary servitude, and related offenses**

(a) Definitions. In this Section:

- (1) “Intimidation” has the meaning prescribed in Section 12-6 [720 ILCS 5/12-6].
- (2) “Commercial sexual activity” means any sex act on account of which anything of value is given, promised to, or received by any person.
- (3) “Financial harm” includes intimidation that brings about financial loss, criminal usury, or employment contracts that violate the Frauds Act [740 ILCS 80.0.01 et seq.].
- (5) “Labor” means work of economic or financial value.
- (6) “Maintain” means, in relation to labor or services, to secure continued performance thereof, regardless of any initial agreement on the part of the victim to perform that type of service.
- (7) “Obtain” means, in relation to labor or services, to secure performance thereof.
- (7.5) “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.
- (8) “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.
- (9) “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.
- (10) “Trafficking victim” means a person subjected to the practices set forth in subsection (b), (c), or (d).

(c) Involuntary sexual servitude of a minor. 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 under 18 years of age, 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:

- (1) there is no overt force or threat and the minor is between the ages of 17 and 18 years;
- (2) there is no overt force or threat and the minor is under the age of 17 years; or
- (3) there is overt force or threat.

Sentence. Except as otherwise provided in subsection (e) or (f), a violation of subsection (c)(1) is a Class 1 felony, (c)(2) is a Class X felony, and (c)(3) is a Class X felony.

(d) Trafficking in persons. A person commits trafficking in persons when he or she knowingly:

- (1) 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; or
- (2) 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.

Sentence. Except as otherwise provided in subsection (e) or (f), a violation of this subsection is a Class 1 felony.

(e) Aggravating factors. A violation of this Section involving kidnapping or an attempt to kidnap, aggravated criminal sexual assault or an attempt to commit aggravated criminal sexual assault, or an attempt to commit first degree murder is a Class X felony.

(f) Sentencing considerations.

- (1) Bodily injury. If, pursuant to a violation of this Section, a victim suffered bodily injury, the defendant may be sentenced to an extended-term sentence under Section 5-8-2 of the Unified Code of Corrections [730 ILCS 5/5-8-2]. The sentencing court must take into account the time in which the victim was held in servitude, with increased penalties for cases in which the victim was held for between 180 days and one year, and increased penalties for cases in which the victim was held for more than one year.

- (2) Number of victims. In determining sentences within statutory maximums, the sentencing court should take into account the number of victims, and may provide for substantially increased sentences in cases involving more than 10 victims.

(g) Restitution. Restitution is mandatory under this Section. In addition to any other amount of loss identified, the court shall order restitution including the greater of (1) the gross income or value to the defendant of the victim's labor or services or (2) the value of the victim's labor as guaranteed under the Minimum Wage Law and overtime provisions of the Fair Labor Standards Act [29 U.S.C. § 201 et seq.] (FLSA) or the Minimum Wage Law [820 ILCS 105/1 et seq.], whichever is greater.

(g-5) Fine distribution. If the court imposes a fine under subsection (b), (c), or (d) of this Section, it shall be collected and distributed to the Specialized Services for Survivors of Human Trafficking Fund in accordance with Section 5-9-1.21 of the Unified Code [720 ILCS 5/5-9-1.21] of Corrections

(h) Trafficking victim services. Subject to the availability of funds, the Department of Human Services may provide or fund emergency services and assistance to individuals who are victims of one or more offenses defined in this Section.

(i) Certification. The Attorney General, a State's Attorney, or any law enforcement official shall certify in writing to the United States Department of Justice or other federal agency, such as the United States Department of Homeland Security, that an investigation or prosecution under this Section has begun and the individual who is a likely victim of a crime described in this Section is willing to cooperate or is cooperating with the investigation to enable the individual, if eligible under federal law, to qualify for an appropriate special immigrant visa and to access available federal benefits. Cooperation with law enforcement shall not be required of victims of a crime described in this Section who are under 18 years of age. This certification shall be made available to the victim and his or her designated legal representative.

(j) A person who commits involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons under subsection (b), (c), or (d) of this Section is subject to the property

forfeiture provisions set forth in Article 124B of the Code of Criminal Procedure of 1963 [725 ILCS 5/124B-5 et seq.].

**Chapter 725. Criminal Procedure**

**Title VIII. Miscellaneous**

**Article 124B. Forfeiture**

**Part 300. Forfeiture; Involuntary Servitude and Trafficking in Persons**

**§ 124B-300. Persons and property subject to forfeiture**

A person who commits the offense of involuntary servitude, involuntary servitude of a minor, or trafficking of persons under Section 10A-10 or Section 10-9 of the Criminal Code of 1961 or the Criminal Code of 2012 [720 ILCS 5/10A-10 (now repealed) 720 ILCS 5/10-9 or 720 ILCS 5/1-1 et seq.], promoting juvenile prostitution, keeping a place of juvenile prostitution, or promoting prostitution that involves keeping a place of prostitution under subsection (a)(1) or (a)(4) of Section 11-14.4 or under Section 11-14.3, 11-17.1, or 11-19.2 of the Criminal Code of 1961 or of the Criminal Code of 2012 [720 ILCS 5/11-14.4, 720 ILCS 5/11-14.3, 720 ILCS 5/11-17.1, 720 ILCS 5/11-19.2] shall forfeit to the State of Illinois any profits or proceeds and any property he or she has acquired or maintained in violation of Section 10A-10 or Section 10-9 of the Criminal Code of 1961 or the Criminal Code of 2012, promoting juvenile prostitution, keeping a place of juvenile prostitution, or promoting prostitution that involves keeping a place of prostitution under subsection (a)(1) or (a)(4) of Section 11-14.4 or under Section 11-14.3, 11-17.1, or 11-19.2 of the Criminal Code of 1961 or of the Criminal Code of 2012 that the sentencing court determines, after a forfeiture hearing under this Article, to have been acquired or maintained as a result of maintaining a person in involuntary servitude or participating in trafficking of persons.

## Village of Arlington Heights Code

### **Section 8. Public Safety, Morals, and Welfare**

**8-402 Prostitution.** It shall be unlawful for any person within the Village to engage in the practice of prostitution.

- a. Solicitations. It shall be unlawful for any person to seek business for any prostitute.
- b. Assisting Prostitution. It shall be unlawful for any person to knowingly assist or to attempt to assist any prostitution activity at any level of the entire development of such activity.
- c. Use of a Prostitute. It shall be unlawful for any person to engage the services of a prostitute or to attempt to engage the services of a prostitute.

**8-404 Solicitation of Minors.** It shall be unlawful for any person to contact minor children directly, either in person or by mail, with the purpose of distributing in any manner any material which has emphasis on nudity, sexual immorality, deviate sexual conduct or other matter which is obscene or purports to be obscene. The purpose of this section is to prevent the direct solicitation of minors and not necessarily the same of obscene material.

**8-405 Assists in the Solicitation of Minors.** Any person who knowingly assists or attempts to assist in a violation of Section 8-304 of this Article shall likewise be guilty of a violation thereof.

### **Article VI Penalties**

#### **8-601 Penalties.**

- a. Any person violating any of the provisions of this Chapter shall be fined not less than \$5 nor more than \$750 for each offense. A separate offense shall be committed for each section of this Chapter and for each day during or on which such offense occurs or continues.

**8-602 Revocation of Licenses.** Any person in possession of a Village license to operate some sort of establishment and who is found guilty of using that establishment for purposes violative of this Chapter may, along with the penalties provided for in Section 8-601, have his license revoked.

# Aurora Code of Ordinances

## **Chapter 29. Offenses; Miscellaneous**

### **Article IV. Offenses Against Morals and Decency**

#### **Division 1. Generally**

##### **§ 29-61. Prostitution**

- (a) In this section “sexual penetration” means any contact, however slight, between the sex organ of one person and the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including but not limited to cunnilingus, fellatio or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.
- (b) Any person who performs, offers or agrees to perform any act of sexual penetration for money, or any touching or fondling of the sex organs of one person by another person, for money or anything of value, for the purpose of sexual arousal or gratification commits an act of prostitution.
- (c) A person convicted of prostitution shall be guilty of a Misdemeanor II.

##### **§ 29-62. Keeping a place of prostitution**

- (a) Any person who has or exercises control over the use of any place which could offer seclusion or shelter for the practice of prostitution who performs any of the following acts keeps a place of prostitution:
  - (1) Knowingly grants or permits the use of such place for the purpose of prostitution;
  - (2) Grants or permits the use of such place under circumstances from which he could reasonably know that the place is used or is to be used for purposes of prostitution;
  - (3) Permits the continued use of a place after becoming aware of facts or circumstances from which he should reasonably know that the place is being used for purposes of prostitution.
- (b) A person convicted of keeping a place of prostitution shall be guilty of a Misdemeanor II.

##### **§ 29-63. Patronizing a prostitute**

- (a) Any person who performs any of the following acts with a person not his spouse commits the offense of patronizing a prostitute:
  - (1) Engages in an act of sexual intercourse or deviate sexual conduct with a prostitute;
  - (2) Enters or remains in a place of prostitution with intent to engage in an act of sexual intercourse or deviate sexual conduct.
- (b) A person convicted of patronizing a prostitute shall be guilty of a Misdemeanor II.

##### **§ 29-64. Inducing, permitting minors in house of ill fame**

A person convicted of inducing any minor to enter or frequent, or allowing or permitting any minor to remain in a house or place of ill fame or assignation or place used for the purpose of fornication or adultery shall be guilty of a Misdemeanor II.

##### **§ 29-65. Pandering**

- (a) Any person who performs any of the following acts for money commits pandering:
  - (1) Compels a female to become a prostitute;
  - (2) Arranges or offers to arrange a situation in which a female may practice prostitution.
- (b) A person convicted of pandering shall be guilty of a Misdemeanor II.

### **§ 29-66. Soliciting for a prostitute**

- (a) Any person who performs any of the following acts commits soliciting for a prostitute:
  - (1) Solicits another for the purpose of prostitution;
  - (2) Arranges or offers to arrange a meeting of persons for the purpose of prostitution;
  - (3) Directs another to a place knowing such direction is for the purpose of prostitution.
- (b) A person convicted of soliciting for a prostitute shall be guilty of a Misdemeanor II.

#### **§ 29-66.1. Manifesting the purpose of prostitution and manifestation of soliciting another to commit an act of prostitution**

It is unlawful for any person in the city to:

(a) Loiter, while a pedestrian or in a motor vehicle, in or near any thoroughfare or place open to the public in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting, or procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether this purpose is manifested are: That such person is a known prostitute, panderer, or solicitor for prostitution and repeatedly beckons to, stops or attempts to stop, or engages passersby in conversation, or repeatedly stops, or attempts to stop motor vehicle operators by hailing, waving of arms or any bodily gesture for the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution. No arrest shall be made for a violation of this section unless the arresting officer first affords such person the opportunity to explain this conduct, and no one shall be convicted of violating this section if it appears at trial that the explanation given was true and disclosed a lawful purpose.

(1) For the purpose of this subsection, a "known prostitute, panderer" is a person who, within one (1) year previous to the date of arrest for violation of this subsection, had within the knowledge of the arresting officer been convicted of violating any ordinance of the city or law of any state defining and punishing acts of soliciting, committing, or offering or agreeing to commit prostitution.

(2) For the purposes of this subsection and section 29-66.1, "any person, shall also include panderers or solicitors of sexual acts, commonly referred to as "johns" or "tricks," who loiter in a manner and under circumstances manifesting the purpose of participating in, procuring, purchasing or soliciting any sexual act for hire made illegal by state law. Among the circumstances which may be considered in determining whether this purpose is manifested are: That such person, while pedestrian or in a motor vehicle, repeatedly beckons to, attempts to stop, engages or attempts to engage in conversation with any person by hailing, waving of arms or any bodily gesture for the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution.

- (b) A person convicted of manifesting the purpose of prostitution or manifestation of soliciting another to commit an act of prostitution shall be guilty of a Misdemeanor II.

#### **§ 29-66.2. Street soliciting**

(a) Any person who remains or wanders about in a public place and repeatedly beckons to, or repeatedly stops or attempts to stop, or repeatedly attempts to engage, passers-by in conversation, or repeatedly stops or attempts to stop motor vehicles, or repeatedly interferes with the free passage of other persons, for the purpose of prostitution as defined in section 29-61 of this code, or of soliciting for a prostitute as defined in section 29-66 of this code, shall be guilty of a violation of this section and upon conviction shall be guilty of a Misdemeanor II. If such person has previously been convicted of a violation of this section, such person shall be prosecuted in

accordance with the terms of 65 ILCS 5/1-2-1.1, and upon conviction, such person shall be guilty of a misdemeanor punishable by incarceration in a penal institution other than the penitentiary for not less than twenty (20) days and not more than six (6) months.

(b) Any person who remains or wanders about in a public place and repeatedly beckons to, or repeatedly stops or attempts to stop, or repeatedly attempts to engage, passers-by in conversation, or repeatedly stops or attempts to stop motor vehicles, or repeatedly interferes with the free passage of other persons, for the purpose of pandering as defined in section 29-65 of this code, shall be prosecuted in accordance with the terms of 65 ILCS 5/1-2-1.1, and upon conviction, such person shall be guilty of a misdemeanor punishable by incarceration in a penal institution other than the penitentiary for not less than twenty (20) days and not more than six (6) months.

(c) For the purposes of this section, “public place” means any street, sidewalk, bridge, alley or alleyway, plaza, park, driveway, parking lot, or transportation facility or the doorways and entrance ways to any building which fronts on any of the aforesaid places, or a motor vehicle in or on any such place, or any other public way.

### **§ 29-68. Public indecency**

(a) Any person of the age of seventeen (17) years and upwards who performs any of the following acts in a public place commits a public indecency:

- (1) An act of sexual penetration of sexual conduct;
- (2) A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of the person.

(b) In this section:

- (1) *Public place* means any place where the conduct may reasonably be expected to be viewed by others.
- (2) *Sexual conduct* means any intentional or knowing touching or fondling by the victim or the accused, either directly or through clothing, of the sex organs, anus or breast of the victim or the accused, or any part of the body of a child under thirteen (13) years of age, for the purpose of sexual gratification or arousal of the victim or the accused.
- (3) *Sexual penetration* means any contact, however slight, between the sex organ of one person and the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including but not limited to cunnilingus, fellatio or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

(c) A person convicted of public indecency shall be guilty of a Misdemeanor II.

## **Chapter 36. Police**

### **Article II. Police Department**

#### **§ 36.25. Booking fee**

An administrative fee of fifty dollars (\$50.00) shall be imposed upon an arrestee when posting bail or bond after being booked, to include photographing and/or fingerprinting, for any criminal or city ordinance offense, including, but not limited to, warrants.

## Village of Broadview Municipal Code

While the Village of Broadview contains a Code of Ordinances, it does not contain any provisions concerning solicitation or human trafficking. Please refer to the state Penal Code for instances concerning solicitation, prostitution and human trafficking.



# Chicago Municipal Code

## **Title 8. Offenses Affecting Public Peace, Morals and Welfare**

### **Chapter 8-8. Public Morals**

#### **§ 8-8-010. House of ill-fame or assignation**

Every house of ill-fame or house of assignation where men and women resort for the purpose of fornication, prostitution, or lewdness is hereby declared to be a nuisance.

No person shall keep or maintain a house of ill-fame or assignation, or a place for the practice of fornication, prostitution, or lewdness. Each 24 hours that such house or place shall be kept or maintained for such purpose shall constitute a separate and distinct offense.

No person shall patronize, frequent, be found in, or be an inmate of any such house or place used for any of the purposes set forth in this section.

No person shall lease to another any house, room, or other premises, in whole or in part, for any of the uses or purposes set forth in this section or knowingly permit the same to be used or occupied for such purposes.

#### **§ 8-8-020. Directing persons to houses of ill-fame**

No person knowingly shall direct, take, transport, or offer to direct, take, or transport, any person for immoral purposes to any other person, or assist any person by any means to seek or to find any prostitute or other person engaged in immoral practices, or any brothel, bawdy house, or any other place of ill-fame.

Any person that shall violate the provisions of this section shall be fined not less than \$100.00 nor more than \$400.00 for each offense.

#### **§ 8-8-030. Prostitution or lewdness in conveyances**

No person shall knowingly receive any person for purposes of lewdness, assignation, or prostitution into or upon any vehicle or other conveyance or permit any person to remain for any of the said purposes in or upon any such vehicle or other conveyance.

Any person that shall violate the provisions of this section shall be fined not less than \$100.00 nor more than \$400.00 for each offense.

#### **§ 8-8-040. Revocation of license**

The license of any such person or employees thereof directly involved in the violation of Sections 8-8-020 or 8-8-030 may be revoked, and also the license of the vehicle or conveyance used may be revoked in the discretion of the mayor. No license so revoked hereunder shall be reinstated until the lapse of a period of one year after such revocation.

#### **§ 8-8-050. Soliciting – Penalty**

Any person who by any overt acts in or upon the public ways or in any hotel, motel or other public place of accommodation or on public conveyances or in any establishment licensed to sell alcoholic beverages, offers to perform or who solicits for another person to perform any act of prostitution shall upon conviction be fined not less than \$750.00 nor more than \$1,500.00 for the first offense and be fined not less than \$1,500.00 nor more than \$3,000.00 for the second offense and shall be punished as a misdemeanor for each subsequent offense by incarceration in the county jail for a term not to exceed six months or by both fine and imprisonment.

#### **§ 8-8-060. Street solicitation for prostitution**

- (a) For the purposes of this section:
- (1) "Public place" means any street, sidewalk, bridge, alley or alleyway, plaza, park, driveway, parking lot or transportation facility or the doorways and entrance ways to any building which fronts on any of the aforesaid places, or a motor vehicle in or on any such place, or any other public way.
  - (2) "Prostitution", "pandering" and "soliciting for a prostitute" have the same meanings given them in the Illinois Criminal Code, as amended.
- (b) Any person who remains or wanders about in a public place and repeatedly beckons to, or repeatedly attempts to engage, passersby in conversation, or repeatedly interferes with the free passage of other persons, for the purpose of prostitution or of soliciting for a prostitute, shall be guilty of a violation of this section.
- (c) Any person who remains or wanders about in a public place and repeatedly beckons to, or repeatedly stops, or repeatedly attempts to stop, or repeatedly attempts to engage passersby in conversation, or repeatedly stops or attempts to stop motor vehicles, or repeatedly interferes with the free passage of other persons, for the purpose of pandering shall be guilty of a violation of this section.
- (d) (1) A motor vehicle that is used in the violation of this section or Section 8-8-050, or in the commission of prostitution as defined in Section 11-14 of the Criminal Code of 1961, soliciting for a prostitute as defined in Section 11-15 of such code, soliciting for a juvenile prostitute as defined in Section 11-18 of such code, or patronizing a juvenile prostitute as defined in Section 11-18.1 of such code, shall be subject to seizure and impoundment under this subsection. The owner of record of such vehicle shall be liable to the city for an administrative penalty of \$2,000.00 in addition to fees for the towing and storage of the vehicle. If the violation takes place within 500 feet of the boundary line of a public park or elementary or secondary school, the penalty shall be \$3,000 plus towing and storage fees.
- (2) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the city or its agents. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under Section 2-14-132 of this Code.
  - (3) The provisions of Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.
- (e) Any person who appears in a public place and exposes the genitals, vulva, pubis, pubic hair, buttocks, perineum, anus, anal region or pubic hair region, or any portion of the female breast at or below the upper edge of the areola, for the purpose of prostitution shall be guilty of a violation of this section.
- (f) Any person who responds to the beckoning of a prostitute in a public place by inquiring about, negotiating for, accepting an offer of or engaging in an act of prostitution, or by allowing another into his or her motor vehicle for purposes of inquiring about, negotiating for, accepting an offer of or engaging in an act of prostitution, shall be guilty of a violation of this section. The superintendent of police shall make available to local newspapers, radio and television stations the names of all persons charged with violating this subsection.
- (g) A person who violates any provision of this section shall be fined not less than \$750.00 nor more than \$1,500.00, imprisoned for a period of not less than 20 days and not more than six

months, or both fined and imprisoned. In addition to the foregoing penalties, the corporation counsel shall request that a violator be required to perform a minimum of 100 hours community service. To the extent allowed by law, personnel of the department of police shall prevent and oppose the release of any person charged with a violation of this section on bond secured by that person's own recognizance.

(h) If any provision or part of this ordinance shall be found unconstitutional or outside the corporate powers of the City of Chicago, the remaining provisions shall continue in full force and effect.

#### **§ 8-8-190. Violation-Penalty**

Any person violating any of the provisions of this chapter, where no other penalty is provided, shall be fined not less than \$5.00 nor more than \$200.00 for each offense.

# Cook County Code of Ordinances

## **Part I. General Ordinances**

### **Chapter 58. Offenses and Miscellaneous Provisions**

#### **Article IV. Offenses Involving Public Morals**

##### **§ 58-163.1. Public morals nuisance violations**

(a) *Short title; purpose.* This section shall be known and may be cited as the Public Morals Nuisance Violation Ordinance. The intent of this ordinance is to abate the demand for prostitution by increasing fines for those individuals patronizing persons in prostitution. The language of this ordinance should not be interpreted to apply to the actions of individuals who attempt to exchange sexual services provided by them for money or things of value.

(b) *Definitions.* The following words, terms, and phrases, when used in this section, shall have the same meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

*Prostitution.* Any person who performs, offers or agrees to perform any act of sexual penetration as defined in this subsection for any money, property, token, object, or article or anything of value, or any touching or fondling of the sex organs of one person by another person, for any money, property, token, object, or article or anything of value, for the purpose of sexual arousal or gratification commits an act of prostitution.

*Soliciting of a Prostitute.* Any person who performs any of the following acts commits the violation of soliciting for a prostitute:

- (1) Solicits another for the purpose of prostitution; or
- (2) Arranges to meet a prostitute, or offers to arrange a meeting with a prostitute.
- (3) Directs another to a place knowing such direction is for the purpose of prostitution.

*Pandering.* Any person who performs any of the following acts for any money, property, token, object, or article or anything of value commits pandering:

- (1) Compels a person to become a prostitute; or
- (2) Arranges or offers to arrange a situation in which a person may practice prostitution.

*Pimping* means any person who receives any money, property, token, object, or article or anything of value from a prostitute, not for lawful consideration, knowing it was earned in whole or in part from the practice of prostitution, commits pimping.

*Sexual Penetration* means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including but not limited to cunnilingus, fellatio or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

*Public place* means any street, sidewalk, bridge, alley or alleyway, plaza, park, driveway, parking lot or transportation facility or the doorways and entrance ways to any building which fronts on any of the aforesaid places, or a motor vehicle in or on any such place, or any other public way, within Cook County.

(c) Street solicitation for prostitution.

- (1) Any person who remains or wanders about in a public place and repeatedly beckons to, or repeatedly attempts to engage, passersby in conversation, or repeatedly interferes

with the free passage of other persons, for the purpose of soliciting for a prostitute, shall be guilty of a violation of this subsection.

(2) Any person who remains or wanders about in a public place and repeatedly beckons to, or repeatedly stops, or repeatedly attempts to stop, or repeatedly attempts to engage passersby in conversation, or repeatedly stops or attempts to stop motor vehicles, or repeatedly interferes with the free passage of other persons, for the purpose of pandering shall be guilty of a violation of this subsection

(3) Any person who responds to the beckoning of a prostitute in a public place by inquiring about, negotiating for, accepting an offer of prostitution, or by allowing another into his or her motor vehicle for purposes of inquiring about, negotiating for, accepting an offer of prostitution, shall be guilty of a violation of this subsection. The Sheriff shall make available to local newspapers, radio and television stations the names of all persons charged with violating this subsection.

(4) Any person who engages in pimping as defined in this section, shall be guilty of a violation of this subsection

(d) *Solicitation by Internet, electronic communication device or print media.* Any person who utilizes a computer, phone, any electronic communication device or print media (including but not limited to answering ads and messages on commercial adult-themed websites or answering ads in all forms of print media) in the commission of any of the violations set forth in Subsection (c) shall be guilty of a violation of this subsection.

(e) *Public morals nuisance violations, penalties.*

(1) Any person who violates any provision of Subsections (c) and (d) of this section shall be civilly liable for a public morals nuisance violation and shall be fined not less than \$500.00 and not more than \$1,000.00. In addition to payment of fines imposed under this subsection, a violator may be required to perform a minimum of 100 hours of community service in a program under the direction of the Sheriff.

(2) Any violations of Subsections (c) and (d) by a county licensee, including, but not limited to, liquor and roadhouse licensees, may be cause for suspension or revocation of such license.

(3) Any motor vehicle that is used in violation of Subsections (c) and (d) shall be subject to seizure and impoundment pursuant to Section 58-164.

(4) Fines collected under this subsection shall be deposited in the Women's Justice Services Fund established by County Ordinance and shall be used to fund rehabilitation services, including mental health and substance abuse treatment services, provided by and through the Sheriff's Office Department of Women's Justice Services.

(j) *Women's Justice Services Fund.* As set forth in County Ordinance, fines collected for violations of this section shall be accounted for and turned over not less than monthly to the Cook County Treasurer. The Treasurer shall create and deposit all such fees in a special fund, the "Women's Justice Services Fund" which shall be subject to budget and appropriation for purposes related to operation of the rehabilitation programs provided by the Department of Women's Justice Services and for female juveniles in the Juvenile Temporary Detention Center. The Fund shall be appropriated as follows:

(1) Sixty percent shall be appropriated to the Office of the Sheriff for the operation of the rehabilitation programs of the Department of Women's Justice Services; and

- (2) Forty percent shall be appropriated to the Juvenile Temporary Detention Center Foundation to continue rehabilitation programs for girls detained on the Wings unit of the Juvenile Temporary Detention Center.

## **Article V. Motor Vehicles**

### **§ 58-164. Motor vehicles, seizure and impoundment**

(b) *Owner liability; exceptions.* The owner of record of any motor vehicle, which vehicle is used during the commission of any of the qualified violations as set forth in Section 58-165, shall be liable to the County for an administrative penalty of \$500.00 plus any towing and storage fees applicable under this division. Any such vehicle shall be subject to seizure and impoundment pursuant to this division. This subsection shall not apply if:

- (1) The vehicle used in the violation was stolen at the time and the theft was reported to the appropriate police authorities within 24 hours after the theft was discovered or reasonably should have been discovered; or
- (2) The vehicle is operating as a common carrier and the violation occurs without the knowledge of the person in control of the vehicle; or

### **§ 58-165. Qualified violations for impoundment**

Vehicles may be impounded as set forth in Section 58-164 for the following offenses as described under the Illinois Criminal Code of 1961 (720 ILCS 5/2-8):

- 720 ILCS 5/11-14 Prostitution
- 720 ILCS 5/11-15 Soliciting for a prostitute
- 720 ILCS 5/11-15.1 Soliciting for a juvenile prostitute
- 720 ILCS 5/11-16 Pandering
- 720 ILCS 5/11-18 Patronizing a prostitute
- 720 ILCS 5/11-18.1 Patronizing a juvenile prostitute
- 720 ILCS 5/11-19 Pimping
- 720 ILCS 5/11-19.1 Juvenile pimping

## Elgin Municipal Code

### **Title 10. Public Peace, Morals, and Welfare**

#### **Chapter 10.36. Loitering**

##### **§ 10.36.020. Loitering for the Purpose of Engaging in Prostitution Related Activity Unlawful.**

A. It is unlawful for any person to loiter in or near any thoroughfare, or place open to the public, for the purpose of engaging in an act of prostitution contrary to any provisions of the prostitution related portions of article II of the Illinois criminal code, 720 Illinois Compiled Statutes 5/11-14 through 5/11-19.1, as amended, or any other local, state, or federal law prohibiting prostitution related activity (hereinafter "prostitution laws").

B. Among the circumstances which may be considered by the arresting officer in determining whether such purpose is "manifested" are the following:

1. Such person is a known prostitute, panderer, or pimp. For purposes of this chapter, a "known prostitute, panderer, or pimp" is a person who has, within the knowledge of the arresting officer, been convicted in any court within this state of any violation of the prostitution laws or substantially similar laws of any political subdivision of this state or of any other state or jurisdiction within the previous year; and
2. Such person repeatedly beckons to, stops, attempts to stop, or engages in conversation with any person or motor vehicle operator by hailing, waving, or any other bodily gesture for the purpose of inducing, enticing, soliciting, or procuring another for purposes of committing an act of prostitution.
3. Such person repeatedly beckons to, stops, attempts to stop, or engages in conversation with any pedestrian by hailing, waving, or any other bodily gesture for the purpose of inducing, enticing, soliciting, or procuring another for purposes of committing an act of prostitution.

C. No determination of intent shall be made absent an affirmative act by the person to be charged, which act or acts, when taken in the context of the totality of the surrounding circumstances, shall constitute a substantial step towards a violation of the aforementioned prostitution laws.

D. Any person violating the provisions of this section shall be fined not less than one thousand dollars (\$1,000.00) nor more than one thousand five hundred dollars (\$1,500.00) for each offense.

E. A motor vehicle that is used in the violation of this section or in the commission of prostitution as defined in section 11-14 of the Illinois criminal code of 1961, as amended, soliciting for a prostitute as defined in section 11-15 of such code, soliciting for a juvenile prostitute as defined in section 11-18 of such code, or patronizing a juvenile prostitute as defined in section 11-18.1 of such code, shall be subject to seizure and impoundment under this subsection.

1. The owner of record of such vehicle shall be liable to the city for an administrative penalty of one thousand dollars (\$1,000.00) in addition to fees for the towing and storage of the vehicle.
2. Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the city or its agents. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the

vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under section 11.40.095 of this code.

3. With the exception of the amount of the enumerated fine, the provisions of section 11.40.095 of this code shall apply whenever a motor vehicle is seized and impounded pursuant to this section. (Ord. G55-08 § 1, 2008)

## **Chapter 10.37. Prostitution and Prostitution Related Offenses**

### **§ 10.37.020. House of Ill Fame or Assignment**

A. Every house of ill fame or house of assignment where men and women resort for the purpose of fornication, prostitution, or lewdness is hereby declared to be a nuisance.

B. No person shall keep or maintain a house of ill fame or assignment, or a place for the practice of fornication, prostitution, or lewdness.

C. Each twenty four (24) hours that such house or place shall be kept or maintained for such purpose shall constitute a separate and distinct offense.

D. No person shall patronize, frequent, be found in, or be an inmate of any such house or place used for any of the purposes set forth in this section.

E. No person shall lease to another any house, room, or other premises, in whole or in part, for any of the uses or purposes set forth in this section or knowingly permit the same to be used or occupied for such purposes.

F. Any person violating the provisions of this section shall be fined not less than one thousand dollars (\$1,000.00) nor more than one thousand five hundred dollars (\$1,500.00) for each offense. (Ord. G55-08 § 3, 2008)

### **§ 10.37.030. Directing Persons to Houses of Ill Fame**

A. No person knowingly shall direct, take, transport, or offer to direct, take, or transport, any person for immoral purposes to any other person, or assist any person by any means to seek or to find any prostitute or other person engaged in immoral practices, or any brothel, bawdyhouse, or any other place of ill fame.

B. Any person violating the provisions of this section shall be fined not less than one thousand dollars (\$1,000.00) nor more than one thousand five hundred dollars (\$1,500.00) for each offense.

### **§ 10.37.040. Prostitution or Lewdness in Conveyances**

A. No person knowingly receive any person for purposes of lewdness, assignment, or prostitution into or upon any vehicle or other conveyance or permit any person to remain for any of the said purposes in or upon any such vehicle or other conveyance.

B. Any person violating the provisions of this section shall be fined not less than one thousand dollars (\$1,000.00) nor more than one thousand five hundred dollars (\$1,500.00) for each offense.

### **§ 10.37.050. Soliciting**

A. No person shall by any overt acts in or upon the public ways or in any hotel, motel or other public place of accommodation or on public conveyances or in any establishment licensed to sell alcoholic beverages, offer to perform or solicit for another person to perform any act of prostitution.



B. Any person violating the provisions of this section shall be fined not less than one thousand dollars (\$1,000.00) nor more than one thousand five hundred dollars (\$1,500.00) for each offense.

**§ 10.37.060. Responding to Prostitutes**

A. Any person who responds to the beckoning of a prostitute in a public place by inquiring about, negotiating for, accepting an offer of or engaging in an act of prostitution, or by allowing another into his or her motor vehicle for purposes of inquiring about, negotiating for, accepting an offer of or engaging in an act of prostitution, shall be guilty of a violation of this section.

B. The chief of police shall make available to local newspapers, radio and television stations the names of all persons charged with violating this section.

C. Any person violating the provisions of this section shall be fined not less than one thousand dollars (\$1,000.00) nor more than one thousand five hundred dollars (\$1,500.00) for each offense.

**§ 10.37.070. Motor Vehicle Impoundment**

A. A motor vehicle that is used in the violation of section 10.37.030, 10.37.040, 10.37.050 or 10.37.060 of this chapter, or in the commission of prostitution as defined in section 11-14 of the Illinois criminal code of 1961, as amended, soliciting for a prostitute as defined in section 11-15 of such code, soliciting for a juvenile prostitute as defined in section 11-18 of such code, or patronizing a juvenile prostitute as defined in section 11-18.1 of such code, shall be subject to seizure and impoundment under this section.

1. The owner of record of such vehicle shall be liable to the city for an administrative penalty of one thousand dollars (\$1,000.00) in addition to fees for the towing and storage of the vehicle.

2. Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the city or its agents. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under section 11.40.095 of this code.

3. The provisions of section 11.40.095 of this code shall apply whenever a motor vehicle is seized and impounded pursuant to this section. (Ord. G55-08 § 3, 2008)

# Kane County Code of Ordinances

## **Chapter 12. Law Enforcement**

### **Article III. Loitering**

#### **§ 12-47. Prohibition Upon Loitering**

(c) It is unlawful for any person to loiter in any public place with the intent to commit prostitution. This intent is evidenced by acting in a manner and under circumstances which openly demonstrate the purpose of inducing, enticing, or soliciting prostitution, or procuring another to commit prostitution. Among the circumstances that may be considered in determining whether a person loiters with the intent to commit prostitution are that the person:

- (1) Repeatedly beckons to, stops, engages in conversations with, or attempts to stop or engage in conversations with passersby, indicative of soliciting for prostitution.
- (2) Repeatedly stops or attempts to stop motor vehicles by hailing the drivers, waving arms, or making any other bodily gestures, or engages or attempts to engage the drivers or passengers of the motor vehicles in conversation, indicative of soliciting for prostitution.
- (3) Has been convicted of violating this section or any other offense relating to or involving prostitution, within one year of the charge under this section.
- (4) Circles an area in a motor vehicle and repeatedly beckons to, contacts, or attempts to contact or stop pedestrians or other motorists, indicative of soliciting for prostitution.
- (5) Has engaged, within six (6) months prior to the charge under this article, in any behavior described in this subsection, with the exception of subsection C3 of this section, or in any other behavior indicative of prostitution activity.

#### **§ 12-49. Penalty**

A violation of any provision of this article is punishable by a fine of up to five hundred dollars (\$500.00). (Ord. 99-328, 11-9-1999)

## Lake County Code of Ordinances

Lake County Code of Ordinances does not contain provisions on solicitation of prostitution or human trafficking, thus they rely on the state of Illinois Penal Code.

## Lansing Code of Ordinances

While Lansing does have a Code of Ordinances, there is no mention of soliciting for sex, prostitution or public nuisance. Thus the State Code is followed for these offenses.

## Matteson Municipal Code

Matteson's Municipal Code does not contain any provisions on prostitution and human trafficking, thus, Cook County's Municipal Code, the county which Matteson resides in, is to be followed in this regard.

## Laws in Practice

### **Arlington Heights Police Department**

It is likely that the human trafficking issues experienced in Arlington are due to its proximity to Chicago, its location along major interstates as well as Arlington International Racecourse. As a result, Arlington Police conduct regular reverse stings to deter johns, recently even joining the National Day of Johns Arrest.

### **Aurora Police Department**

The Aurora Police Department has taken a variety of steps to combat demand for commercial sex. In the 1990s, APD officers began conducting street-level reverse stings. Operations are now routinely conducted, using one or more undercover female officers as decoys. The APD has coordinated with the Cook County Sheriff's Office and dozens of other law enforcement agencies to participate in several "National Day of John Arrests" investigations.

Local law enforcement and city officials apply stringent penalties to offenders. For example, johns attempting to solicit sex from a vehicle may have their cars seized and impounded. They may also be subject to SOAP orders, barring them from reentering areas known for commercial sex sales.

The APD has released offenders' names to the media for years, as part of their "shaming" tactics. In 2002 APD took it a step further and offered a small number of arrestees the chance to expunge the criminal charge in exchange for discussing their offense with the public. Citizens from the neighborhoods involved in the vice sweeps were given the opportunity to talk to the men about the impacts of street prostitution on their families and communities.

Aurora launched a john school program in 2009. The school was initially (and may still be) funded by the Aurora Weed & Seed initiative, which targets issues identified by the community as key public safety concerns.

### **Broadview Police Department**

Prostitution and human trafficking in Broadview are not widely reported and the city does not experience much of a prostitution problem. However, Broadview Police are still taking steps to cut down on the prostitution the city experiences and deter any future growth in the commercial sex trade. As a result of the reverse stings BPD conducted in the ninth National Day of Johns Arrest, 15 johns were arrested in the area in a two week period.

### **Chicago Police Department**

#### *Reverse Stings and Shaming in Chicago*

Chicago has always been focused on reducing demand for commercial sex. City police have conducted reverse stings since 1973. Reverse stings have occurred periodically from the 1970s through the present. Currently, the Chicago Police Department posts on their website the photos and identifying information about those arrested in reverse stings.

#### *Chicago John Schools*

There have been two john schools that have operated in Chicago. The first was operated by Genesis House from 1999 to 2005, in collaboration with the Chicago Coalition for the Homeless and the Chicago Police Department. It was discontinued when Genesis House was

dissolved. A new program was soon initiated to fill the void, in September 2006, and is still operating. This second Chicago john school is called the Amend Program, operated by the Christian Community Health Center.

The Amend Program was modeled after (FOPP) in San Francisco. It is a one-day, 8-hour class addressing health risks, legal consequences, community impact, sex addiction, domestic violence, and presentations by survivors of commercial sex about their negative experiences and the trauma that resulted. Men arrested in reverse stings are offered the opportunity to pursue the program. They pay a fee on a sliding scale, from \$100 to \$500, and take the class. Meeting these conditions results in dismissal of charges.

### **Cook County Sheriff's Office**

Cook County, Illinois has implemented arguably the most comprehensive and aggressive portfolio of initiatives focused on combating demand in the United States. Nearly all of the major types of tactics used to educate, punish, and deter sex buyers are being applied in the county. There is also a wide array of collaborators across sectors of the government, non-profit and activist organizations, and neighborhood groups. The Cook County Sheriff's Office, often in collaboration with city police departments, conducts reverse stings and publicizes the identities of the men arrested. They also seize the vehicles of the men arrested, who are required to pay a \$500 fine in order to recover their auto. Men can also be ordered to perform community service, and to adhere to geographic restraining orders (SOAP Orders). The county also has arguably the most diverse and active collection of non-governmental and community organizations that specifically focus on demand, and push for public education and awareness.

Cook County's focus on combating demand evolved through a collaboration of survivors, advocacy organizations, law enforcement and the leadership of key elected officials. In the spring of 2002, through the Prostitution Alternatives Round Table a group of survivors began confronting the Chicago Police Department (CPD) about their practice of arresting far more women for prostitution than men who buy sex in Chicago Police District 14. These organizing efforts helped to lay the foundation for survivors and other groups organizing toward the eventual passage of the Predator Accountability Act. The process of studying law enforcement's response to demand began as a key focus of the Mayor's Office on Domestic Violence's report, "The Intersystem Assessment of Prostitution in Chicago" that was released in 2006. The collaborative approach of this study prioritized involving law enforcement officials and greatly contributed to the cultural shifts within the Chicago Police Department. This report resulted in a steady increase in the arrests of johns in Chicago since 2004.

This historical progression toward focusing on eliminating demand as a method to combat sex trafficking and prostitution contributed to the creation of the Chicago Alliance Against Sexual Exploitation (CAASE) and served as the foundation that allowed the Justice Project Against Sexual Harm to collaborate in creating the End Demand, Illinois Campaign. These efforts were codified when Cook County Sheriff's Office worked with Cook County Commissioners to pass significant legislation in 2008 and when he made "demand suppression" a key element of his "Human Trafficking Response Team" in 2009, thereby serving as a "living model" to law enforcement to adopt this strategy.

### *Public Education and Awareness*

There are a number of public education and awareness efforts ongoing in the Chicago/Cook County area. A recently launched effort is “The Ugly Truth” campaign, by the Voices and Faces Project, in collaboration with End Demand Illinois.

#### *John School DVD*

The Cook County Sheriff's Office, Department of Women's Justice Services has produced a video version of a john school program. It is shown to all men arrested for buying sex as they are being processed. It is not intended to be a substitute for a more intensive, interactive “live” john school. It is meant to be a cost-effective way to provide some of what is provided by a traditional john school, and to fill a current gap. The production of the video was supported in part by Hunt Alternative Fund's Demand Abolition program. A brief outline of the topics covered in the 15-minute video:

- Legal Consequences: Focusing on the legal consequences and the graduated penalties related to subsequent offenses and addressing johns' vulnerability to being robbed or assaulted while involved in prostitution. Features video interviews with investigator, Civil Attorneys, CAASE.
- Health Consequences=Physical/Mental(Trauma): Education, describing the elevated risk of HIV and STD infection associated with prostitution, and stressing that many STDs are asymptomatic and/or difficult to detect and have long term negative impacts on health. Includes video interviews on substance use, medical consequences, psychological impact
- Consequences to Victims: Effect of prostitution on prostituted women and girls, focusing on numerous negative consequences for women serving as prostitutes, such as vulnerability to rape and assault, health problems, drug addiction, and various forms of exploitation. Features video interviews with survivors.
- Dynamics of Pimping, Recruiting, and Trafficking: Feature discussions of how pimps and traffickers recruit, control, and exploit women and girls for profit, and the links between local street prostitution and larger systems of human trafficking. Includes a video interview with a former pimp.
- Community/Family Effect: Prostitution on the community and domestic situations, describing the drug use, violence, health hazards and other adverse consequences that co-occur with street prostitution. Includes video interviews about consequences for spouses/partners/children, and video footage showing collateral damage to communities from undercover cameras.
- Financial and Other Consequences: Features a description of fines, auto seizure, shaming. Includes video footage of the Leyden Billboards (“Johns Ordinance” narration provided by Sheriff Dart), and video of a vehicle seizure.

As a result of Cook County's participation in the 2017 National Day of Johns' arrests, 101 johns were arrested in the area pertaining to Cook County's jurisdiction and adult victims were recovered.

#### **Elgin Police Department**

The city has conducted at least 10 reverse stings. One of the more recent ones, occurring in October 2011, was coordinated with other cities in an effort called “A National Day of Johns Arrests.” The Cook County Sheriff's Office has coordinated several of these national efforts. The one in the fall of 2011 included police and sheriff's departments from Cook County, Aurora,



Cincinnati, Las Vegas, Los Angeles, Phoenix and Newport, VA, resulting in the arrests of 216 sex buyers collectively.

The men arrested in Elgin are charged with violating a city ordinance, which carries a maximum penalty of \$1,000. Autos can also be impounded when used in a crime, including buying sex.

#### **Kane County Sheriff's Office**

The Kane County Sheriff's Office has taken a proactive approach to combatting human trafficking. They conduct regular reverse and web stings, even participating in the National Day of Johns Arrest hosted by the Cook County Sheriff's Office. Kane County Sheriff's Office efforts have not stopped there, last October the Sheriff's Office hosted a human trafficking presentation open to the public free of charge to raise awareness about trafficking in the United States and particularly in Illinois.

#### **Lake County Sheriff's Office**

The Lake County Sheriff's Office provides its employees with high-level training taught by certified nationally renowned instructors. As a part of the training process, the Training Section of the Lake County Sheriff's Office hosted several seminars, including Human Trafficking and Indentured Servitude, Sovereign Citizens Extremism, Traffic Incident and a 40-hour Certified Response Training. This way, all employees of the Lake County Sheriff's Office are able to provide quality service to the community.

In addition to employee training, Lake County Sheriff Mark C. Curran Jr. hosted two courses/seminars on this topic: a seminar on Human Trafficking: Commercial Sexual Exploitation of Children on July 11, 2014, as well as a five hour course on Human Trafficking and Indentured Servitude on January 30, 2014. Participants were taught the necessary skills to recognize the commercial sexual exploitation of children, detect risk factors, identify and effectively engage victims, and build skills necessary to serve youths affected by human trafficking.

As a result of Lake County's undercover prostitution sting operation in February 2014, 11 men were arrested in Waukegan (a suburb of Illinois located in Lake County). On July 16 and 17, 2014, 13 men were arrested for soliciting sex at two different hotels. The Sheriff's Department used reverse stings as well as web stings to arrested these individuals.

#### **Lansing Police Department**

With a population of just 30,000 Lansing PD combats the cases of prostitution through reverse stings and auto seizures. In 2013 Lansing PD set their focus on a motel known for prostitution. In this particular sting, police arrested two men for trafficking and involuntary servitude. Two minors were rescued during this operation. More recently, Lansing PD has joined forces with the Cook County Sheriff's Office on several of the National Day of John's Arrest sting operations. In the 2017 National Johns Suppression Initiative sting, Lansing PD arrested six johns and impounded each of their vehicles. Each person arrested was also charged \$1,000 in fines.

#### **Matteson Police Department**

Matteson, IL only has about a population of about 19,000, with multiple cases of prostitution and sex trafficking having been reported over the past decade, with reverse stings

being used by Matteson PD to combat this illegal activity. In 2004, the first-ever federal prosecution of juvenile sex trafficking in Chicago came out of Matteson, where an adult trafficker had been keeping girls at a motel in Matteson and then driving them into Chicago and pimping them out on 47th St. In 2017, Matteson PD, in conjunction with Cook County Sheriff's Office, arrested 11 johns during the National Johns Suppression Initiative prostitution sting.

## Victim Services

### **Cook County Sheriff's Office**

The Cook County Sheriff's Office provides specific services to women that were involved in prostitution and human trafficking through the Sheriff's Women's Justice Program. The Cook County Sheriff's Women's Justice Programs were established in 1999 as a direct response to address the unique needs of the increasing number of women entering the Cook County criminal justice system. Women's Justice currently administers the following three programs:

- Women's Residential Program (WRP): a 160 bed intensive in-patient treatment program offered in a modified therapeutic community setting within the Cook County Jail.
- Sheriff's Female Furlough Program (SFFP): an outpatient day-reporting program where women are required to report daily for treatment and case management services, returning home in the evening to care for their families while on electronic monitoring.
- MOM's Program: a 24 bed off-site community-based treatment program for pregnant and parenting women and their preschool age children offered in a safe, supportive environment that promotes the mother/child bond.

All DWJS programs incorporate a trauma informed integrated model of treatment that addresses the complex issues impacting women's functioning and substance use in a safe, supportive treatment environment. We understand that the Sheriff's Women's Justice Programs is the beginning phase of the participant's recovery process and treatment that begins in Women's Justice must continue in the community. Therefore, discharge planning begins as soon as women are admitted into programming utilizing a comprehensive screening process. This enables the multidisciplinary treatment team to quickly identify immediate needs and develop individualized treatment and discharge plans for community re-entry.

The Sheriff's Women's Justice Programs integrated treatment model focuses on trauma informed mental health treatment provided simultaneously with substance abuse recovery. The comprehensive mental health services include: Individual and group trauma and mood disorder therapy, Crisis intervention and psychological assessment, medication referrals, triage to emergency services and linkage to community services. In addition, supportive services are incorporated, such as; Sheriff's Virtual High School Diploma program, GED/literacy services, job training/placement, life skills, anger management, parenting, childcare, housing, family reunification, and spirituality. This model addresses the complex issues impacting women's functioning and substance use in a safe, supportive environment.

The Sheriff's Women's Justice Programs Multidisciplinary Treatment team provides recommendations to the court based on the participant's individualized treatment plan and program participation so that this important information can be considered and women are assisted in receiving treatment for mental disorders that influence successful community reentry. We continue to develop and expand our integrated treatment programs. By using core concepts of collaboration, evidenced based practices and research, gender specificity and promotion of empowerment, we are able to provide better mental health, physical health, substance abuse and support services. Through utilization of trauma informed, integrated services, we believe we are more likely to impact the women in a positive, empowered way that will promote family reunification, reduce recidivism and increase successful community re-entry.

With regards to human trafficking, as part of the national End Demand Campaign, in partnership with Demand Abolition -Hunt Alternatives Fund, the Department of Women's Justice Services is participating as a member of the Steering Committee and providing Technical Expertise as practitioners.

Demand Abolition supports the movement to end modern-day slavery by combating the demand for sex trafficking and commercial sex in the US. By convening key stakeholders, conducting and disseminating research, and educating policymakers, Demand Abolition catalyzes systemic social change to reflect the dignity of all people.

In addition, DWJS offers resources to women involved in commercial sexual exploitation and prostitution. The Human Trafficking Response Team (HTRT) is a multi-disciplinary team comprised of survivors of prostitution, court liaison, mental health professionals, addiction specialists, health service providers, and case managers. The response team works closely with the Cook County Sheriff's Police Department. The police department has been trained to identify victims of prostitution who have been lead into the lifestyle out of desperation and survival.

A pivotal strategy in law enforcement's approach is to focus on the demand for prostitution as well as offering services to the victim at the time of arrest. The partnership with the Cook County Sheriff's Police vice unit is unique and innovative. The Sheriff's Police Vice Unit identify women as a victim in need at the point of arrest. The HTRT is deployed to the police station and offers the victim safety and services to assist in leaving the lifestyle and addressing the experience of a lifetime of traumatic incidents. The intervention continues throughout the court process while ensuring safe re-entry into the community through the many resources developed through the Sheriff's Women's Justice Programs.

### **Chicago Police Department**

The Office on Domestic Violence which houses and oversees the operation of the City of Chicago Domestic Violence Help Line. The Help Line is a 24-hour, toll-free confidential number that functions as a clearinghouse for domestic violence services and information.

The Help Line is used by:

- Victims
- Concerned family and friends
- Perpetrators of domestic violence
- Helping professionals
- Health care workers, faith leaders, police officers, and prosecutors

Established in 1998, Mayor's Office on Domestic Violence contracts with the Chicago metropolitan Battered Women's Network to operate the Help Line. Callers to the Help Line are provided with general domestic violence information, referrals to appropriate domestic violence services and a three-way phone linkage between the caller and the domestic violence services. Victim Information and Referral Advocates (VIRAs) provide victims with immediate information about their options, information on safety planning, referrals to community based providers including:

- Shelters
- Counseling
- Legal advocacy

- Civil legal services
- Supervised child visitation centers
- Perpetrators services

The Chicago Department of Family and Support Services' Community Reentry Support Centers can assist formerly incarcerated residents in achieving self-sufficiency while successfully reintegrating into local communities.

- Workforce Training
- Housing Assistance
- Health Services
- Food Assistance
- And Other Services as Needed

### **Elgin Police Department**

The Social Services Unit is comprised of professional, licensed social workers and counselors. All services are designed to improve family relations, school, and, interpersonal relationships. Services provided may also encompass intervention and prevention of behavioral problems that can lead to criminal activities. All services are free to residents of Elgin and may include the following:

- Crisis intervention
- Crisis counseling
- Individual counseling
- Family counseling
- Legal advocacy
- Information and referrals to other community resources

These services address issues that may have involved a police incident or a self referral with the goal being to assist individuals to function at their best with their families, at their place of work, or school. The Social Services Unit has helped people of all ages and backgrounds to resolve their conflicts and to obtain the necessary resources to improve their quality of life. The unit is also committed to assisting victims and witnesses of crimes. This assistance is provided by giving support to crime victims with difficulties that result from victimization. The unit on request will provide presentations to civic groups regarding community concerns on topics related to family violence and juvenile delinquency.

#### *Social Service Programs:*

**Consequences** is a delinquency deterrent program that provides an immediate impact for first time juvenile offenders who are referred by police. The program is for juveniles' ages 9 through 12. The Consequences program entails group and individual counseling for juveniles who have committed minor crimes. It also provides parental support. The goal of the program is to deter future criminal behavior.

The **Domestic Violence** Specialists provide services that empower victims to break the cycle of violence in their homes. They reach out to victims of reported domestic violence to ensure they are safe and are receiving all the services they need. Victims can also contact the Social Services Unit and request assistance if they are experiencing violence in the home that has not been reported. The services provided include:

- Crisis counseling /Safety Planning

- Providing information and referrals to other community resources
- Assistance in obtaining orders of protection and victim compensation
- Personal advocacy and case management

“**Girl Talk**” is an educational program for girls of all ages that strives to reduce their propensity toward violent behavior. This program can be incorporated into any school or community initiative whose goal is to reduce violence among girls.

### **Chicago Alliance Against Sexual Exploitation (CAASE)**

CAASE addresses the culture, institutions, and individuals that perpetrate, profit from, or support sexual exploitation. Our work includes prevention, policy reform, community engagement, and legal services.

*Prevention:* The best way to address sexual exploitation is to prevent it from happening in the first place. Young men are exposed to a culture that stigmatizes women in prostitution, yet glamorizes pimping and patronizing the sex trade. CAASE has created and implemented the first curriculum in the country specifically designed to educate young men about the harms of prostitution and to enlist them as allies in the movement to end violence against women and girls. We have reached more than 1,000 students since the curriculum launched in 2010.

Our instructor visits classrooms in Chicagoland to bring this multiple-session course directly to students. The interactive classes invite young men to examine the constructs of masculinity that have been presented to them by our culture. They learn about the realities of the commercial sex trade and human trafficking. Young men are asked to consider how pressures to “be a man” can influence their decisions to patronize the sex trade.

### **The Salvation Army- PROMISE Program and Anne's House**

The PROMISE (Partnership to Rescue our Minors from Sexual Exploitation) model was developed in an effort to combat the sexual trafficking of children. In January of 2005, this program was launched in Chicago. It includes the formation of a task force which engages in initiatives that address the four main provisions of PROMISE: Awareness, Prevention, Intervention, and Service Delivery. To insure a holistic approach, specific strategies for implementing these provisions are developed by PROMISE members who represent the social service, education, legal, judicial, healthcare, law enforcement and other sectors of our community.

In addition, the PROMISE program has opened Anne's House- Illinois’ first long term trauma based, voluntary residential program for young women and girls, ages 12 to 21 and without children in their custody, who have been impacted by sex trafficking and commercial sexual exploitation. This trauma based program will offer comprehensive services including, but not limited to, individual and group therapy, life skills training, support with academic and vocational goals, social and recreational activities and spiritual guidance. This program is one of the few programs that serve this population and, therefore, is accepting referrals from government and non-government organizations across the nation. Anne’s House is dually licensed by the Illinois Department of Children and Family Services as a group home and child welfare agency.

Chicago Salvation Army Trafficking Outreach Program and Intervention Techniques  
Hotline: 1-877-606-3158.

### **Chicago Dream Center (CDC)**

The Chicago Dream Center consists of various programs and ministries to assist individuals in overcoming homelessness, poverty, substance abuse, human trafficking, etc. They share faith, hope and love through holistic programs and education, meeting the physical, emotional, as well as spiritual needs of these individuals. This project has a threefold approach to human trafficking:

- 1) Advocacy and awareness
- 2) Outreach and rescue
- 3) Recovery

#### *New Life for Women Ministry*

The goal of their recovery program, New Life for Women, is to reach, rescue, and empower women whose lives are controlled by domestic violence, drug and alcohol addictions, prostitution/human trafficking, homelessness, and other life-controlling issues. They offer residential support for up to two years.

#### *Alabaster Dreams Ministry*

Alabaster Dreams is a ministry that conducts weekly outreach to strip clubs, massage parlors, and motels in the Chicagoland area in order to make a connection and implant hope to victims who feel trapped in the sex industry. The team goes out monthly to these venues and leaves small gifts of toiletries with the women as well as information about our residential program and Friday night meetings. Alabaster Dreams also has a weekly meeting on Friday nights called "Set Free Spa" that is designed to create a comfortable, judgment-free setting for women in need of support. The CDC Team shares beauty tips, and discusses how to be "set free" from negative emotions.

#### *Rose of Sharon Ministry*

Rose of Sharon Ministry conducts outreach to victims of the sex trade every Friday night. A team of volunteers and staff prepare roses to pass out to women they find on the streets of Chicago. They seek for and find women that have been affected by life controlling issues (including prostitution and human trafficking), inform them of CDC's recovery services, and bring them back into the fullness and understanding of the Gospel of Jesus Christ. Each rose has a CDC business card tied to it with a ribbon. For more information please visit: <http://www.chicagodreamcenter.org/>.

### **Heartland Human Care Services Inc. - Northern Tier Anti-Trafficking Consortium**

Heartland Alliance for Human Needs and Human Rights is a service-based human rights organization focused on investments in and solutions for the poorest and most vulnerable men, women, and children in our society. This program, the "Northern Tier Anti-Trafficking Consortium, provides and coordinates direct, comprehensive, trauma-informed services to adult and child survivors of human trafficking across 14 states and Puerto Rico. In addition, NTAC provides training and technical assistance to other agencies to help ensure that survivors of human trafficking have access to high-quality services across the entire geographic region."

Program participants are foreign-born victims--or potential victims--of human trafficking who have received certification, or are in the process of applying for certification from Office of Refugee Resettlement (ORR), or in the case of child victims, letters of eligibility from ORR.

### **Young Women's Empowerment Project**

The Young Women's Empowerment Project (YWEP) is a member based social justice organizing project that is led by and for young people of color who have current or former experience in the sex trade and street economies. Everybody who is on staff and has decision making power at YWEP was once a member here and is between the ages of 12-24 years old. The Young Women's Empowerment Project offers safe, respectful, free-of-judgment spaces for girls and young women in the sex trade and street economies to recognize their goals, dreams and desires. YWEP provides the following services: train, support and pay girls and young women with current or past experience in the sex trade to be harm reduction peer outreach workers to girls in the sex trade; facilitate education workshops with youth about girls in the sex trade and train and support girls to be leaders. For further information, visit <http://ywepchicago.wordpress.com/> or call 773-728-0127.

### **Prostitution Alternatives Roundtable (PART), a project of the Chicago Coalition for the Homeless**

PART's work enables more women to quit survival prostitution. It proposes laws that no longer favor the typically male customer and trafficker over the woman or youth being prostituted. It offers rehabilitative programs that divert women from jail or prison so that they can restore their lives and keep families intact. For more information, please refer to: <http://www.chicagohomeless.org/programs-campaigns/advocacy-public-policy/part/> or contact PART at 1-800-940-1119.

### **Illinois Rescue and Restore Coalition**

The Illinois Rescue and Restore coalition is a collaboration between the Illinois Department of Human Services (DHS) and the federal government. IRRC aims to help the fight against human trafficking. Various agencies across the state are also involved, including those in law enforcement, healthcare, and victim advocacy groups. Illinois Rescue and Restore focuses on raising awareness about trafficking as well as identifying and rescuing victims of trafficking. For more information, contact the National Human Trafficking Resource Center 24 Hour Hotline: 1-888-3737-888.



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# Indiana

## Penal Code – Solicitation

### **Title 31. Family Law and Juvenile Law**

#### **Article 9. Definitions**

##### **Chapter 2. Definitions**

##### **§ 31-9-2-29.5. Crime involving domestic or family violence.**

"Crime involving domestic or family violence" means a crime that occurs when a family or household member commits, attempts to commit, or conspires to commit any of the following against another family or household member:

- (3) Kidnapping or confinement under IC 35-42-3.
- (10) Voyeurism under IC 35-45-4.
- (13) Human and sexual trafficking crimes under IC 35-42-3.5.

### **Title 35. Criminal Law and Procedure**

#### **Article 45. Offenses Against Public Health, Order, and Decency**

##### **Chapter 4. Indecent Acts and Prostitution**

##### **§ 35-45-4-3. Patronizing a prostitute.**

A person who knowingly or intentionally pays, or offers or agrees to pay, money or other property to another person:

- (1) for having engaged in, or on the understanding that the other person will engage in, sexual intercourse or deviate sexual conduct with the person or with any other person; or
- (2) for having fondled, or on the understanding that the other person will fondle, the genitals of the person or any other person; commits patronizing a prostitute, a Class A misdemeanor. However, the offense is a Level 6 felony if the person has two (2) prior convictions under this section.

##### **§ 35-45-4-4. Promoting prostitution**

A person who:

- (1) knowingly or intentionally entices or compels another person to become a prostitute;
- (2) knowingly or intentionally procures, or offers or agrees to procure, a person for another person for the purpose of prostitution;
- (3) having control over the use of a place, knowingly or intentionally permits another person to use the place for prostitution;
- (4) receives money or other property from a prostitute, without lawful consideration, knowing it was earned in whole or in part from prostitution; or
- (5) knowingly or intentionally conducts or directs another person to a place for the purpose of prostitution; commits promoting prostitution, a Level 5 felony. However, the offense is a Level 4 felony under subdivision (1) if the person enticed or compelled is under eighteen (18) years of age.

## Penal Code – Human Trafficking

### **Title 35. Criminal Law and Procedure**

#### **Article 32. General Provisions**

##### **Chapter 2. Venue**

##### **§ 35-35-2-3. Kidnapping, criminal confinement, or interference with custody**

(a) A person who commits the offense of:

- (1) kidnapping;
- (2) criminal confinement;
- (3) human trafficking;
- (4) promotion of human trafficking; or
- (5) sexual trafficking of a minor;

may be tried in a county in which the victim has traveled or has been confined during the course of the offense.

(b) A person who commits the offense of criminal confinement or interference with custody may be tried in a county in which the child who was removed, taken, concealed, or detained in violation of a child custody order:

- (1) was a legal resident at the time of the taking, concealment, or detention;
- (2) was taken, detained, or concealed; or
- (3) was found.

#### **Article 42. Offenses Against the Person**

##### **Chapter 1. Homicide**

##### **§ 35-42-1-1. Murder**

A person who:

- (2) kills another human being while committing or attempting to commit arson, burglary, child molesting, consumer product tampering, criminal deviate conduct (under IC 35-42-4-2 before its repeal), kidnapping, rape, robbery, human trafficking, promotion of human trafficking, sexual trafficking of a minor, or carjacking (before its repeal);

Commits murder, a felony.

##### **Chapter 3.5. Human and Sexual Trafficking**

##### **§ 35-42-3.5-1. Promotion of human trafficking -- Sexual trafficking of a minor -- Human trafficking -- Defense to sexual trafficking of a minor**

(a) A person who, by force, threat of force, or fraud, knowingly or intentionally recruits, harbors, or transports another person:

- (1) to engage the other person in:
  - (A) forced labor; or
  - (B) involuntary servitude; or
- (2) to force the other person into:
  - (A) marriage;
  - (B) prostitution; or
  - (C) participating in sexual conduct (as defined by IC 35-42-4-4); commits promotion of human trafficking, a Level 4 felony.

(b) A person who knowingly or intentionally recruits, harbors, or transports a child less than:

- (1) eighteen (18) years of age with the intent of:
  - (A) engaging the child in:
    - (i) forced labor; or
    - (ii) involuntary servitude; or
  - (B) inducing or causing the child to:
    - (i) engage in prostitution; or
    - (ii) engage in a performance or incident that includes sexual conduct in violation of IC 35-42-4-4(b) or IC 35-42-4-4(c) (child exploitation); or
- (2) sixteen (16) years of age with the intent of inducing or causing the child to participate in sexual conduct (as defined by IC 35-42-4-4);

commits promotion of human trafficking of a minor, a Level 3 felony. Except as provided in subsection (e), it is not a defense to a prosecution under this subsection that the child consented to engage in prostitution or to participate in sexual conduct.

(c) A person who is at least eighteen (18) years of age who knowingly or intentionally sells or transfers custody of a child less than eighteen (18) years of age for the purpose of prostitution or participating in sexual conduct (as defined by IC 35-42-4-4) commits sexual trafficking of a minor, a Level 2 felony.

(d) A person who knowingly or intentionally pays, offers to pay, or agrees to pay money or other property to another person for an individual who the person knows has been forced into:

- (1) forced labor;
- (2) involuntary servitude; or
- (3) prostitution; commits human trafficking, a Level 5 felony.

#### **§ 35-42-3.5-2. Restitution to victim**

In addition to any sentence or fine imposed for a conviction of an offense under section 1 [IC 35-42-3.5-1] of this chapter, the court shall order the person convicted to make restitution to the victim of the crime under IC 35-50-5-3.

#### **§ 35-42-3.5-3. Victim has civil cause of action against person convicted of offense =**

##### **Damages recoverable - Statutes of limitations.**

(a) If a person is convicted of an offense under section 1 [IC 35-42-3.5-1] of this chapter, the victim of the offense:

- (1) has a civil cause of action against the person convicted of the offense; and
- (2) may recover the following from the person in the civil action:
  - (A) Actual damages.
  - (B) Court costs (including fees).
  - (C) Punitive damages, when determined to be appropriate by the court.
  - (D) Reasonable attorney's fees.

(b) An action under this section must be brought not more than two (2) years after the date the person is convicted of the offense under section 1 of this chapter.

#### **§ 35-42-3.5-4. Additional Rights of victim**

(a) An alleged victim of an offense under section 1 [IC 35-42-3.5-1] of this chapter:

- (1) may not be detained in a facility that is inappropriate to the victim's status as a crime victim;
- (2) may not be jailed, fined, or otherwise penalized due to having been the victim of the offense; and

(3) shall be provided protection if the victim's safety is at risk or if there is danger of additional harm by recapture of the victim by the person who allegedly committed the offense, including:

(A) taking measures to protect the alleged victim and the victim's family members from intimidation and threats of reprisals and reprisals from the person who allegedly committed the offense or the person's agent; and

(B) ensuring that the names and identifying information of the alleged victim and the victim's family members are not disclosed to the public.

This subsection shall be administered by law enforcement agencies and the Indiana criminal justice institute as appropriate.

(b) Not more than fifteen (15) days after the date a law enforcement agency first encounters an alleged victim of an offense under section 1 of this chapter, the law enforcement agency shall provide the alleged victim with a completed Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (LEA Declaration, Form I-914 Supplement B) in accordance with 8 CFR 214.11(f)(1). However, if the law enforcement agency finds that the grant of an LEA Declaration is not appropriate for the alleged victim, the law enforcement agency shall, not more than fifteen (15) days after the date the agency makes the finding, provide the alleged victim with a letter explaining the grounds for the denial of the LEA Declaration. After receiving a denial letter, the alleged victim may submit additional evidence to the law enforcement agency. If the alleged victim submits additional evidence, the law enforcement agency shall reconsider the denial of the LEA Declaration not more than seven (7) days after the date the agency receives the additional evidence.

(c) If a law enforcement agency detains an alleged victim of an offense under section 1 of this chapter who is less than eighteen (18) years of age, the law enforcement agency shall immediately notify the department of child services that the alleged victim:

(1) has been detained; and

(2) may be a victim of child abuse or neglect.

## Gary Municipal Code

### **Chapter 28 Offenses and Miscellaneous Provisions**

#### **Article II. Use of Property for Illegal Purposes**

##### **§ 28-34. - Permitting use of real estate for illicit drug activity, gambling or prostitution.**

No owner of real estate located in the city shall knowingly allow that real estate to be used as a site for any use or sale of illicit narcotics or controlled dangerous substances, gambling or prostitution after having received written notice pursuant to IC 36-7-9-25, from the police department of the city, that a present occupant or tenant of that property has been using or selling illicit narcotics or controlled dangerous substances, or allowing the using or selling of illicit narcotics or controlled dangerous substances at that property, or has been engaging in or allowing gambling or prostitution or has otherwise been engaging in or allowed activity constituting a nuisance pursuant to IC 34-1-52-1. A legal or equitable owner of such real estate is deemed to have knowledge of such activity upon receipt of notice set forth herein. For the purposes of this article, the term "owner of real estate" is defined as any person who, alone, or jointly or severally with others shall have legal or equitable title to any dwelling or dwelling unit.



# Indianapolis/Marion County Code of Ordinances

## **Title II. Public Order and Safety**

### **Chapter 421. Public Decency, Obscenity**

#### **Article I. Offenses Against Public Decency**

##### **§ 421-104. Indecent solicitation; enforcement procedure; definitions; penalty.**

(a) It shall be unlawful for any person to loiter or remain in a public place in a manner and under circumstances manifesting the purpose of engaging or soliciting another person to engage in sexual activity. The circumstances which may be considered in determining whether such purposes are manifested are that such person is a known prostitute or panderer; or repeatedly beckons to, stops or attempts to stop passersby; or repeatedly engages passersby in conversation; or repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gestures.

(1) No summons shall be issued for a violation of this section unless the arresting officer first offers such person an opportunity to explain such conduct.

(2) No person shall be convicted of a violation of this section if the arresting officer does not comply with the preceding subsection or if it appears at trial that the explanation offered was true and disclosed a lawful purpose.

(b) Definitions. As used in this section.

(1) "Known prostitute or panderer" means a person who, within one (1) year previous to the date of an issuance of a summons for a violation of this section, has, to the knowledge of the arresting officer, been convicted of a violation of any ordinance of the Consolidated City of Indianapolis and Marion County or statute of the State of Indiana defining and punishing acts of prostitution, patronizing a prostitute, or promoting prostitution.

(2) "Loitering" means remaining idle in essentially one (1) place and shall include the concepts of spending time idly, loafing or walking about aimlessly.

(3) "Public place" means an area, either publicly owned or to which the public has access.

(4) "Sexual activity" or "sexual conduct" means acts of prostitution, patronizing a prostitute, or promoting prostitution as such acts are proscribed and defined by IC 35-45-4-2, 35-45-4-3 and 35-45-4-4, or as these statutes hereafter shall be amended.

(c) Any person who violates the provisions of this section and if found guilty of said violation shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00). Each day that a violation occurs shall be considered as a separate offense.

##### **§ 421-106. Inducing public indecency or prostitution.**

Any person who acts in a manner and under circumstances manifesting an intent to induce, entice, solicit or procure another person to commit an act of public indecency as defined in IC 35-45-4-1 or an act of prostitution as defined in IC 35-45-4-2 et seq. shall be guilty of an offense

### **Chapter 391. Nuisances**

#### **Article I. In General**

##### **§ 391-102. Structures, vehicles or things detrimental to health and safety.**

- (a) No building, vehicle, structure, receptacle, yard, lot, premises, or part thereof, shall be made, used, maintained or operated in the city in any manner so as to cause or produce a nuisance or be dangerous or detrimental to the public health and safety.
- (b) The use of any motor vehicle on the streets of the city, where by reason of any defect or other condition in such vehicle the driving thereof on the streets constitutes a menace or hazard to the life, safety or property of any person, shall be a public nuisance.
- (c) The use of any motor vehicle on the streets or alleys of the city to solicit, facilitate or consummate an act of prostitution as defined by the laws of the State of Indiana, in such a way as to constitute an injury and offense to the health and senses of the citizenry, shall be a public nuisance. A public nuisance as described by this subsection may be abated in ccord with the provisions of section 391-207.

### **§ 391-119. Penalty for violation of chapter.**

Any person who creates and maintains any nuisance defined in this chapter, or elsewhere in this Code, or by any other law or ordinance of the city, and who fails or refuses to abate such nuisance when so ordered, shall be guilty of an offense against the city and upon conviction thereof shall be punishable as provided in section 103-3, unless some other penalty is prescribed in any other section of this Code for a particular offense. The action against any person to enforce a penalty by the city shall constitute a separate and additional legal remedy, and the fact that any proceedings by way of an injunction, or for the abatement of any such nuisance, has been or may be instituted by the city and be pending or concluded shall not affect this section or chapter, or be considered in any way as a defense to such action for the penalty in this section.

## **Title I. Organization and Administration**

### **Chapter 103. Validation and Enforcement**

#### **Article I. In General**

### **§ 103-3. General penalties for violations of Code.**

- (a) Whenever in any chapter, article, division or section of this Code, or of any ordinances amendatory thereof or supplemental thereto:
- (1) The doing of any act, or the omission to do any act or to perform any duty, is declared to be a violation of this Code, or of any such amendatory or supplemental ordinance, or of any provision thereof, or is declared to be unlawful; and
  - (2) If there shall be no fine or penalty otherwise specifically prescribed or declared for any such violation, or for doing or for omitting to do any such act or to perform any such duty;
- any person found to have committed any such violation shall be fined, by way of a penalty therefor, an amount not exceeding any limitation under IC 36-1-3-8 for each such violation, act or omission.
- (b) In addition to the foregoing penalty, the city may enjoin or abate any violation of this Code by appropriate action.

## Lake County Code

Lake County's Code of Ordinances does not contain provisions on solicitation of prostitution or human trafficking crimes, and, thus follow Indiana Penal Code on these matters.

# South Bend Municipal Code

## **Chapter 13 - Offenses and miscellaneous provisions**

### **Article 4. - Offenses against public peace and safety**

#### **§ 13-55.1. - Loitering for solicitation; enforcement procedure; definitions; penalty.**

(a) [Prohibited; enforcement.] It shall be unlawful for any person to loiter or remain in a public place in a manner and under circumstances manifesting the purpose of engaging, or soliciting another person to engage, in sexual activity. The circumstances which may be considered in determining whether such purposes are manifested are: That such person is a known prostitute or panderer, repeatedly beckons to, stops or attempts to stop passersby, or engages passersby in conversation, or repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gestures.

(1) No arrest shall be made, or no citation shall be issued, for a violation of this section unless the arresting officer, by direct demand, first affords such person an opportunity to explain such conduct.

(2) No person shall be convicted of a violation of this section if the arresting officer does not comply with the preceding subsection or if it appears at trial that the explanation offered was true and disclosed a lawful purpose.

(b) Definitions. As used in this section:

(1) "Known prostitute or panderer" means a person who, within one (1) year previous to the date of an arrest or issuance of a citation for a violation of this section, has, to the knowledge of the arresting officer, been convicted of a violation of any ordinance of the City of South Bend or statute of the State of Indiana defining and punishing acts of prostitution, patronizing a prostitute, or promoting prostitution.

(2) "Loitering" means remaining idle in essentially one place and shall include the concepts of spending time idly, loafing or walking about aimlessly.

(3) "Public place" means an area, either publicly owned or to which the public has access, where offenses relating to sexual conduct are known to have been committed.

(4) "Sexual activity" or "sexual conduct" means acts of prostitution, patronizing a prostitute, or promoting prostitution as such acts are proscribed and defined by IC 35-45-4-2, 35-45-4-3 and 35-45-4-4, or as these statutes hereafter shall be amended.

(c) Penalties. Any person who violates this section shall be subject to a fine of one hundred fifty dollars (\$150.00) upon conviction of a first offense. Any person who is convicted of a second violation of this section within a one-year period shall be subject to a fine of two hundred fifty dollars (\$250.00). Any person who is convicted of a third or subsequent violation of this section within a one-year period shall be subject to a fine of not less than three hundred fifty dollars (\$350.00) nor more than one thousand dollars (\$1,000.00). Each day that a violation occurs shall be considered as a separate offense.

#### **§ 13-55.5. - Vehicles used for the purposes of soliciting, patronizing, and/or the commission of prostitution.**

(a) Definitions.

(1) For purposes of this section, "motor vehicle" means every vehicle which is self-propelled, including but not limited to automobiles, trucks, vans, motorcycles, and motor scooters.

- (2) For purposes of this section, "owners of record" means the record titleholders of the vehicle.
- (3) For purposes of this section, a person engages in conduct "knowingly" if, when the person engages in the conduct, the person is aware of a high probability that he or she is doing so.
- (b) Conduct prohibited. A motor vehicle that is knowingly used in the commission of prostitution as defined in IC 35-45-4-2, patronizing a prostitute as defined in IC 35-45-4-3, or for promoting prostitution as defined in IC 35-45-4-4 shall be subject to seizure and impoundment under this section.
- (c) Seizure and impoundment. Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the City or its agents. This subsection shall not apply if the vehicle used in the violation of subsection (b) was stolen at the time of the alleged violation and the theft was reported to the appropriate police authorities within seventy-two (72) hours after the theft was discovered or reasonably should have been discovered.
- (d) Notice. Within twenty-four (24) hours after a vehicle is seized and impounded, the police department shall notify the owners of record and any person who is found to be in control of the vehicle at the time of the alleged violation of the fact of the seizure and of their right to request a vehicle impoundment hearing to be conducted under this section. Notice shall be provided by certified mail. Notice shall be sent to the owners of record and to any person who is found to be in control of the vehicle at the time of the alleged violation.
- (h) Penalty. If, after a hearing, the hearing officer determines by a preponderance of evidence that a violation for which a penalty is applicable under this section has occurred, the hearing officer shall enter an order finding the operator of the vehicle civilly liable to the City for a penalty of five hundred dollars (\$500.00) and also liable to the towing agent for any applicable towing and storage fees. If the operator of the vehicle fails to appear at the hearing, the hearing officer shall enter a default order in favor of the City requiring payment to the City of a penalty in the amount of five hundred dollars (\$500.00) as well as payment to the towing agent for any applicable towing and storage fees. If the hearing officer finds that no such violation occurred, the hearing officer shall order the immediate return of the vehicle to the owners of record.
- (i) Disposition of impounded vehicle. A penalty imposed pursuant to this section shall constitute a debt due and owing the City. A vehicle impounded pursuant to this section shall remain impounded until (1) the penalty of five hundred dollars (\$500.00) is paid to the City and all applicable towing and storage fees are paid to the towing agent, in which case the owners of record shall be given possession of the vehicle, (2) a bond in the amount of five hundred dollars (\$500.00) is posted with the City Attorney's office and all applicable towing and storage fees are paid to the towing agent at which time the vehicle will be released to the owners of record, or (3) the vehicle is deemed abandoned pursuant to subsection (k) in which case the vehicle shall be disposed of in the manner provided by law for the disposition of abandoned vehicles.
- (j) Posting of bond. If a bond in the amount of five hundred dollars (\$500.00) is posted with the City Attorney's office, the impounded vehicle shall be released to the owners of record. If a five hundred dollar (\$500.00) penalty is imposed for a violation of this section, the five hundred dollar (\$500.00) bond will be forfeited to the City. However, in the event a violation of this section is not proven by a preponderance of the evidence, the five hundred dollar (\$500.00) bond will be returned to the person or entity posting the bond.

(k) Failure to pay penalty. If the penalty and applicable towing and storage fees are not paid within thirty (30) days after a penalty is imposed pursuant to this section, the vehicle shall be deemed abandoned and shall be disposed of in the manner provided by law for the disposition of abandoned vehicles.

## **Article 5. - Offenses relating to property**

### **§ 13-75.5. - Disorderly houses; prohibited.**

#### **(a) Definitions.**

(1) For purposes of this section, disorderly house means a building, dwelling, establishment, premises or place where prohibited conduct occurs and it includes the outside area contiguous to and surrounding the structure such as a yard or lot under the same ownership. If the building, dwelling, establishment, premises or place is a multiple-unit dwelling or residence, hotel or motel, or commercial or office building, this definition applies only to that dwelling unit, room or suite of rooms in the hotel or motel, office rooms or suite, store, lot or yard in or on which prohibited conduct occurs.

(4) For purposes of this section, vacant means a building which is lacking the habitual presence of human beings who have a legal right to be on the premises, or at which substantially all lawful business operations or residential occupancy has ceased.

(5) For purposes of this section, prohibited conduct means activities occurring in violation of the statutes or ordinances relating to any of the following:

1. Violations of any of the following Indiana statutes governing:

1. Prostitution in violation of IC 35-45-4-2;

2. Patronizing a prostitute in violation of IC 35-45-3-3; or

3. Promoting prostitution in violation of IC 35-45-6-1.

(e) Penalty and injunctive relief. Whenever prohibited conduct occurs upon a property after the City has provided notice to abate the public nuisance, the City may file an action in any court of general jurisdiction against the owner and/or occupants to enjoin the nuisance and to recover a fine of not less than two hundred fifty dollars (\$250.00) and not more than two thousand five hundred dollars (\$2,500.00) with each day of violation constituting a separate offense. In determining the amount of the fine to be imposed, the court may consider the attempts of the property owners or occupants to address the public nuisance.

## Laws in Practice

### **Indianapolis Metropolitan Police Department**

Prostitution has been prominent for decades and sex trafficking of children is a well-known problem in Indianapolis. To combat sex trafficking Indianapolis Metro has been regularly conducting reverse stings since 1975. In 1999 a collaboration between concerned citizens and Marian County Prosecutor led to the creation of the Red Zone Program.

The Red Zone program is a diversion program offered to first time offenders. The one-day program is divided equally into a four-hour john school and four-hours of community service. During the john school portion, residents from neighborhoods affected by prostitution engage in a discussion with johns. Residents have a chance to convey to the johns the negative impact of prostitution, how the buyers of sex drive all of those problems, and panelists can challenge the johns with questions about their behavior and their motivation. Red Zone also features presentations by the health department, syphilis testing, and a presentation by a prosecutor about legal consequences. The men then participate in community service work crew for the remainder of the program. The total cost for the program is \$150.00.

In an effort to raise awareness, the Indiana Attorney General's Office produced materials about how demand for prostitution drives the market leading to sex trafficking. Primary among these materials are a "Don't Buy the Lie" PowerPoint and wallet sized cards which can be carried by men that demonstrates commitment to not participating in commercial sex.

### **Gary Police Department**

Prostitution has been a longstanding, prominent problem in Gary, and cases of sex trafficking have been documented, even though Gary lost 25% of its population in a ten year period. Historically, police focus centered on those selling sex. But, as of late Gary PD focus has shifted. In September 2013 six sex buyers were arrested in Gary as part of a reverse street-level sting. Those arrested face charges of patronizing a prostitute; all had their identities released to news outlets. As of late Gary has also been a regular participant in the National Day of John's Arrest organized by the Cook County Sheriff's Office.

### **Lake County Police Department**

Lake County is the second largest county of Indiana, likely contributing to prostitution and human trafficking in the area. Lake County Sheriff John Buncich and his team recognize that prostitution is becoming more of an issue in this area, and are responding to it by going after the johns and paying closer attention to the women trapped in the sex trade. For example, in July 2013, 5 men were arrested for patronizing a prostitute in a joint reverse sting operation with the Hammond Police Department. Using tactics including reverse stings and web-based stings, 3 men were arrested in Merrillville, IN for patronizing a prostitution.

### **South Bend Police Department**

Prostitution remains a problem in South Bend and prostitution in the city largely involves teens. In an effort to combat demand, South Bend Police Department conducts reverse stings using an undercover officer. As of 2013, the police department also began using web based stings. In addition to sting operations, men convicted of solicitation must also go through a johns school program. The program is an eight hour course modeled after the San Francisco program,

meaning emphasis is placed on the consequences of solicitation and associated health risks while also including a community service component.



## Victim Services

### **Lake County Sheriff's Office**

The Lake County Sheriff's Office established Safe Place to provide access to immediate help and safety for all young people in crisis. Thousands of businesses and other public locations across the country extend the doors of local youth serving agencies by displaying Safe Place's recognizable yellow and black diamond-shaped logo.

#### *Special Victims Unit (SVU)*

The Special Victims Unit is a Criminal Investigative Unit that conducts specialized investigations of juvenile cases. Detectives investigate victim specific offenses involving children who are victims of sex crimes, physical abuse, and neglect. Detectives work closely with the Juvenile Court, other law enforcement agencies, prosecutors, the Department of Child Services and various organizations such as women's shelters, Adult Protective Services and victim advocates.

### **Indianapolis Metropolitan Police Department**

The Police Department has a Victim Assistance Unit, which was the first 24-hour on-call crisis unit within a U.S. law enforcement agency. The Victim Assistance Unit strives to provide assistance to any person who has suffered, directly or indirectly, a physical, emotional, or personal loss as a result of a criminal act.

What the Unit Does:

- a. On-scene crisis intervention
- b. Emotional support to victims and families during crisis
- c. Referrals to support groups; shelter and housing facilities; and agencies that provide medical and mental health services and financial support
- d. Assistance with filing Violent Crime Compensation forms
- e. Familiarize the victim with the criminal justice system so they understand their rights and obligations by providing information about court procedures, the prosecutor's role, and how to obtain protective orders
- f. IMPD Body Safety Program

### **Gary Police Department**

Gary Commission for Women runs two women's shelters: 1) Ark which is a transitional housing for women and children, and 2) The Rainbow which is a domestic violence shelter for women and children. For more information about either of these programs, or if you need help, call 219-881-1214.

### **The Indiana Protection for Abused and Trafficked Humans (IPATH)**

IPATH is funded by the Department of Justice's Office for Victims of Crime and the Bureau of Justice Assistance to address the issue of human trafficking. IPATH is comprised of law enforcement specialists, social service providers, health providers, legal service providers, awareness and education organizations, as well as passionate community members and groups.

Case management and services to persons who have been trafficked are available through the Julian Center and Exodus Refugee Immigration. The Trafficked Persons Assistance Program supports trafficking victims by assisting them through the process of reporting their trafficking

victimization to law enforcement and by helping them obtain services including case management, crisis intervention, emergency housing, legal services, medical care, mental health counseling, substance abuse counseling and more.

### **The Julian Center**

Since 2006, The Julian Center, located in Indianapolis, has been the service coordinator for victims of human trafficking in Indianapolis and surrounding counties. Julian Center works in cooperation with Exodus Refugee Immigration Inc., Indianapolis Metropolitan Police Department, and a network of other service providers and law enforcement professionals. The Julian Center is a part of IPATH and therefore, provides training and outreach for victims of human trafficking.

The Julian Center's case managers advocate for victims, work for their safety, support them through the reporting process with law enforcement, and provide supportive and practical services. Some of those services include case management, emergency housing, legal services, counseling, medical assistance, and job training among others. For additional information about The Julian Center visit their website located at <http://www.juliancenter.org/About-Us.aspx>.

### **Indiana Trafficking Victims Assistance Program (ITVAP)**

Works to identify and provide comprehensive services to youth victims of trafficking and sexual exploitation. ITVAP is going to partner with IPATH forces, the Indiana State Police, the 30 youth services bureaus and 18 current Safe Place programs. ITVAP's objectives are the following:

- Complete a community assessment for each of the service network regions to assess community needs and gaps and to connect community partners and service providers.
- Build a trained network of community partners in order to recognize and identify victims of trafficking of sexual exploitation.
- Develop, deliver, and evaluate coordinated case management and comprehensive assistance programs as youth victims of human trafficking and sexual exploitations are identified.
- Develop and integrate a referral system and educate a minimum of 10 agencies per region about referrals to programs for which victims are eligible, including the ORR, and the OVC Human Trafficking Victims Services programs, Victims Compensation, and other state and local anti-human trafficking programs.

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IOWA

# Code of Iowa - Solicitation

## **Title XVI. Criminal Law and Procedure**

### **Subtitle 1. Crime Control and Criminal Acts**

#### **Chapter 725. Vice**

##### **§ 725.1. Prostitution**

1. a. Except as provided in paragraph “b”, a person who sells or offers for sale the person’s services as a partner in a sex act commits an aggravated misdemeanor.
  - b. If the person who sells or offers for sale the person’s services as a partner in a sex act is under the age of eighteen, the county attorney may elect, in lieu of filing a petition alleging that the person has committed a delinquent act, to refer that person to the department of human services for the possible filing of a petition alleging that the person is a child in need of assistance.
  - c. If the person who sells or offers for sale the person’s services as a partner in a sex act is under the age of eighteen, upon the expiration of two years following the person’s conviction for a violation of paragraph “a” or of a similar local ordinance, the person may petition the court to expunge the conviction, and if the person has had no other criminal convictions, other than local traffic violations or simple misdemeanor violations of chapter 321 during the two-year period, the conviction shall be expunged as a matter of law. The court shall enter an order that the record of the conviction be expunged by the clerk of the district court. Notwithstanding section 692.2, after receipt of notice from the clerk of the district court that a record of conviction for a violation of paragraph “a” has been expunged, the record of conviction shall be removed from the criminal history data files maintained by the department of public safety.
2. a. Except as provided in paragraph “b”, a person who purchases or offers to purchase another person’s services as a partner in a sex act commits an aggravated misdemeanor.
  - b. A person who purchases or offers to purchase services as a partner in a sex act from a person who is under the age of eighteen commits a class “D” felony.

##### **§ 725.2. Pimping**

1. A person who solicits a patron for a prostitute, or who knowingly takes or shares in the earnings of a prostitute, or who knowingly furnishes a room or other place to be used for the purpose of prostitution, whether for compensation or not, commits a class “D” felony.
2. A person who solicits a patron for a prostitute who is under the age of eighteen, or who knowingly takes or shares in the earnings of a prostitute who is under the age of eighteen, or who knowingly furnishes a room or other place to be used for the purposes of prostitution of a prostitute who is under the age of eighteen, whether for compensation or not, commits a class “C” felony.
3. It shall be an affirmative defense to a prosecution of a person under the age of twenty-one for a violation of this section that the person was allowed, permitted, or encouraged by an adult having influence or control of the person to engage in acts prohibited pursuant to section 725.1, subsection 1, while the person was under the age of eighteen.

##### **§ 725.3. Pandering**

1. A person who persuades, arranges, coerces, or otherwise causes another, not a minor, to become a prostitute or to return to the practice of prostitution after having abandoned it, or keeps

or maintains any premises for the purposes of prostitution or takes a share in the income from such premises knowing the character and content of such income, commits a class “D” felony.

2. A person who persuades, arranges, coerces, or otherwise causes a minor to become a prostitute or to return to the practice of prostitution after having abandoned it, or keeps or maintains any premises for the purpose of prostitution involving minors or knowingly shares in the income from such premises knowing the character and content of such income, commits a class “C” felony.

#### **§ 725.4. Leasing premises for prostitution**

A person who has rented or let any building, structure or part thereof, boat, trailer or other place offering shelter or seclusion, and who knows, or has reason to know, that the lessee or tenant is using such for the purposes of prostitution, and who does not, immediately upon acquiring such knowledge, terminate the tenancy or effectively put an end to such practice of prostitution in such place, commits a serious misdemeanor.

# Code of Iowa - Human Trafficking

## **Title XVI. Criminal Law and Procedure**

### **Subtitle 1. Crime Control and Criminal Acts**

#### **Chapter 710A. Human Trafficking**

##### **§ 710A.1. Definitions**

As used in this chapter:

1. “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.
2. “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.
3. “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:
  - a. Causing or threatening to cause serious physical injury to any person.
  - b. Physically restraining or threatening to physically restrain another person.
  - c. Abusing or threatening to abuse the law or legal process.
  - d. 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.
4. a. “Human trafficking” means participating in a venture to recruit, harbor, transport, supply provisions, or obtain a person for any of the following purposes:
  - (1) Forced labor or service that results in involuntary servitude, peonage, debt bondage, or slavery.
  - (2) Commercial sexual activity through the use of force, fraud, or coercion, except that if the trafficked person is under the age of eighteen, the commercial sexual activity need not involve force, fraud, or coercion.b. “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*.
5. “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.
6. “Labor” means work of economic or financial value.
7. “Maintain” means, in relation to labor and services, to secure continued performance thereof, regardless of any initial agreement on the part of the victim to perform such type of services.
8. “Obtain” means, in relation to labor or services, to secure performance thereof.
9. “Peonage” means a status or condition of involuntary servitude based upon real or alleged indebtedness.
10. “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.

11. “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.
12. “Venture” means any group of two or more persons associated in fact, whether or not a legal entity.
13. “Victim” means a person subjected to human *trafficking*.

#### **§ 710A.2. Human trafficking**

1. A person who knowingly engages in human *trafficking* is guilty of a class “D” felony, except that if the victim is under the age of eighteen, the person is guilty of a class “C” felony.
2. A person who knowingly engages in human *trafficking* by causing or threatening to cause serious physical injury to another person is guilty of a class “C” felony, except that if the victim is under the age of eighteen, the person is guilty of a class “B” felony.
3. A person who knowingly engages in human *trafficking* by physically restraining or threatening to physically restrain another person is guilty of a class “D” felony, except that if the victim is under the age of eighteen, the person is guilty of a class “C” felony.
4. A person who knowingly engages in human *trafficking* by soliciting services or benefiting from the services of a victim is guilty of a class “D” felony, except that if the victim is under the age of eighteen, the person is guilty of a class “C” felony.
5. A person who knowingly engages in human *trafficking* by abusing or threatening to abuse the law or legal process is guilty of a class “D” felony, except that if the victim is under the age of eighteen, the person is guilty of a class “C” felony.
6. A person who knowingly engages in human *trafficking* by 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 a victim is guilty of a class “D” felony, except that if that other person is under the age of eighteen, the person is guilty of a class “C” felony.
7. A person who benefits financially or by receiving anything of value from knowing participation in human *trafficking* is guilty of a class “D” felony, except that if the victim is under the age of eighteen, the person is guilty of a class “C” felony.

#### **§ 710A.2A. Solicitation of commercial sexual activity**

A person shall not entice, coerce, or recruit, or attempt to entice, coerce, or recruit, either a person who is under the age of eighteen or a law enforcement officer or agent who is representing that the officer or agent is under the age of eighteen, to engage in a commercial sexual activity. A person who violates this section commits a class “D” felony.

#### **§ 710A.3. Affirmative defense**

It shall be an affirmative defense, in addition to any other affirmative defenses for which the victim might be eligible, to a prosecution for a criminal violation directly related to the defendant’s status as a victim of a crime that is a violation of section 710A.2, that the defendant committed the violation under compulsion by another’s threat of serious injury, provided that the defendant reasonably believed that such injury was imminent.

#### **§ 710A.4. Restitution**

The gross income of the defendant or the value of labor or services performed by the victim to the defendant shall be considered when determining the amount of restitution.

#### **§ 710A.5. Certification**



A law enforcement agency investigating a crime described in section 710A.2 shall notify the attorney general in writing about the investigation. Upon request of the attorney general, such law enforcement agency shall provide copies of any investigative reports describing the immigration status and cooperation of the victim. The attorney general shall certify in writing to the United States department of justice or other federal agency that an investigation or prosecution under this chapter has begun and that the person who is a likely victim of a crime described in section 710A.2 is willing to cooperate or is cooperating with the investigation to enable the person, if eligible under federal law, to qualify for an appropriate special immigrant visa and to access available federal benefits. Cooperation with law enforcement shall not be required of a minor victim of a crime described in section 710A.2. This certification shall be made available to the victim and the victim's designated legal representative.

#### **§ 710A.6. Outreach, public awareness, and training programs**

The crime victim assistance division of the department of justice, in cooperation with other governmental agencies and nongovernmental or community organizations, shall develop and conduct outreach, public awareness, and training programs for the general public, law enforcement agencies, first responders, potential victims, and persons conducting or regularly dealing with businesses or other ventures that have a high statistical incidence of debt bondage or forced labor or services. The programs shall train participants to recognize and report incidents of human *trafficking* and to suppress the demand that fosters exploitation of persons and leads to human *trafficking*.

# Sioux City Code of Ordinances

## **Title 8 Offenses**

### **§ 8.10.010. Definitions**

For purposes of Section 8.10.020 the terms "public place," "prostitution," and "known prostitute or panderer" shall be defined as follows:

1. Known prostitute or panderer shall mean a person who within one year previous to the date of arrest or violation of this section has, within the knowledge of the arresting officer, been convicted of an offense involving prostitution.
2. Prostitution shall mean the same as that set forth in Section 725.1 of the Iowa Code, as amended.
3. Public place shall mean an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public, including those which serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

### **§ 8.10.020. Loitering for Solicitation**

No person shall loiter in or near any public place in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether such purpose is manifested are: that such person is a known prostitute or panderer, repeatedly beckons to, stops, or attempts to stop, or engages male or female passersby in conversation, or repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture. The violator's conduct must be such as to demonstrate a specific intent to induce, entice, solicit or procure another to commit an act of prostitution. No arrest shall be made for a violation of this section unless the arresting officer first affords such person an opportunity to explain such conduct.

## Laws in Practice

### **Sioux City Police Department**

Prostitution and sex trafficking have been identified by law enforcement as problems in the city, and residents have complained to police about prostitution. In response, police have adopted tactics that target the underlying consumer demand for commercial sex. The Sioux City Police Department began to conduct street-level reverse stings in January 1983.

In February 2015, 15 johns were arrested during a “reverse sweep” in the city. Officers did not release details about the investigation, but noted that such sweeps will be conducted periodically to reduce demand. In the days following, the names and hometowns of the arrested men were publicized by local media.

The Sioux City Police Department participated in the National Johns Suppression Initiative in 2017; four sex buyers were arrested.

## Victim Services

### **Cedar Valley Friends of the Family**

Cedar Valley Friends of the Family offers comprehensive, trauma-informed crisis services and support to victims of labor and sex trafficking across NE Iowa. Certified victim advocates are available to offer and coordinate a variety of services, including, but not limited to:

- 24/7 crisis hotline for information, safety planning, and resources
- 24/7 access to emergency shelter
- case management and community advocacy
- relocation and family reunification support
- crisis housing assistance
- information and referral to services such as mental health counseling, food assistance, etc.
- training and technical assistance for allied partners such as law enforcement, faith communities, and mental health professionals

### **Dorothy's House**

Dorothy's House provides a safe place for teen and youth girls whose lives have been interrupted by the sex trafficking industries. Basic needs are first provided in a secure, home environment. Each girl will then receive an individualized treatment plan, based on physical health, mental well being, spiritual recovery, and life/job skills and education.

### **Wings of Refuge**

Wings of Refuge (WOR) is a faith-based restorative home that provides care to female sex trafficking victims and allows them to heal at their own pace. WOR places an emphasis on relationship building and, thus, makes time to connect and offer bonds of love to each participant through treating them with dignity and as the valuable people that they are. The home provides an atmosphere of healing and restoration that addresses the entire person; body, soul, and mind.

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16. Sioux City Code Ordin. (Ia.) § 810.010 (2016).
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# Maryland

## Annotated Code - Solicitation

### **Criminal Law**

#### **Title 3. Other Crimes Against the Person**

##### **Subtitle 3. Sexual Crimes**

###### **§ 3-324. Sexual solicitation of minor**

- (a) "Solicit" defined. -- In this section, "solicit" means to command, authorize, urge, entice, request, or advise a person by any means, including:
- (1) in person;
  - (2) through an agent or agency;
  - (3) over the telephone;
  - (4) through any print medium;
  - (5) by mail;
  - (6) by computer or Internet; or
  - (7) by any other electronic means.
- (b) Prohibited. -- A person may not, with the intent to commit a violation of § 3-304, § 3-306, or § 3-307 of this subtitle or § 11-304, § 11-305, or § 11-306 of this article, knowingly solicit a minor, or a law enforcement officer posing as a minor, to engage in activities that would be unlawful for the person to engage in under § 3-304, § 3-306, or § 3-307 of this subtitle or § 11-304, § 11-305, or § 11-306 of this article.
- (c) Jurisdiction. -- A violation of this section is considered to be committed in the State for purposes of determining jurisdiction if the solicitation:
- (1) originated in the State; or
  - (2) is received in the State.
- (d) Penalty. -- A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$ 25,000 or both.

### **Criminal Law**

#### **Title 11. Indecency and Obscenity**

##### **Subtitle 3. Prostitution and Related Crimes**

###### **§ 11-301. Definitions**

- (a) In general. -- In this subtitle the following words have the meanings indicated.
- (b) Assignment. -- "Assignment" means the making of an appointment or engagement for prostitution or any act in furtherance of the appointment or engagement.
- (c) Prostitution. -- "Prostitution" means the performance of a sexual act, sexual contact, or vaginal intercourse for hire.
- (d) Sexual act. -- "Sexual act" has the meaning stated in § 3-301 of this article.
- (e) Sexual contact. -- "Sexual contact" has the meaning stated in § 3-301 of this article.
- (f) Sexually explicit performance. -- "Sexually explicit performance" means a public or private, live, photographed, recorded, or videotaped act or show in which the performer is wholly or partially nude, and which is intended to sexually arouse or appeal to the prurient interest of patrons or viewer.
- (g) Solicit. -- "Solicit" means urging, advising, inducing, encouraging, requesting, or commanding another.

(h) Vaginal intercourse. -- "Vaginal intercourse" has the meaning stated in § 3-301 of this article.

#### **§ 11-302. Effect of subtitle on other laws**

A person charged with a crime under this subtitle may also be prosecuted and sentenced for violating any other applicable law.

#### **§ 11-304. Receiving earnings of prostitute**

(a) Prohibited. -- A person may not receive or acquire money or proceeds from the earnings of a person engaged in prostitution with the intent to:

- (1) promote a crime under this subtitle;
- (2) profit from a crime under this subtitle;
- (3) conceal or disguise the nature, location, source, ownership, or control of money or proceeds of a crime under this subtitle.

(b) Penalty. -- A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$ 10,000 or both.

(c) Statute of limitations and in banc review. -- A person who violates this section is subject to § 5-106(b) of the Courts Article.

#### **§ 11-305. Abduction of child under 16**

(a) Prohibited. -- For the purpose of committing a crime under Title 3, Subtitle 3 of this article, a person may not:

- (1) persuade or entice or aid in the persuasion or enticement of an individual under the age of 16 years from the individual's home or from the custody of the individual's parent or guardian; and
- (2) knowingly secrete or harbor or aid in the secreting or harboring of the individual who has been persuaded or enticed in the manner described in item (1) of this subsection.

(b) Penalty. -- A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding \$ 5,000 or both.

#### **§ 11-306. House of prostitution**

(a) Prohibited. -- A person may not knowingly:

- (1) engage in prostitution or assignation by any means;
- (2) keep, set up, occupy, maintain, or operate a building, structure, or conveyance for prostitution or assignation;
- (3) allow a building, structure, or conveyance owned or under the person's control to be used for prostitution or assignation;
- (4) allow or agree to allow a person into a building, structure, or conveyance for prostitution or assignation; or
- (5) procure or solicit or offer to procure or solicit for prostitution or assignation.

(b) Penalty. -- A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$ 500 or both.

(c) Affirmative defense. --

- (1) Subject to paragraph (2) of this subsection, in a prosecution under this section, it is an affirmative defense of duress if the defendant committed the act as a result of being a victim of an act of another who was charged with violating the prohibition against human trafficking under § 11-303 of this subtitle or under federal law.



- (2) A defendant may not assert the affirmative defense provided in paragraph (1) of this subsection unless the defendant notifies the State's Attorney of the defendant's intention to assert the defense at least 10 days prior to trial.

## **Criminal Procedure**

### **Title 8. Other Postconviction Review**

#### **Subtitle 3. Newly Discovered Evidence**

##### **§ 8-302. Motion to vacate judgment for acts of prostitution committed under duress**

- (a) In general. -- A person convicted of prostitution under § 11-306 of the Criminal Law Article may file a motion to vacate the judgment if, when the person committed the act or acts of prostitution, the person was acting under duress caused by an act of another committed in violation of the prohibition against human trafficking under § 11-303 of the Criminal Law Article or under federal law.
- (b) Requirements. -- A motion filed under this section shall:
- (1) be in writing;
  - (2) be signed and consented to by the State's Attorney;
  - (3) be made within a reasonable period of time after the conviction; and
  - (4) describe the evidence and provide copies of any documents showing that the defendant is entitled to relief under this section.
- (c) Hearing. --
- (1) Except as provided in paragraph (2) of this subsection, the court shall hold a hearing on a motion filed under this section if the motion satisfies the requirements of subsection (b) of this section.
  - (2) The court may dismiss a motion without a hearing if the court finds that the motion fails to assert grounds on which relief may be granted.
- (d) Ruling. --
- (1) In ruling on a motion filed under this section, the court may vacate the conviction, modify the sentence, or grant a new trial.
  - (2) The court shall state the reasons for its ruling on the record.
- (e) Burden of proof. -- A defendant in a proceeding under this section has the burden of proof.

# Annotated Code - Human Trafficking

## **Criminal Law**

### **Title 11. Indecency and Obscenity**

#### **Subtitle 3. Prostitution and Related Crimes**

#### **§ 11-303. Human trafficking**

**(a) Prohibited -- In general. --**

**(1) A person may not knowingly:**

- (i) take or cause another person to be taken to any place for prostitution;
- (ii) place, cause to be placed, or harbor another in any place for prostitution;
- (iii) persuade, induce, entice, or encourage another to be taken to or placed in any place for prostitution;
- (iv) 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 assignation;
- (v) 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; or
- (vi) 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.

(2) 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.

**(b) Prohibited. -- Minor. --**

(1) A person may not violate subsection (a) of this section involving a victim who is a minor.

(2) A person may not knowingly take or detain another with the intent to use force, threat, coercion, or fraud to compel the other to marry the person or a third person or perform a sexual act, sexual contact, or vaginal intercourse.

**(c) Penalty. --**

(1) (i) Except as provided in paragraph (2) of this subsection, a person who violates subsection (a) of this section is guilty of the misdemeanor of human trafficking and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$ 5,000 or both.

(ii) A person who violates subsection (a) of this section is subject to § 5-106(b) of the Courts Article.

(2) A person who violates subsection (b) of this section is guilty of the felony of human trafficking and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding \$ 15,000 or both.

(d) Venue. -- A person who violates this section may be charged, tried, and sentenced in any county in or through which the person transported or attempted to transport the other.

**(e) Same penalties for person benefitting or aider and abetter. --**

(1) A person who knowingly benefits financially or by receiving anything of value from participation in a venture that includes an act described in subsection (a) or (b) of this

section is subject to the same penalties that would apply if the person had violated that subsection.

(2) A person who knowingly aids, abets, or conspires with one or more other persons to violate any subsection of this section is subject to the same penalties that apply for a violation of that subsection.

(f) Not knowing victim's age not defense. -- It is not a defense to a prosecution under subsection (b)(1) of this section that the person did not know the age of the victim.

## **Business Regulation**

### **Title 15. Lodging Establishments**

#### **Subtitle 2. Rights and Responsibilities of Innkeepers**

##### **§ 15-207. National Human Trafficking Resource Center Hotline information**

(a) Signage. --

(1) The Department shall design a sign that states the following:

“REPORT HUMAN TRAFFICKING: National Human Trafficking Resource Center --  
1-888-373-7888. CALL FOR HELP IF YOU OR SOMEONE YOU KNOW:

- Is being forced to have sex without consent
- Has had an ID or documents taken away
- Is being threatened by or is in debt to an employer
- Wants to leave a job but cannot freely do so.

TOLL-FREE. 24/7. CONFIDENTIAL. INTERPRETERS AVAILABLE.

This sign is required under State law.”

(2) The sign shall:

- (i) be at least 3 by 5 inches in size;
- (c) contain the text required under paragraph (1) of this subsection in English, Spanish, and any other languages required by the federal Voting Rights Act;
- (iii) draw attention to the phone number of the National Human Trafficking Resource Center Hotline by showing the phone number in bold type; and
- (iv) be placed on the Department website.

(b) Civil citation requiring lodging establishment to post sign. --

(1) A State, county, or municipal law enforcement agency may issue a civil citation to a lodging establishment requiring it to post prominently in each guest room for 1 year the sign that is identical to the notice required to be placed on the website of the Department under subsection (a) of this section, if the lodging establishment is located on property where arrests leading to convictions of prostitution, solicitation of a minor, or human trafficking under Title 11, Subtitle 13 of the Criminal Law Article have occurred.

(2) A State, county, or municipal law enforcement agency shall consider any assistance it receives from a lodging establishment in an investigation leading to a conviction under paragraph (1) of this subsection in determining whether to issue a citation under this subsection.

(c) Civil penalty. --

(1) The owner of a lodging establishment that violates subsection (b)(1) of this section is subject to a civil penalty not exceeding \$ 1,000.

(2) Each guest room that does not have a sign is not a separate violation.

## **Business Regulation**

**Title 19. Miscellaneous State Business Regulation**  
**Subtitle 1. General Provisions**

**§ 19-103. National Human Trafficking Resource Center Hotline information**

- (a) “Truck stop” defined. -- In this section, “truck stop” means a facility:
- (1) the primary purpose of which is to provide services to long-haul truck drivers;
  - (2) that provides:
    - (i) shower facilities to the truck drivers for a fee; or
    - (ii) parking for the truck drivers’ vehicles.
- (b) Sign posting requirements. --
- (1) The owner of a privately owned bus station or truck stop shall post the National Human Trafficking Resource Center Hotline information sign described in § 15-207 of this article in each restroom of the bus station or truck stop.
  - (2) A sign required under this section shall be posted:
    - (i) on the inside of each stall door in the restroom; or
    - (ii) on the back of the door at the entrance to the restroom.
- (c) Violation; civil penalty. --
- (1) An agency that enforces this section and determines that a violation of this section has occurred shall notify the business owner of the bus station or truck stop, or the business owner's agent, of the violation.
  - (2) If the business owner of the bus station or truck stop does not post signs as required under this section within 24 hours after receiving the notice required under paragraph (1) of this subsection, the business owner is subject to a civil penalty not exceeding \$ 1,000.
  - (3) For each restroom in which a business owner fails to post a sign in accordance with this section, the business owner is subject to a separate civil penalty.

**Division II. Elementary and Secondary Education**

**Title 7. Public Schools**

**Subtitle 4. Health and Safety of Students**

**§ 7-432. Human trafficking awareness, training, and distribution of materials**

- (a) In general. -- The Department, in collaboration with the Department of Health and Mental Hygiene, shall provide awareness and training for Directors of Student Services in local education agencies on human trafficking, including strategies for the prevention of trafficking of children.
- (b) Materials to be provided by Department of Health and Mental Hygiene. -- The Department of Health and Mental Hygiene, in consultation with experts in the field of human trafficking prevention, shall provide to the Department:
- (1) Resource information on human trafficking, including strategies for prevention of trafficking of children, to be distributed to local school supervisors of health, counseling, and psychology; and
  - (2) Materials for distribution that describe local, State, and national resources to which students, parents, counselors, and school personnel can refer for information on human trafficking, including strategies for prevention of trafficking of children.

**State Government**

**Title 7. Secretary of State**

**Subtitle 3. Human Trafficking Address Confidentiality Program**

### **§ 7-302. Purpose**

The purpose of this subtitle is to enable:

- (1) State and local agencies to respond to requests for public records without disclosing the location of a victim of human trafficking;
- (2) interagency cooperation in providing address confidentiality for victims of human trafficking; and
- (3) State and local agencies to accept a Program participant's use of an address designated by the Office of the Secretary of State as a substitute address.

### **§ 7-304. Participation**

(a) Who may apply. -- The following individuals may apply to participate in the Program:

- (1) an individual acting on the individual's own behalf;
- (2) a parent or guardian acting on behalf of a minor who resides with the parent or guardian;
- (3) a guardian acting on behalf of a disabled person.

(b) Form; contents. -- An application to participate in the Program shall be in the form required by the Secretary of State and shall contain:

- (1) a statement that:
  - (i) the applicant is a victim of human trafficking; and
  - (ii) the applicant fears for the applicant's safety or the safety of the applicant's child;
- (2) evidence that the applicant is a victim of human trafficking, including:
  - (i) certified law enforcement, court, or other federal or State agency records or files;
  - (ii) documentation from a human trafficking prevention or assistance program; or
  - (iii) documentation from a religious, medical, or other professional from whom the applicant has sought assistance or treatment as a victim of human trafficking;
- (3) a statement that disclosure of the applicant's actual address would endanger the applicant's safety or the safety of the applicant's child;
- (4) a knowing and voluntary designation of the Secretary of State as agent for purposes of service of process and receipt of first-class, certified, or registered mail;
- (5) the mailing address and telephone number at which the applicant may be contacted by the Secretary of State;
- (6) the actual address that the applicant requests not be disclosed by the Secretary of State because it would increase the risk of human trafficking or other crimes;
- (7) a sworn statement by the applicant that, to the best of the applicant's knowledge, all the information contained in the application is true;
- (8) the signature of the applicant and the date on which the applicant signed the application; and
- (9) a voluntary release and waiver of all future claims against the State that may arise from participation in the Program except for a claim based on gross negligence.

(c) Processing or withdrawal of applications. --

- (1) (i) On the filing of a properly completed application and release, the Secretary of State shall:

1. review the application and release; and

2. if the application and release are properly completed and accurate, designate the applicant as a Program participant.
- (ii) An applicant shall be a participant for 4 years from the date of filing unless the participation is canceled or withdrawn prior to the end of the 4-year period.
- (2) A Program participant may withdraw from participation by filing a signed, notarized request for withdrawal with the Secretary of State.

## **Transportation**

### **Title 8. Highways**

#### **Subtitle 6. Construction and Maintenance**

##### **Part IX. Miscellaneous Provisions**

###### **§ 8-655. National Human Trafficking Resource Center Hotline information**

- (a) Sign posting requirements. -- The Administration shall post the National Human Trafficking Resource Center Hotline information sign described in § 15-207 of the Business Regulation Article in each restroom at a rest area within the right-of-way of an interstate or State highway.
- (b) Locations. -- A sign required under this section shall be posted:
  - (1) On the inside of each stall door in the restroom; or
  - (2) On the back of the door at the entrance to the restroom.

## Howard County Code of Ordinances

The Howard County Code of Ordinances does not contain specific provisions on prostitution or human trafficking laws for those who purchase sex. Thus, the Maryland Code Annotated would be followed. Howard County does have laws regarding business licenses for massage establishments to help control human trafficking.

# Prince George's County Code of Ordinances

## **Subtitle 13. Housing and Property Standards**

### **Division 3. Landlord-Tenant Regulations**

#### **Subdivision 2. Landlord-Tenant Code**

##### **§ 13.162.00.02. Use of apartment for prostitution, including human trafficking prohibited**

(a) It shall be unlawful for any person, tenant, landlord, landlord agent, management staff and/or property owner to knowingly sublease, assign, transfer possession, or permit use of an apartment for the purposes of any violation of the *Prostitution* Laws, including human trafficking laws of the State of Maryland and/or Prince George's County.

(b) Anyone who violates this Section shall be guilty of a misdemeanor per apartment, per occurrence and, upon conviction, shall be punished by a fine of One Thousand Dollars (\$1,000.00) or by imprisonment for not more than six (6) months for each offense.

## **Subtitle 14. Morals and Conduct**

### **Division 5. - Offenses Against Public Safety and Morals.**

#### **§ 14-139.05. Prostitution free zones**

(a) For purposes of this Section, the following words and phrases shall have the following meanings:

(3) Known participant in prostitution or prostitution-related offenses means a person who has been convicted in any court in any jurisdiction of any violation involving prostitution or prostitution-related offenses.

(5) Prostitution means the performance of a sexual act, sexual contact, or vaginal intercourse for hire pursuant to the Annotated Code of Maryland, Criminal Law Article, Section 11-301.

(6) Prostitution free zone means public space or public property in an area not to exceed a square of one thousand (1,000) feet on each side that is established pursuant to subsections (b) and (c).

(7) Prostitution-related offenses means those crimes and offenses defined pursuant to the Annotated Code of Maryland, Criminal Law Article, Sections 11-303 to 11-306.

(d) Upon the designation of a prostitution free zone, the Police Department shall mark each block within the prostitution free zone by using barriers, tape, signs, or police officers that post or announce the following information in the immediate area of, and borders around, the prostitution free zone:

(e) It shall be unlawful for a person to congregate in a group of two (2) or more persons on public space or public property within the perimeter of a prostitution free zone established pursuant to Subsections (b) and (c) and thereafter to fail to disperse after being instructed to disperse by a uniformed officer of the Police Department, or a non-uniformed officer of the Police Department upon display of Police Department identification, who reasonably believes the person is congregating for the purpose of engaging in prostitution or prostitution-related offenses.

(f) In making a determination that a person is congregating in a prostitution free zone for the purpose of engaging in prostitution or prostitution-related offenses, the totality of the circumstances involved shall be considered. Among the circumstances which may be considered in determining whether such purpose is manifested are:



- (1) The conduct of a person being observed, including that such person is behaving in a manner raising a reasonable belief that the person is engaging or is about to engage in prostitution or prostitution-related offenses, such as:
    - (A) Repeatedly beckoning to, stopping, attempting to stop, or attempting to engage passers-by in conversation for the purpose of prostitution;
    - (B) Stopping or attempting to stop motor vehicles for the purpose of prostitution;
    - or
    - (C) Repeatedly interfering with the free passage of other persons for the purpose of prostitution;
  - (2) Information from a reliable source indicating that a person being observed routinely engages in or is currently engaging in prostitution or prostitution-related offenses within the prostitution free zone;
  - (3) Physical identification by an officer of the person as a member of a gang or association which engages in prostitution or prostitution-related offenses;
  - (4) Knowledge by an officer that the person is a known participant in prostitution or prostitution-related offenses; and
  - (5) Knowledge by an officer that any vehicle involved in the observed circumstances is registered to a known participant in prostitution or prostitution-related offenses, or a person for whom there is an outstanding arrest warrant for a crime involving prostitution or prostitution-related offenses.
- (g) Any person who violates this Section shall be guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding One Thousand Dollars (\$1,000) or imprisonment not exceeding six (6) months, or both.

## Laws in Practice

### **Howard County Sherriff's Office**

Howard County conducted its first reverse sting operation in 1990, however it did not adopt reverse sting tactics as a formal strategy until 2006. Since their implementation, county stings have resulted in dozens of demand-driven arrests.

In September, 2012, the Howard County Police Department, assisted by force members from Anne Arundel County, the city of Laurel, and the Maryland State Police, collaborated with agents from the U.S. Immigration and Customs Enforcement's Homeland Security Investigations to arrest 23 men attempting to solicit sex. Because areas of suspected prostitution have been successfully identified through citizen complaints, Howard County Police Chief William McMahon insists that community members remain vigilant and continue to report any and all tips to 410-313-STOP.

In 2016, the Howard County Sheriff's Office participated in the National Johns Suppression Initiative, and arrested 8 johns.

### **Prince George's County Police Department**

Prostitution and child sex trafficking within Prince George's County are well documented. In July 2013, state, local and FBI law enforcement officers participated in a coordinated child prostitution bust resulted in the arrest of three suspected pimps/traffickers. Baltimore FBI spokesman Rich Wolf said the three operated in Prince George's County.

The Prince George's County Police Department provides support for reverse stings to communities within the county. For example, in 2012, the PGPD conducted a reverse sting in the city of College Park, but also stated that the department conducts reversals throughout the county. In late April 2014, the PGPD announced it would "live Tweet" during future reverse sting operations, focusing on revealing the identities of newly arrested sex buyers from the moment they are taken into custody. A reverse sting was conducted in May 2014, but no arrests were made. It is the only reverse sting operation we have encountered nationwide over the past 50 years that has resulted in no reported arrests.

In 2017, the Prince George's County Police Department participated in the 13<sup>th</sup> National Johns Suppression Initiative. 10 sex buyers were arrested and 33 adult victims were recovered in the operation.

## Victim Services

### **Maryland Human Trafficking Task Force**

The Maryland Human Trafficking Task Force (MHTTF) was formed in 2007 by the U.S. Attorney's Office, the Attorney General of Maryland, and the State's Attorney for Baltimore City to serve as the lead investigative, prosecutorial, and victim services coordinating body for anti-human trafficking activity in the State of Maryland. The Task Force is made up of a multidisciplinary team of agencies and organizations that are committed to a victim-centered approach in the fight against human trafficking in Maryland.

The Task Force builds upon existing collaborations among service providers to increase the identification of victims and provide a more comprehensive, specialized, and coordinated response to victims' complex long-term needs. Multiple state agencies join the MHTTF as a force-multiplier in the fight to raise awareness at the local level to expose traffickers, and developing policies to respond to victims in a united front across state systems. MHTTF trains law enforcement and prosecutors to ensure that traffickers are held accountable for their heinous offenses.

Through increasing public awareness, coordinating state policies/protocols, and implementing best practices for investigations, prosecution, victim identification, and victim service response, the Task Force's stance is that, in Maryland, victims will be recovered and traffickers will be held accountable for their crimes.

### **Maryland Safe Center for Human Trafficking Survivors**

The Maryland Safe Center for Human Trafficking Survivors is an initiative of the University of Maryland, Baltimore and the University of Maryland. The organization provides survivor-centered and trauma-informed services to survivors of human trafficking. Women, men, girls, boys, transgender individuals, foreign nationals, and U.S. citizens who have been exploited by trafficking are all eligible for services. Additionally, the organization conducts research to fill gaps in knowledge on human trafficking and improve their available services. Lastly, the Safe Center promotes justice and advocates for the support and empowerment of human trafficking victims and survivors.

### **The Samaritan Women**

The Samaritan Women is a national Christian organization that provides restorative care to survivors of human trafficking using both a faith-based and trauma-informed approach. More mature survivors are critical to the program, as they provide an understanding dynamics of the life: the rules, the economics, the sociology, terminology, and why sometimes it can be so hard to leave. Additionally, residents of the program are given agency as they have a voice in activities, workshops, volunteer training, public awareness programs, and even lend input on what referrals the organization takes.

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# Massachusetts

## General Laws – Solicitation

### **Part IV. Crimes, Punishments and proceedings in Criminal Cases**

#### **Title 1. Crimes and Punishments**

#### **Chapter 272. Crimes Against Chastity, Morality, Decency, and Good Order**

##### **§ 2. Abduction of Persons for the Purpose of Prostitution or Unlawful Sexual Intercourse**

Whoever fraudulently and deceitfully entices or takes away a person from the house of his parent or guardian or elsewhere, for the purpose of prostitution or for the purpose of unlawful sexual intercourse, and whoever aids and assists in such abduction for such purpose, shall be punished by imprisonment in the state prison for not more than three years or in jail for not more than one year or by a fine of not more than one thousand dollars, or by both such fine and imprisonment in jail.

##### **§ 4A. Promoting Child Prostitution; Mandatory Sentence**

Whoever induces a minor to become a prostitute, or who knowingly aids and assists in such inducement, shall be punished by imprisonment in the state prison for not more than five, nor less than three years, and by a fine of five thousand dollars. The sentence of imprisonment imposed under this section shall not be reduced to less than three years, nor suspended, nor shall any person convicted under this section be eligible for probation, parole or furlough or receive any deduction from his sentence for good conduct or otherwise until he shall have served three years of such sentence. Prosecutions commenced under this section shall not be continued without a finding nor placed on file.

##### **§ 4B. Deriving Support from Child Prostitution; Mandatory Sentence**

Whoever lives or derives support or maintenance, in whole or in part, from the earnings or proceeds of prostitution committed by a minor, knowing the same to be earnings or proceeds of prostitution, or shares in such earnings, proceeds or monies, shall be punished by imprisonment in the state prison for not less than five years and by a fine of five thousand dollars. The sentence imposed under this section shall not be reduced to less than five years, nor suspended, nor shall any person convicted under this section be eligible for probation, parole or furlough or receive any deduction from his sentence for good conduct or otherwise until he shall have served five years of such sentence. Prosecutions commenced under this section shall not be continued without a finding nor placed on file.

##### **§ 6. Owner of a Place Inducing or Suffering Person to Resort in Such Place for Sexual Intercourse**

Whoever, being the owner of a place or having or assisting in the management or control thereof induces or knowingly suffers a person to resort to or be in or upon such place, for the purpose of unlawfully having sexual intercourse for money or other financial gain, shall be punished by imprisonment in the state prison for a period of five years and a five thousand dollar fine. The sentence of imprisonment imposed under this section shall not be reduced to less than two years, nor suspended, nor shall any person convicted under this section be eligible for probation, parole, or furlough or receive any deduction from his sentence for good conduct or otherwise until he shall have served two years of such sentence. Prosecutions commenced under this section shall not be continued without a finding nor placed on file.

##### **§ 7. Support From, or Sharing, Earnings of Prostitute**

Whoever, knowing a person to be a prostitute, shall live or derive support or maintenance, in whole or in part, from the earnings or proceeds of his prostitution, from moneys loaned, advanced to or charged against him by any keeper or manager or inmate of a house or other place where prostitution is practiced or allowed, or shall share in such earnings, proceeds or moneys, shall be punished by imprisonment in the state prison for a period of five years and by a fine of five thousand dollars.

The sentence of imprisonment imposed under this section shall not be reduced to less than two years, nor suspended, nor shall any person convicted under this section be eligible for probation, parole, or furlough or receive any deduction from his sentence for good conduct or otherwise until he shall have served two years of such sentence. Prosecutions commenced under this section shall not be continued without a finding nor placed on file.

#### **§ 8. Soliciting for prostitute**

Whoever solicits or receives compensation for soliciting for a prostitute shall be punished by imprisonment in a house of correction for not more than 2 and one-half years, or by a fine of not less than \$1,000 and not more than \$5,000 or by both such imprisonment and fine.

#### **§ 12. Penalty for Sending a Person to a House of Prostitution**

Whoever knowingly procures, entices, sends, or aids or abets in procuring, enticing or sending, a person to practice prostitution, or to enter as an inmate or a servant a house of ill fame or other place resorted to for prostitution, whether within or without the commonwealth, shall be punished by a fine of not less than one hundred nor more than five hundred dollars or by imprisonment for not less than three months nor more than two years. Whoever as a proprietor or keeper of an employment agency, either personally or through an agent or employee, procures or sends a person to enter as aforesaid a house of ill fame or other place resorted to for prostitution, the character of which on reasonable inquiry could have been ascertained by him, shall be punished by a fine of not less than fifty nor more than two hundred dollars.

#### **§ 13. Detaining a Person in a House of Prostitution**

Whoever, for any length of time, unlawfully detains or attempts to detain, or aids or abets in unlawfully detaining or attempting to detain, or provides or administers or aids or abets in providing or administering any drug or liquor for the purpose of detaining a person in a house of ill fame or other place where prostitution is practiced or allowed, shall be punished by imprisonment in the state prison for not more than five years or in the house of correction for not less than one nor more than two and one half years or by a fine of not less than one hundred nor more than five hundred dollars.

#### **§ 53. Common Night Walkers, Disorderly Persons, and Disturbers of the Peace**

(a) Common night walkers, common street walkers, both male and female, persons who with offensive and disorderly acts or language accost or annoy persons of the opposite sex, lewd, wanton and lascivious persons in speech or behavior, keepers of noisy and disorderly houses, and persons guilty of indecent exposure shall be punished by imprisonment in a jail or house of correction for not more than 6 months, or by a fine of not more than \$200, or by both such fine and imprisonment.

(b) Disorderly persons and disturbers of the peace, for the first offense, shall be punished by a fine of not more than \$150. On a second or subsequent offense, such person shall be punished by imprisonment in a jail or house of correction for not more than 6 months, or by a fine of not more than \$200, or by both such fine and imprisonment.

**§ 53A. Engaging in Sexual Conduct for Fee; Payors and Payees; Penalties**

- (a) Whoever engages, agrees to engage or offers to engage in sexual conduct with another person for a fee, shall be punished by imprisonment in the house of correction for not more than 1 year or by a fine of more than \$500, or by both such imprisonment and fine, whether such sexual conduct occurs or not.
- (b) Whoever pays, agrees to pay or offers to pay another person to engage in sexual conduct, or to agree to engage in sexual conduct with another person, shall be punished by imprisonment in the house of correction for not more than 2 and one-half years or by a fine of not less than \$1,000 and not more than \$5,000, or by both such imprisonment and fine, whether such sexual conduct occurs or not.
- (c) Whoever pays, agrees to pay or offers to pay any person with the intent to engage in sexual conduct with a child under the age of 18, or whoever is paid, agrees to pay or agrees that a third person be paid in return for aiding a person who intends to engage in sexual conduct with a child under the age of 18, shall be punished by imprisonment in the state prison for not more than 10 years, or in the house of correction for not more than 2 and one-half years and by a fine of not less than \$3,000 and not more than \$10,000, or by both such imprisonment and fine, whether such sexual conduct occurs or not; provided, however, that a prosecution commenced under this section shall not be continued without a finding or placed on file.

**Chapter 265. Crimes Against the Person**

**§ 26D. Enticement of Children to Engage in Prostitution or Commercial Sexual Activity**

- (a) As used in this section, the term "entice" shall mean to lure, induce, persuade, tempt, incite, solicit, coax or invite.
- (b) As used in this section, the term "electronic communication" shall include, but not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system.
- (c) Whoever, by electronic communication, knowingly entices a child under the age of 18 years, to engage in prostitution in violation of section 50 or section 53A of chapter 272, human trafficking in violation of section 50, 51, 52 or 53 or commercial sexual activity as defined in section 49, or attempts to do so, shall be punished by imprisonment in a house of correction for not more than 2 1/2 years or in the state prison for not more than 5 years or by a fine of not less than \$2,500, or by both such fine and imprisonment.
- (d) Whoever, after having been convicted of, or adjudicated delinquent by reason of a violation of this section, commits a second or subsequent such violation, shall be punished by imprisonment in the state prison for not less than 5 years and by a fine of not less than \$10,000. Such sentence shall not be reduced to less than 5 years, or suspended, nor shall any person convicted under this subsection be eligible for probation, parole, work release or furlough or receive any deduction from the sentence for good conduct until that person has served 5 years of such sentence.



## General Laws – Human Trafficking

### **Part IV. Crimes, Punishments and proceedings in Criminal Cases**

#### **Title 1. Crimes and Punishments**

#### **Chapter 265. Crimes Against the Person**

##### **§ 26D. Enticement of Children to Engage in Prostitution or Commercial Sexual Activity**

(c) Whoever, by electronic communication, knowingly entices a child under the age of 18 years, to engage in prostitution in violation of section 50 or section 53A of chapter 272, human trafficking in violation of section 50, 51, 52 or 53 or commercial sexual activity as defined in section 49, or attempts to do so, shall be punished by imprisonment in a house of correction for not more than 2 1/2 years or in the state prison for not more than 5 years or by a fine of not less than \$2,500, or by both such fine and imprisonment.

(d) Whoever, after having been convicted of, or adjudicated delinquent by reason of a violation of this section, commits a second or subsequent such violation, shall be punished by imprisonment in the state prison for not less than 5 years and by a fine of not less than \$10,000. Such sentence shall not be reduced to less than 5 years, or suspended, nor shall any person convicted under this subsection be eligible for probation, parole, work release or furlough or receive any deduction from the sentence for good conduct until that person has served 5 years of such sentence.

##### **§ 50. Trafficking of persons for sexual servitude; trafficking of persons under 18 years for sexual servitude; trafficking by business entities; penalties; tort actions brought by victims**

(a) Whoever knowingly: (i) 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 in violation of chapter 272, or causes a person to engage in commercial sexual activity, a sexually-explicit performance or the production of unlawful pornography in violation of said chapter 272; or (ii) benefits, financially or by receiving anything of value, as a result of a violation of clause (i), shall be guilty of the crime of trafficking of persons for sexual servitude and shall be punished by imprisonment in the state prison for not less than 5 years but not more than 20 years and by a fine of not more than \$25,000. Such sentence shall not be reduced to less than 5 years, or suspended, nor shall any person convicted under this section be eligible for probation, parole, work release or furlough or receive any deduction from his sentence for good conduct until he shall have served 5 years of such sentence. No prosecution commenced under this section shall be continued without a finding or placed on file.

(b) Whoever commits the crime of trafficking of persons for sexual servitude upon a person under 18 years of age shall be punished by imprisonment in the state prison for life or for any term of years, but not less than 5 years. No person convicted under this subsection shall be eligible for probation, parole, work release or furlough or receive any deduction from his sentence for good conduct until he shall have served 5 years of such sentence.

(c) A business entity that commits trafficking of persons for sexual servitude shall be punished by a fine of not more than \$1,000,000.

##### **§ 52. Human Trafficking – Subsequent Violation of Sections 50 or 51**

(a) Whoever, after having been convicted of or adjudicated delinquent by reason of a violation of section 50 or 51, commits a second or subsequent violation of either section 50 or 51, shall be punished by imprisonment in the state prison for life or for any term of years, but not less than 10 years. Such sentence shall not be reduced to less than 10 years, or suspended, nor shall any person convicted under this section be eligible for probation, parole, work release or furlough or receive any deduction from his sentence for good conduct until he shall have served 10 years of such sentence. No prosecutions commenced under this section shall be continued without a finding or placed on file.

(b) In any prosecution commenced pursuant to this section, introduction into evidence of a prior adjudication or conviction or a prior finding of sufficient facts by either certified attested copies of original court papers, or certified attested copies of the defendant's biographical and informational data from records of the department of probation, any jail or house of correction or the department of correction, shall be prima facie evidence that the defendant before the court has been convicted previously by a court of the commonwealth or any other jurisdiction. Such documentation shall be self-authenticating and admissible, after the commonwealth has established the defendant's guilt on the primary offense, as evidence in any court of the commonwealth to prove the defendant's prior conviction described therein. The commonwealth shall not be required to introduce any additional corroborating evidence or live witness testimony to establish the validity of such prior conviction.

#### **§ 54. Human Trafficking- Fines to be Directed to Victims of Human Trafficking Trust Fund**

The court shall transmit fines collected pursuant to sections 50 and 51 to the state treasurer. The treasurer shall deposit such fines into the Victims of Human Trafficking Trust Fund established in section 66A of chapter 10.

#### **§ 57. Human Trafficking – Victims Accused of Common Night Walking or Streetwalking – Affirmative Defense**

In any prosecution or juvenile delinquency proceeding of a person who is a human trafficking victim, as defined by section 20M of chapter 233, it shall be an affirmative defense to charges of engaging in common night walking or common streetwalking in violation of section 53 of chapter 272 and to a violation of section 53A of said chapter 272 that, while a human trafficking victim, such person was under duress or coerced into committing the offenses for which such person is being prosecuted or against whom juvenile delinquency proceedings have commenced.

### **Part IV. Crimes, Punishments and proceedings in Criminal Cases**

#### **Title 1. Crimes and Punishments**

#### **Chapter 10. Department of State Treasurer**

#### **§ 66A. Victims of Human Trafficking Trust Fund**

There shall be established and set up on the books of the commonwealth a separate fund to be known as the Victims of Human Trafficking Trust Fund. The fund shall consist of proceeds of assets seized and forfeited pursuant to section 55 and 56 of chapter 265 and fines and assessments collected pursuant to sections 50, 51 and 54 of said chapter 265, together with any interest or earnings accrued on such monies through investment or deposit.

## Boston Municipal Code

Neither Boston's Municipal Code, nor that of Suffolk County in which it is located, contain any provisions on prostitution and human trafficking, thus, the State Penal Code is to be followed in this regard.

## Burlington Code of Ordinances

Burlington's Code of Ordinances does not contain specific provisions on prostitution or human trafficking, thus Massachusetts state is to be followed in this regard.

## Laws in Practice

### **Boston Police Department**

Boston's human trafficking and prostitution stems from the unlicensed businesses linked to immigrants primarily from Asia. Nail salons in particular are used to hide and legitimize human trafficking since it is primarily a cash business. What's worse, soliciting has become easier in the city as well. Men find victims who prostitute in businesses through places like Craigslist and classified ads placed in the Boston Phoenix, which contains an adult classifieds on its website as well. In fact, one such advertisement later linked to a trafficking ring was looking for women with "a desire to travel and see new places."

To address consumer-level demand for commercial sex the Boston Police Department (BPD) set up a human trafficking task force. BPD conducts frequent and large-scale john stings as part of an ongoing initiative. As of 2012, sex buyers may have their names released to local media outlets and/or posted to the BPD's official website. Again in 2012 BPD started targeting johns by charging some of the men with felony-level violations of the state's new human trafficking statutes that raised the level of offense and the maximum fines for sex buyers. BPD began to leverage johns to make cases against pimps and traffickers. Arrested johns that have arranged to buy sex through pimps are asked to become "confidential informants," to provide evidence against pimps and human traffickers, since most cases against pimps and traffickers rely upon evidence supplied by the survivors, who are seldom in a position to cooperate with prosecutors effectively, willingly, or without placing themselves at risk of retaliation.

In June 2014 the city of Boston announced its partnership with Demand Abolition on a project to reduce prostitution by targeting men who solicit sex instead of the women who provide it. Their goal is to reduce demand for prostitutes in Boston by 20% in the next two years. The project will involve collecting data on the solicitation of prostitutes, and a team of local leaders who will make recommendations for specific awareness and enforcement measures.

### **Burlington Police Department**

To reduce prostitution activity in the area, the Burlington Police Department has conducted multiple reverse sting operations. The first operation was conducted in February 2008. BPD officers placed a decoy advertisement offering commercial sex on Craigslist and arranged to meet those johns that responded to the listing. Twelve men were arrested; their names were not released to the public.

In November 2013, the BPD conducted a second reverse sting, arresting seven sex buyers. While logistical details of the operation were not disclosed, the names, addresses, and arrest photos of the johns were distributed to local media outlets. A BPD representative stated that community complaints play a role in driving police to conduct anti-prostitution investigations.

A third reverse sting was conducted in December 2014, again using online advertisements. Eight sex buyers were arrested, and their names, photos, and other identifying information were publicized by local media.

In November 2015, BPD officers announced the completion of a fourth web-based reversal. Eight johns were arrested as a result, and had their names publicized in press. An additional adult male was intercepted and charged with “trafficking of persons for sexual servitude” after “attempting to recruit an undercover officer posing as a prostitute to work for him” during the course of the investigation

January 2017, Burlington participated in the 13<sup>th</sup> National Johns Suppression Initiative sting operation, in which one pimp/sex trafficker and two sex buyers were arrested.

### **Interagency Human Trafficking Task Force**

The Massachusetts Legislature created this task force to address any and all aspects of human trafficking through service development, demand reduction, system change, public awareness, and training. It is chaired by Attorney General Martha Coakley, and includes state and community agencies.

The Demand subcommittee is responsible for examining ways to eliminate the demand for human trafficking, such as self-sustaining first offender diversion programs.

The Victim Services subcommittee is responsible for identifying and reviewing existing services, as well as examining the costs associated with establishing a safe house pilot program for victims of human trafficking.

## Victim Services

### **Boston Police Department**

#### *Sexual Assault Unit:*

The goal of the Sexual Assault Unit (SAU) is to provide social services to victims of sexual assault. Their primary task is to conduct thorough and detailed follow-up investigations of all sexual assaults. Through the SAU partnership with Family Justice Center they provide social, medical, and legal access to victims.

#### *Domestic Violence Unit:*

Domestic Violence Unit (DVU) detectives investigate incidents of abuse among intimate partners or family members. Abuse includes physical violence, threats, stalking, verbal abuse, intimidation, and other behaviors used by one person to control another. DVU detectives can be reached at 617-343-4350. The DVU also maintains civilian victims' advocates at several police stations throughout Boston. Advocates can assist victims and survivors who are seeking relief through Family or Criminal Courts, and can provide necessary safety planning and referrals for services. Contact your local police station to speak with an advocate.

### **My Life My Choice Justice Resource Institute**

The My Life My Choice Project ("MLMC") is a nationally recognized initiative designed to reach adolescent girls most vulnerable to commercial sexual exploitation. MLMC provides a unique continuum of prevention, victim identification, and intervention services. MLMC offers provider training, prevention groups, case coordination, and survivor mentoring to victims of exploitation.

My Life My Choice: Preventing Commercial Sexual Exploitation Among Adolescent Girls is a ten-week curriculum created to develop and strengthen efforts to halt exploitation and trafficking. Each 75-minute session includes comprehensive material related to Commercial Sexual Exploitation. Sessions are designed to improve self-esteem and dispel common myths about commercial sexual exploitation.

#### *Survivor mentoring*

The My Life My Choice Project pairs Survivor Mentors with exploited girls in order to encourage their use of existing supports and support their exit from the commercial sex industry and their perpetrator (i.e. pimp/trafficker). The Survivor Mentor's intervention has two main goals:

1. To stabilize a girl within the first 72 hours of identification by law enforcement or child protective services, thereby decreasing the likelihood that she will run during this time;
2. To provide extensive support and motivation to the young woman over time, increasing the likelihood she will engage in services.

### **Support to End Exploitation Now (SEEN) Coalition**

SEEN Coalition was the state's first inter-agency effort to fight sex trafficking. It includes representatives of law enforcement, the child welfare system, the district attorney's office, the public defender's office, service providers, and many others. SEEN caters to child victims of the commercial sex trade. It has created a set of guidelines on how to respond to victims quickly and comprehensively, and provide them with the support and care they need to begin the long process of healing. SEEN's mission has been to empower victims to leave their

traffickers and regain control of their lives. To date, SEEN partners with 35 agencies to provide support to victims.

To reach SEEN, contact Case Coordinator Beth Bouchard at 617-779-2145 or [Elizabeth.Bouchard@state.ma.us](mailto:Elizabeth.Bouchard@state.ma.us).

### **Massachusetts General Hospital Human Trafficking Initiative (HTI)**

The HTI is a multi-stage project designed to address the significant public health problem caused by human trafficking. In addition to completing several case studies on human trafficking, HTI has developed an evidence-based training for health-care workers to heighten their awareness of human trafficking, improve victim identification efforts, and create an environment of safe and appropriate care.



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# Minnesota

## Penal Code – Solicitation

### Crimes, Criminals

#### Sex Crimes

#### Chapter 609. Criminal Code

#### **§ 609.322. Solicitation, inducement, and promotion of prostitution; sex trafficking**

##### **Subdivision 1. *Solicitation, inducement, and promotion of prostitution; sex trafficking in the first degree.***

(a) Whoever, while acting other than as a prostitute or patron, intentionally does any of the following may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$50,000, or both:

- (1) solicits or induces an individual under the age of 18 years to practice prostitution;
- (2) promotes the prostitution of an individual under the age of 18 years;
- (3) receives profit, knowing or having reason to know that it is derived from the prostitution, or the promotion of the prostitution, of an individual under the age of 18 years; or
- (4) engages in the sex trafficking of an individual under the age of 18 years.

(b) Whoever violates paragraph (a) or subdivision 1a may be sentenced to imprisonment for not more than 25 years or to payment of a fine of not more than \$ 60,000, or both, if one or more of the following aggravating factors are present:

- (1) the offender has committed a prior qualified human trafficking-related offense;
- (2) the offense involved a sex trafficking victim who suffered bodily harm during the commission of the offense;
- (3) the time period that a sex trafficking victim was held in debt bondage or forced labor or services exceeded 180 days; or
- (4) the offense involved more than one sex trafficking victim.

**Subdivision 1a. *Solicitation, inducement, and promotion of prostitution; sex trafficking in the second degree.*** — Whoever, while acting other than as a prostitute or patron, intentionally does any of the following may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$40,000, or both:

- (1) solicits or induces an individual to practice prostitution;
- (2) promotes the prostitution of an individual;
- (3) receives profit, knowing or having reason to know that it is derived from the prostitution, or the promotion of the prostitution, of an individual; or
- (4) engages in the sex trafficking of an individual.

**Subdivision 1b. *Exceptions.*** — Subdivisions 1, paragraph (a), clause (3), and 1a, clause (3), do not apply to:

- (1) a minor who is dependent on an individual acting as a prostitute and who may have benefited from or been supported by the individual's earnings derived from prostitution; or
- (2) a parent over the age of 55 who is dependent on an individual acting as a prostitute, who may have benefited from or been supported by the individual's earnings derived from prostitution, and who did not know that the earnings were derived from prostitution; or
- (3) the sale of goods or services to a prostitute in the ordinary course of a lawful business.

**Subdivision 1c. *Aggregation of cases.*** — Acts by the defendant in violation of any one or more of the provisions in this section within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this section; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this subdivision.

**§ 609.324. Patrons; prostitutes; housing individuals engaged in prostitution; penalties**  
**Subdivision 1. *Engaging in, hiring, or agreeing to hire minor to engage in prostitution; penalties.***

(a) Whoever intentionally does any of the following may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$40,000, or both:

- (1) engages in prostitution with an individual under the age of 13 years; or
- (2) hires or offers or agrees to hire an individual under the age of 13 years to engage in sexual penetration or sexual contact; or
- (3) hires or offers or agrees to hire an individual who the actor reasonably believes to be under the age of 13 years to engage in sexual penetration or sexual contact.

(b) Whoever intentionally does any of the following may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both:

- (1) engages in prostitution with an individual under the age of 16 years but at least 13 years; or
- (2) hires or offers or agrees to hire an individual under the age of 16 years but at least 13 years to engage in sexual penetration or sexual contact;
- (3) hires or offers or agrees to hire an individual who the actor reasonably believes to be under the age of 16 but at least 13 years to engage in sexual penetration or sexual contact.

(c) Whoever intentionally does any of the following may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both:

- (1) engages in prostitution with an individual under the age of 18 years but at least 16 years; or
- (2) hires or offers or agrees to hire an individual under the age of 18 years but at least 16 years to engage in sexual penetration or sexual contact; or
- (3) hires or offers or agrees to hire an individual who the actor reasonably believes to be under the age of 18 years but at least 16 years to engage in sexual penetration or sexual contact.

**Subdivision 1a. *Housing unrelated minor engaged in prostitution; penalties.*** — Any person, other than one related by blood, adoption, or marriage to the minor, who permits a minor to reside, temporarily or permanently, in the person's dwelling without the consent of the minor's parents or guardian, knowing or having reason to know that the minor is engaging in prostitution may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$ 3,000, or both; except that, this subdivision does not apply to residential placements made, sanctioned, or supervised by a public or private social service agency.

**Subdivision 2. *Prostitution in public place; penalty for patrons.*** — Whoever, while acting as a patron, intentionally does any of the following while in a public place is guilty of a gross misdemeanor:

- (1) engages in prostitution with an individual 18 years of age or older; or
- (2) hires, offers to hire, or agrees to hire an individual 18 years of age or older to engage in sexual penetration or sexual contact.

Except as otherwise provided in subdivision 4, a person who is convicted of violating this subdivision must, at a minimum, be sentenced to pay a fine of at least \$1,500.

**Subdivision 3. *General prostitution crimes; penalties for patrons.***

(a) Whoever, while acting as a patron, intentionally does any of the following is guilty of a misdemeanor:

- (1) engages in prostitution with an individual 18 years of age or older; or
- (2) hires, offers to hire, or agrees to hire an individual 18 years of age or older to engage in sexual penetration or sexual contact. Except as otherwise provided in subdivision 4, a person who is convicted of violating this paragraph must, at a minimum, be sentenced to pay a fine of at least \$500.

(b) Whoever violates the provisions of this subdivision within two years of a previous prostitution conviction for violating this section or section 609.322 is guilty of a gross misdemeanor. Except as otherwise provided in subdivision 4, a person who is convicted of violating this paragraph must, at a minimum, be sentenced as follows:

- (1) to pay a fine of at least \$1,500; and
- (2) to serve 20 hours of community work service.

The court may waive the mandatory community work service if it makes specific, written findings that the community work service is not feasible or appropriate under the circumstances of the case.

**Subdivision 4. *Community service in lieu of minimum fine.*** — The court may order a person convicted of violating subdivision 2 or 3 to perform community work service in lieu of all or a portion of the minimum fine required under those subdivisions if the court makes specific, written findings that the convicted person is indigent or that payment of the fine would create undue hardship for the convicted person or that person's immediate family. Community work service ordered under this subdivision is in addition to any mandatory community work service ordered under subdivision 3.

**Subdivision 5. *Use of motor vehicle to patronize prostitutes; driving record notation.***

(a) When a court sentences a person convicted of violating this section while acting as a patron, the court shall determine whether the person used a motor vehicle during the commission of the offense and whether the person has previously been convicted of violating this section or section 609.322. If the court finds that the person used a motor vehicle during the commission of the offense, it shall forward its finding along with an indication of whether the person has previously been convicted of a prostitution offense to the commissioner of public safety who shall record the finding on the person's driving record. Except as provided in paragraph (b), the finding is classified as private data on individuals, as defined in section 13.02, subdivision 12, but is accessible for law enforcement purposes.

(b) If the person has previously been convicted of a violation of this section or section 609.322, the finding is public data.

**Subdivision 6. *Prostitution in public place; penalty for prostitutes.*** — Whoever, while acting as a prostitute, intentionally does any of the following while in a public place is guilty of a gross misdemeanor.

- (1) engages in prostitution with an individual 18 years of age or older; or
- (2) is hired, offers to be hired, or agrees to be hired by an individual 18 years of age or older to engage in sexual penetration or sexual contact.

**Subdivision 7. *General prostitution crimes; penalties for prostitutes.***

(a) Whoever, while acting as a prostitute, intentionally does any of the following is guilty of a misdemeanor:

- (1) engages in prostitution with an individual 18 years of age or older; or
- (2) is hired, offers to be hired, or agrees to be hired by an individual 18 years of age or older to engage in sexual penetration or sexual contact.

(b) Whoever violates the provisions of this subdivision within two years of a previous prostitution conviction for violating this section or section 609.322 is guilty of a gross misdemeanor.

#### **§ 609.3241 Penalty Assessment Authorized**

(a) When a court sentences an adult convicted of violating section 609.322 or 609.324, while acting other than as a prostitute, the court shall impose an assessment of not less than \$500 and not more than \$750 for a violation of section 609.324, subdivision 2, or a misdemeanor violation of section 609.324, subdivision 3; otherwise the court shall impose an assessment of not less than \$750 and not more than \$1,000. The assessment shall be distributed as provided in paragraph (c) and is in addition to the surcharge required by section 357.021, subdivision 6.

(b) The court may not waive payment of the minimum assessment required by this section. If the defendant qualifies for the services of a public defender or the court finds on the record that the convicted person is indigent or that immediate payment of the assessment would create undue hardship for the convicted person or that person's immediate family, the court may reduce the amount of the minimum assessment to not less than \$100. The court also may authorize payment of the assessment in installments.

(c) The assessment collected under paragraph (a) must be distributed as follows:

- (1) 40 percent of the assessment shall be forwarded to the political subdivision that employs the arresting officer for use in enforcement, training, and education activities related to combating sexual exploitation of youth, or if the arresting officer is an employee of the state, this portion shall be forwarded to the commissioner of public safety for those purposes identified in clause (3);
- (2) 20 percent of the assessment shall be forwarded to the prosecuting agency that handled the case for use in training and education activities relating to combating sexual exploitation activities of youth; and
- (3) 40 percent of the assessment must be forwarded to the commissioner of health to be deposited in the safe harbor for youth account in the special revenue fund and are appropriated to the commissioner for distribution to crime victims services organizations that provide services to sexually exploited youth, as defined in section 260C.007, subdivision 31.

(d) A safe harbor for youth account is established as a special account in the state treasury.

#### **§ 609.3242 Prostitution Crimes Committee in School in Park Zones; Increased Penalties** **Subdivision 1. Definitions.** — As used in this section:

- (1) "park zone" has the meaning given in section 152.01, subdivision 12a; and
- (2) "school zone" has the meaning given in section 152.01, subdivision 14a, and also includes school bus stops established by a school board under section 123B.88, while school children are waiting for the bus.

**Subdivision 2. Increased penalties.** — Any person who commits a violation of section 609.324 while acting other than as a prostitute while in a school or park zone may be sentenced as follows:

- (1) if the crime committed is a felony, the statutory maximum for the crime is three years longer than the statutory maximum for the underlying crime;
- (2) if the crime committed is a gross misdemeanor, the person is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$ 4,000, or both; and
- (3) if the crime committed is a misdemeanor, the person is guilty of a gross misdemeanor.

#### **§ 609.3234 Loitering with Intent to Participate in Prostitution**

A person who loiters in a public place with intent to participate in prostitution is guilty of a misdemeanor.

#### **§ 609.325. Defenses**

**Subdivision 1. *No defense; solicited; not engaged.*** — It shall be no defense to a prosecution under section 609.322 that an individual solicited or induced to practice prostitution or whose prostitution was promoted, did not actually engage in prostitution.

**Subdivision 2. *Consent no defense.*** — Consent or mistake as to age shall be no defense to prosecutions under section 609.322 or 609.324.

**Subdivision 3. *No defense; prior prostitution.*** — It shall be no defense to actions under section 609.322 that the individual solicited or induced to practice prostitution, or whose prostitution was promoted, had engaged in prostitution prior to that solicitation, inducement, or promotion.

**Subdivision 3a. *No defense; undercover operative.*** — The fact that an undercover operative or law enforcement officer was involved in the detection or investigation of an offense shall not be a defense to a prosecution under section 609.324.

**Subdivision 4. *Affirmative defense.*** — It is an affirmative defense to a charge under section 609.324, subdivision 6 or 7, if the defendant proves by a preponderance of the evidence that the defendant is a labor trafficking victim, as defined in section 609.281, or a sex trafficking victim, as defined in section 609.321, and that the defendant committed the acts underlying the charge as a result of being a labor trafficking or sex trafficking victim.

#### **§ 609.342. Criminal Sexual Conduct in the First Degree**

**Subdivision 1. *Crime defined.*** — A person who engages in sexual penetration with another person, or in sexual contact with a person under 13 years of age as defined in section 609.341, subdivision 11, paragraph (c), is guilty of criminal sexual conduct in the first degree if any of the following circumstances exists:

- (a) the complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;
- (b) the complainant is at least 13 years of age but less than 16 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;
- (c) circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;
- (d) the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(e) the actor causes personal injury to the complainant, and either of the following circumstances exist:

- (i) the actor uses force or coercion to accomplish sexual penetration; or
- (ii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(f) the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

- (i) an accomplice uses force or coercion to cause the complainant to submit; or
- (ii) an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(g) the actor has a significant relationship to the complainant and the complainant was under 16 years of age at the time of the sexual penetration. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(h) the actor has a significant relationship to the complainant, the complainant was under 16 years of age at the time of the sexual penetration, and:

- (i) the actor or an accomplice used force or coercion to accomplish the penetration;
  - (ii) the complainant suffered personal injury; or
  - (iii) the sexual abuse involved multiple acts committed over an extended period of time.
- Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

**Subdivision. 2. *Penalty.***

(a) Except as otherwise provided in section 609.3455; or Minnesota Statutes 2004, section 609.109, a person convicted under subdivision 1 may be sentenced to imprisonment for not more than 30 years or to a payment of a fine of not more than \$40,000, or both.

(b) Unless a longer mandatory minimum sentence is otherwise required by law or the Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall presume that an executed sentence of 144 months must be imposed on an offender convicted of violating this section. Sentencing a person in a manner other than that described in this paragraph is a departure from the Sentencing Guidelines.

(c) A person convicted under this section is also subject to conditional release under section 609.3455.

**Subdivision 3. *Stay.*** — Except when imprisonment is required under section 609.3455; or Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision 1, clause (g), the court may stay imposition or execution of the sentence if it finds that:

- (a) a stay is in the best interest of the complainant or the family unit; and
- (b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

- (1) incarceration in a local jail or workhouse;
- (2) a requirement that the offender complete a treatment program; and
- (3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program unless approved by the treatment program and the supervising correctional agent.

**§ 609.343. Criminal Sexual Conduct in the Second Degree**



**Subdivision 1. *Crime defined.*** — A person who engages in sexual contact with another person is guilty of criminal sexual conduct in the second degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(c) circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the dangerous weapon to cause the complainant to submit;

(e) the actor causes personal injury to the complainant, and either of the following circumstances exist:

(i) the actor uses force or coercion to accomplish the sexual contact; or

(ii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(f) the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) an accomplice uses force or coercion to cause the complainant to submit; or

(ii) an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(g) the actor has a significant relationship to the complainant and the complainant was under 16 years of age at the time of the sexual contact. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(h) the actor has a significant relationship to the complainant, the complainant was under 16 years of age at the time of the sexual contact, and:

(i) the actor or an accomplice used force or coercion to accomplish the contact;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

**Subdivision 2. *Penalty.***

(a) Except as otherwise provided in section 609.3455; or Minnesota Statutes 2004, section 609.109, a person convicted under subdivision 1 may be sentenced to imprisonment for not more than 25 years or to a payment of a fine of not more than \$35,000, or both.

(b) Unless a longer mandatory minimum sentence is otherwise required by law or the Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall presume that an executed sentence of 90 months must be imposed on an offender convicted of violating subdivision 1, clause (c), (d), (e), (f), or (h). Sentencing a person in a manner other than that described in this paragraph is a departure from the Sentencing Guidelines.

(c) A person convicted under this section is also subject to conditional release under section 609.3455.

**Subdivision 3. Stay.** — Except when imprisonment is required under section 609.3455; or Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision 1, clause (g), the court may stay imposition or execution of the sentence if it finds that:

(a) a stay is in the best interest of the complainant or the family unit; and  
(b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

- (1) incarceration in a local jail or workhouse;
- (2) a requirement that the offender complete a treatment program; and
- (3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program unless approved by the treatment program and the supervising correctional agent.

## Penal Code – Human Trafficking

### Crimes, Criminals

#### Chapter 609. Criminal Code

##### Sex Crimes

### **§ 609.352 Solicitation of children to engage in sexual conduct; communication of sexually explicit materials to children**

**Subdivision 1. Definitions.** — As used in this section:

- (a) “child” means a person 15 years of age or younger;
- (b) “sexual conduct” means sexual contact of the individual’s primary genital area, sexual penetration as defined in section 609.341, or sexual performance as defined in section 617.246; and
- (c) “solicit” means commanding, entreating, or attempting to persuade a specific person in person, by telephone, by letter, or by computerized or other electronic means.

**Subdivision 2. Prohibited act.** — A person 18 years of age or older who solicits a child or someone the person reasonably believes is a child to engage in sexual conduct with intent to engage in sexual conduct is guilty of a felony and may be sentenced as provided in subdivision 4.

**Subdivision 2a. Electronic solicitation of children.** — A person 18 years of age or older who uses the Internet, a computer, computer program, computer network, computer system, an electronic communications system, or a telecommunications, wire, or radio communications system, or other electronic device capable of electronic data storage or transmission to commit any of the following acts, with the intent to arouse the sexual desire of any person, is guilty of a felony and may be sentenced as provided in subdivision 4:

- (1) soliciting a child or someone the person reasonably believes is a child to engage in sexual conduct;
- (2) engaging in communication with a child or someone the person reasonably believes is a child, relating to or describing sexual conduct; or
- (3) distributing any material, language, or communication, including a photographic or video image, that relates to or describes sexual conduct to a child or someone the person reasonably believes is a child.

**Subdivision 2b. Jurisdiction.** — A person may be convicted of an offense under subdivision 2a if the transmission that constitutes the offense either originates within this state or is received within this state.

**Subdivision 3. Defenses.**

- (a) Mistake as to age is not a defense to a prosecution under this section.
- (b) The fact that an undercover operative or law enforcement officer was involved in the detection or investigation of an offense under this section does not constitute a defense to a prosecution under this section.

**Subdivision 4. Penalty.** — A person convicted under subdivision 2 or 2a is guilty of a felony and may be sentenced to imprisonment for not more than three years, or to payment of a fine of not more than \$ 5,000, or both.

### **§ 609.283 Unlawful conduct with respect to documents in furtherance of labor or sex trafficking**

**Subdivision 1. Crime defined.** — Unless the person’s conduct constitutes a violation of section 609.282, a person who 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:

- (1) in the course of a violation of section 609.282 or 609.322;
- (2) with intent to violate section 609.282 or 609.322; or
- (3) to prevent or restrict or to attempt to prevent or restrict, without lawful authority, a person's liberty to move or travel, in order to maintain the labor or services of that person, when the person is or has been a victim of a violation of section 609.282 or 609.322;

is guilty of a crime and may be sentenced as provided in subdivision 2.

**Subdivision 2. Penalties.** — A person who violates subdivision 1 may be sentenced as follows:

- (1) if the crime involves a victim under the age of 18, to imprisonment for not more than ten years or to payment of a fine of \$20,000, or both; or
- (2) in other cases, to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

#### **§ 609.284 Labor or Sex Trafficking Crimes; Defenses; Civil Liability; Corporate Liability**

**Subdivision 1. Consent or age of victim not a defense.** — In an action under this section the consent or age of the victim is not a defense.

**Subdivision 2. Civil liability.** — A labor trafficking victim may bring a cause of action against a person who violates section 609.282 or 609.283. The court may award damages, including punitive damages, reasonable attorney fees, and other litigation costs reasonably incurred by the victim. This remedy is in addition to potential criminal liability.

## Bloomington Code of Ordinances

Refer to State of Minnesota Penal Code for crimes relating to solicitation of prostitution or human trafficking. Bloomington code makes reference to State Penal Code when it comes to prostitution as nuisance abatement.

# Duluth Municipal Code

## **Chapter 34 – Offenses—Miscellaneous**

### **§ 34-18. Sexual contact for hire.**

No person shall offer or subject his or her body to another for the purpose of engaging in sexual contact in exchange for payment. For purposes of this Section, the term “sexual contact” includes, but is not limited to, sexual intercourse, sodomy, fellatio, cunnilingus, analingus, flagellation and manual genital stimulation.

### **§ 34-19. House of prostitution prohibited.**

No owner, agent or occupant of any premises within the city shall keep or permit to be kept on such premises a place in which sexual contact for hire is regularly engaged. Nor shall any person reside in or visit such a premises for the purpose of engaging in sexual contact for hire, regardless of whether he be the giver or receiver of the payment. For purposes of this Section, the term “sexual contact” has the same meaning as in Section 34-18 of this Code.

### **§ 34-20. Same-Procurement.**

No person within the city shall act as procurer for any person who is willing to engage in sexual contact for hire, nor solicit unlawful sexual contacts for or on behalf of any person. For purposes of this Section the term “sexual contact” has the same meaning as in Section 34-18 of this Code.

### **§ 34-21. Same—Solicitation.**

No person, within the city, shall solicit any other person to engage in sexual contact in exchange for payment. For purposes of this Section the term “sexual contact” has the same meaning as in Section 34-18 of this Code.

### **§ 34-22. Profiting from prostitution.**

No person shall live wholly or in part on earnings of another or others derived from engaging in sexual contact for payment. For purposes of this Section the term “sexual contact” has the same meaning as in Section 34-18 of this Code.

## Hennepin County Code of Ordinances

As of March, 2015, Hennepin County Code does not contain specific provisions on prostitution or human trafficking laws for john's, thus Minnesota state law would be followed.

# Minneapolis Municipal Code

## **Title 15. Offenses-Miscellaneous**

### **Chapter 385. In General**

#### **§ 385.50. Loitering.**

(a) No Person shall loiter on the streets or in a public place or in a place open to the public with intent to solicit for the purposes of prostitution, illegal narcotic sale, distribution, purchase or possession, or any other act prohibited by law.

(b) No person shall be present in a motor vehicle stopped, parked or operated on the street, in a public place or in a place open to the public with intent to solicit for the purposes of prostitution, illegal narcotic sale, distribution, purchase or possession, or any other act prohibited by law.

(c) A violation of this section is a misdemeanor punishable by up to ninety (90) days in jail and/or a one thousand dollar (\$1,000.00) fine. The city prosecutor may request that the court impose, as a condition of pretrial release or probation, that the defendant be geographically restricted from a reasonable and limited area surrounding the location where the crime allegedly occurred. The specific boundaries and duration of the geographic restriction shall be determined by the court and described to the defendant on-the-record or in writing.

#### **§ 385.150 Forfeiture of motor vehicles associated with certain designated offenses.**

(b) *Certain motor vehicles subject to forfeiture.* Any motor vehicle used to commit or facilitate in any way, or used in any way during, the commission of any designated offense is subject to forfeiture.

(c) *Notice to owner and secured party; bond by owner for possession during pendency.* Within seven (7) calendar days after the seizure of a motor vehicle pursuant to this section, notice of the seizure shall be given by the chief of police or his designee by mailing to the owner and any secured party thereof at their last known address listed in the records of the Minnesota Department of Public Safety, a written notice of forfeiture.

(d) *Forfeiture; judicial determination.* The forfeiture action under this chapter is a civil in rem action, separate from and independent of any criminal prosecution. A court may issue an order of forfeiture only upon a conviction of a designated offense.

(1) Within twenty (20) days following the seizure of any motor vehicle, a separate complaint shall be filed in district court against the motor vehicle describing the year, make and model, vehicle identification number of the motor vehicle, and specifying the time and place of the unlawful use and stating the designated offense. The complaint shall be captioned in the name of the City of Minneapolis as plaintiff and the motor vehicle as defendant.

(2) A copy of the complaint shall be served upon the owner and any secured party by certified mail to the address shown in the records of the Minnesota Department of Public Safety. Notice may otherwise be given in the manner provided by law for service of a summons and complaint in a civil action.

(3) The complaint shall provide notice that any person claiming any right, title, or interest in the motor vehicle shall file an answer within twenty (20) days of service of the complaint. The answer must set forth the specific basis for the claim made as to right, title or interest in the motor vehicle and demand a judicial determination of the forfeiture.



- (4) The answer must be filed in district court together with proof of service of a copy of the answer on the city attorney or one of her or his assistants.
- (5) Upon the conviction of a person arrested for a designated offense the city shall move the district court for an order requiring the motor vehicle to be sold subject to any limitation set forth in this section.
- (e) *Forfeiture, judicial determination and distribution of proceeds.*
- (1) If no answer is filed within the time prescribed and the court shall order the motor vehicle sold, the motor vehicle shall be sold at a public auction and the proceeds devoted to law enforcement purposes except as provided herein.
- (2) If an answer is filed, and following a hearing the court orders the motor vehicle sold, then the order shall provide that all right, title and interest in the vehicle shall immediately vest in the City of Minneapolis, and that the city is authorized to sell the motor vehicle and that the city is authorized thereafter to convey title to the motor vehicle free of all liens and encumbrances.
- (3) All costs incurred by the city in the seizure, storage, forfeiture and sale shall first be deducted from the proceeds of any such sale, and any balance remaining from the proceeds shall be paid over to the city, except as provided in (4) below.
- (4) The interests of secured parties in a motor vehicle seized and sold under this section shall be satisfied in their order of priority.
- (f) *Limitations on forfeiture of property associated with designated offenses.*
- (1) A motor vehicle is subject to forfeiture under this section if any owner was privy to the act or omission upon which the forfeiture is based or the act or omission occurred with the knowledge or consent of any owner.

## **Title 13- LICENSES AND BUSINESS REGULATIONS**

### **Chapter 341- TAXICABS**

#### **Article IA. TAXICAB DRIVER CONDUCT**

##### **§ 341.250 Prohibited acts.**

No taxicab driver shall:

- (21) Engage in, or permit the use of a taxicab for, illegal gambling, prostitution, or trafficking in alcoholic beverages or controlled substances;

## Roseville Municipal Code

Roseville Code of Ordinances does not contain specific provisions on prostitution or human trafficking, thus Minnesota state law should be followed.

# St. Paul Municipal Code

## **Part II. Legislative Code**

### **Title XXVII. Gambling, Obscenity, Etc.**

#### **Chapter 272. Solicitation to Vice**

##### **§ 272.01 Prohibition.**

Any person who shall, within the corporate limits of the City of Saint Paul, invite, induce or attempt to invite or induce another or others, by any means of communication, including telephone, to commit lewd and illicit sexual intercourse or indecent behavior of whatsoever type or nature, or who shall appear in or be within the corporate limits of the City of Saint Paul for the purpose of inducing, inviting or attempting to induce or invite another or others to commit lewd and illicit sexual intercourse or indecent behavior of whatsoever type or nature, shall be guilty of a misdemeanor.

##### **§ 272.03 Loitering or lurking for unlawful purpose.**

No person shall loiter or lurk on the streets, or in a public place, or in a place open to the public, with intent to solicit for the purpose of prostitution, distributing illegal narcotics or any other act prohibited by law.

##### **§ 272.04 Various factual circumstances to be considered in establishing intent to violate this chapter.**

Among the circumstances which may be considered in determining whether a person intends to loiter or lurk for the purposes of engaging in prostitution are whether a person:

- (a) Repeatedly beckons to, stops or attempts to stop, or engages passersby in conversation;
- (b) Repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture;
- (c) Is a known prostitute or procurer of prostitutes; or
- (d) Inquires whether a potential patron, procurer or a prostitute is a police officer or searches for articles that would identify a police officer or requests the touching or exposing of male or female genitals or female breasts to prove that the person is not a police officer.

## **Part II. Legislative Code**

### **Title XXVII. Gambling, Obscenity, Etc.**

#### **Chapter 279. Impoundment and Forfeiture of Motor Vehicles Associated with Certain Designated Offenses**

##### **§ 279.01 Definitions.**

For the purpose of this chapter, the following terms shall mean the following:

Designated offense. "Designated offense" means a conviction of a violation of any provision in sections 272.01, 272.03 or 280.03 of this Legislative Code or in Minnesota Statutes, Section 609.324, subdivision 3.

##### **§ 279.02 Certain motor vehicles subject to forfeiture.**

- (a) Any motor vehicle used to commit or facilitate in any way, or used in any way during, the commission of any designated offense is subject to forfeiture.
- (b) Peace officers arresting or charging persons for violating any designated offense are empowered to seize and impound in the name of the city any motor vehicle used to commit or

facilitate in any way, or used in any way during, the commission of any designated offense and shall hold the motor vehicle subject to court order of forfeiture.

(c) The police department is deemed to have custody of the motor vehicle seized subject to the order of the court having jurisdiction over the forfeiture proceeding. Any motor vehicle seized as a result of a violation of any designated offense is not subject to replevin.

## **Title XXIII- Public Health, Safety, and Welfare**

### **Chapter 231. Public Nuisances**

#### **§ 231.02 Permitting public nuisance**

(a) Prohibited. Any person(s) having control of real property who knowingly permit(s) it to be used to maintain a public nuisance or lets the same knowing it will be so used is guilty of a misdemeanor.

(b) Definitions. For the purposes of this section, the following definitions shall apply:

(1) Person(s) having control of property. "Person(s) having control of property" shall mean the owner or owners of the freehold of the premises or lesser estate therein, the holder of an unrecorded contract for deed, a mortgagee or vendee in possession, the assignee of rents, or the receiver, executor, trustee, lessee, other person, firm, corporation, association or partnership in control of a building.

(2) Public nuisance. For the purposes of this section "public nuisance" shall have the meaning ascribed to it by state law and shall include, but not be limited to, noise complaints, litter or sanitation complaints, increased vehicular or foot traffic, parking problems associated with the property, sale or possession of controlled substances, illegal gambling, prostitution or acts of prostitution, or any other acts or incidents showing that the peace, comfort or decency of the neighborhood or any considerable number of members of the public has been repeatedly disturbed.

## **Title XXIX- Licenses**

### **Chapter 376. Taxicabs**

#### **§ 376.10 Regulations**

(o) Use of cab for improper purposes. It will be unlawful for the taxicab driver to permit any person to occupy or use such vehicle for the purpose of prostitution, lewdness or assignation, or to direct, take or transport, or offer or agree to direct, take or transport, any other person with knowledge or reasonable cause to know that the purpose of such directing, taking or transporting is prostitution, lewdness or assignation.

Any violation of this paragraph by the taxicab driver is grounds for the revocation of any license issued for the operation of such vehicle

## **Title XXVIII. Miscellaneous Offenses**

### **Chapter 280. Certain Miscellaneous Misdemeanors**

#### **§ 280.06 Loitering after midnight, etc.**

No person shall loiter about the streets after midnight and lie in wait or concealment in said City of Saint Paul, or consort with thieves, prostitutes or other questionable characters.

## Laws in Practice

### **Bloomington Police Department**

Human trafficking and prostitution in Bloomington is centered around the cities hotels and motels which often times result in extortion and robbery of johns. As a result, Bloomington PD conducts regular reverse stings in and around those hotels regularly linked to prostitution activity. Once arrested for solicitation, BPD utilizes local media to release the name and arrest photos of those convicted. Recently, BPD also joined forces with the Cook County Sheriff's Office in the ninth National Day of Johns Arrest.

### **Duluth Police Department**

The prostitution and human trafficking experienced in Duluth has claimed Native American girls and women as their victims. As such, Duluth PD is addressing demand by conducting reverse as well as web stings. Police also seize vehicles used to solicit and undertake shaming tactics by publishing names and photos to deter solicitation. Last year the Duluth Police Department partnered with the Cook County Sheriff's Office in the National Day of Johns Arrest.

### **Minneapolis Police Department**

The twin cities of Minneapolis and St. Paul have identified prostitution and sex trafficking as persistent problems, and have engaged in a wide range of activities to reduce their prevalence and negative impacts. Many of these efforts have attempted to address the chief cause of both prostitution and sex trafficking –consumer-level demand. The cities are among the pioneers of programming designed to combat demand for commercial sex. A St. Paul program started the first brief treatment program in 1988 (Intervention Program for men who use prostitutes). The Twin Cities have had two programs running concurrently, a brief treatment program started in 1988 and Breaking Free, beginning in 2000.

### **Roseville Police Department**

Roseville is a suburb of the Twin Cities of Minneapolis/St. Paul, Minnesota, and has roughly 32,000 residents. It is speculated that its location between Minneapolis and St. Paul accounts for the prostitution in the area. Roseville's crackdown on prostitution-related activities is part of a coordinated campaign with local law hotels, the Ramsey County Attorney's Office and other area law enforcement agencies. To address prostitution and sex trafficking, the Roseville Police Department has included efforts to combat demand, conducted reverse stings and send some men to a john school program. For example, in three days in September 2012, police posted a decoy online advertisement and made ten arrests of sex buyers at a hotel that collaborated with police in setting up the sting. Roseville PD stated that the department's highest priority in investigating and prosecuting prostitution is to prevent the sex trafficking and exploitation of teenage girls. The law states girls under 18 years of age should be treated as victims, not as criminals.

In 2015, St. Paul PD, Roseville PD, Ramsey County Sheriff's Office, and the Bureau of Criminal Apprehension were part of the highly successful Nation Day of Johns Arrest sting operation. Undercover officers report a common theme from "escorts" and "johns" who hesitate about coming to Roseville because the city is known for its police stings. Roseville's increased focus on making prostitution arrests is producing positive results for the city.

### **St. Paul Police Department**

St. Paul is one of the pioneers of the john school model used to combat demand for commercial sex. It started the second john school program in 1988 (preceded only by the John Group in Grand Rapids, MI, which began in 1981). The city has had two john school programs running concurrently, Project Pathfinder and Breaking Free. St. Paul's efforts to combat demand in the commercial sex-trade extends to its approach in arresting men who solicit while aiding the true victims of prostitution and human trafficking. St. Paul joined efforts with Cook County Sheriff's Office in the National Day of Johns Arrest.

### **Hennepin County Sheriff's Department**

In 2008, Minneapolis (county seat of Hennepin County) was highlighted as second among the nation's top 13 high intensity child prostitution areas. So that kids are not treated as criminals, Hennepin County has implemented a No Wrong Door Plan in an attempt to end youth sex trafficking through efficient training of personnel from various county facilities and departments. Such departments include public health, hospitals and clinics, children's mental health, homelessness and housing, child welfare and child protection, law enforcement and juvenile correction, prosecution and public defender.

Expanding their efforts, the Hennepin County Sheriff's Office provides training to hotel and motel workers so that they are in a better position to recognize and report signs of sex trafficking activity. This plan also includes a development of strategies to aggressively identify, investigate, and prosecute human traffickers, pimps, and purchasers of sex.

## Victim Services

### **St. Paul Police Department**

Bridges to Safety is a relatively new domestic abuse service center in the City of Saint Paul that offers victims, including children, access to protection, culturally relevant services and support from the criminal and civil justice system, advocacy, legal aid and social services providers. Victim experience respect, safety, and security, and perpetrators are held accountable for their actions to the highest degree possible. Services Provided at Bridges to Safety include crisis intervention, legal services, referral to shelters and housing and more.

### **Hennepin County (4th District)**

#### *Domestic Abuse Center:*

The Domestic Abuse Service Center (DASC) serves people who are victims of violence caused by a family or household member. This includes anyone who has been the victim of actual or threatened violence by a person with whom they have had a romantic or sexual relationship, or people who have lived together. At DASC, District Court staff will help people complete the paperwork to ask for a temporary Order for Protection (OFP).

#### *Guardian ad Litem Program:*

A Guardian ad Litem is an advocate for a child whose welfare is a matter of concern for the court. When the court is making decisions that will affect a child's future, the child needs and deserves a spokesperson. The Guardian ad Litem is the only person in the case whose sole concern is the best interests of the child, and he or she is assigned as an advocate for the child for the duration of the court process.

#### *Psychological Services Division:*

The Fourth Judicial District's Psychological Services Division provides court-ordered forensic psychological evaluations of adults (involved in Criminal Court or Family Court custody/visitation cases) and juveniles (delinquency cases).

For more information see: <http://www.hennepinsheriff.org/trafficking>.

### **Breaking Free, St. Paul**

The Women and Girls Program is the core program and gateway to other services provided by Breaking Free. Services include advocacy, case management, and educational support groups.

#### *Life & Job Skills/Education Program*

This program prepares women and girls who may have never held a real job before to increase their knowledge base and become employable. Participants attend weekly classes designed specifically for exploited women and girls focusing on higher education, soft skill development, work experience development, and employment readiness. Breaking Free has formed partnerships with several local employment and work readiness organizations to help prepare women and girls for the job market as well as encourage them to complete their GED and seek higher education which will help them to avoid being re-victimized due to economic desperation.

#### *Sisters of Survival*

A 14-week, intensive education group to examine sex trafficking as a slave-based system, the impact it has on victims' lives, and issues related to addiction and recovery.

#### *Alumni*

This program involves on-going group meetings for women who have successfully completed the 14-week program. Topics include relationship issues, building self-esteem, money management, parenting skills, employment resources, education and health care.

#### *Relapse Prevention Group*

A chemical dependency counselor from Recovery Resource Center works closely with women in this group once a week to discuss and deal with chemical addiction issues.

#### *Street Outreach*

While much of sex trafficking has moved underground at strip clubs, massage parlors, brothels, and on-line "escort" services, street prostitution is still prevalent in the Twin Cities and is often the only opportunity we will have to reach many exploited women and girls. Outreach workers provide street-based outreach to prostituted individuals to help build a rapport with them, and provide hygiene kits, condoms and other seasonal items in an effort to meet their on-going needs. Outreach workers canvas areas in Minneapolis and St. Paul that are known to be high traffic areas for prostitution.

#### *Offenders Prostitution Program/The John School*

Established in 1999, in response to community complaints, the Offenders Prostitution Program, also known as the John's school, was modeled after the San Francisco model. The OPP is an eight-hour educational course.

### **International Institute of Minnesota**

The Institute assists trafficking survivors throughout Minnesota and Upper Wisconsin as part of the Northern Tier Anti-Trafficking Consortium (NTAC). NTAC provides direct, trauma-informed services to adult and child survivors across 14 states and Puerto Rico. As part of the consortium, the Institute provides support to survivors of trafficking as well as training and technical assistance to other agencies. We can help survivors find safe, affordable housing, access primary health care and mental health services, obtain job training and job placement services, learn English and obtain referrals for other social services. To increase our community's ability to identify human trafficking, the Institute offers informational presentations and trainings. For more information or to schedule a presentation for your organization, contact Amy Smith at 651-647-0191 x 329 or [AmySmith@iimn.org](mailto:AmySmith@iimn.org).

### **PRIDE (From Prostitution to Independence, Dignity & Equality)**

The PRIDE program offers victims counseling and support groups, legal assistance, resources to referrals, case management and even education and system advocacy. PRIDE also has a 24-hour crisis line (612.728.2062) and a toll-free number (1.888.774.3399) for women to use in emergencies. Our staff is available to speak to groups to raise consciousness about this industry that preys on our most vulnerable community members. This particular outreach program targets strip clubs, correctional and treatment facilities, community outreach and courts and the criminal justice system.

### **TEEN Pride**



The program supports young women who are at-risk of becoming sexually exploited or victims of survival sex (exchanging sex for protection, food, shelter or clothing). In addition to the adult services listed above, TeenPRIDE provides:

- Groups for girls ages 13-18
- Support services for teens and parents

TeenPRIDE provides a place where girls can be safe, get help with their basic needs and discover they have choices.

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# Nebraska

# Revised Statutes of Nebraska – Solicitation

## **Chapter 28 Crimes and Punishments**

### **Article 8 Offenses Relating to Morals**

#### **§ 28-801. Prostitution; penalty; affirmative defense; immunity from prosecution; law enforcement officer; duties.**

(1) Except as provided in subsection (5) of this section, any person who performs, offers, or agrees to perform any act of sexual contact or sexual penetration, as those terms are defined in section 28-318, with any person not his or her spouse, in exchange for money or other thing of value, commits prostitution.

(2) Any person convicted of violating subsection (1) of this section shall be punished as follows:

(a) If such person has had no prior convictions or has had one prior conviction, such person shall be guilty of a Class II misdemeanor. If the court places such person on probation, such order of probation shall include, as one of its conditions, that such person shall satisfactorily attend and complete an appropriate mental health and substance abuse assessment conducted by a licensed mental health professional or substance abuse professional authorized to complete such assessment; and

(b) If such person has had two or more prior convictions, such person shall be guilty of a Class I misdemeanor. If the court places such person on probation, such order of probation shall include, as one of its conditions, that such person shall satisfactorily attend and complete an appropriate mental health and substance abuse assessment conducted by a licensed mental health professional or substance abuse professional authorized to complete such assessment.

(3) It is an affirmative defense to prosecution under this section that such person was a trafficking victim as defined in section 28-830.

(4) For purposes of this section, prior conviction means any conviction on or after July 14, 2006, for violation of subsection (1) of this section or any conviction on or after July 14, 2006, for violation of a city or village ordinance relating to prostitution.

(5) If the law enforcement officer determines, after a reasonable detention for investigative purposes, that a person suspected of or charged with a violation of subsection (1) of this section is (a) a person engaging in those acts as a direct result of being a trafficking victim as defined in section 28-830, such person shall be immune from prosecution for a prostitution offense or (b) a person under eighteen years of age, such person shall be immune from prosecution for a prostitution offense under this section and shall be subject to temporary custody under section 43-248 and further disposition under the Nebraska Juvenile Code. A law enforcement officer who takes a person under eighteen years of age into custody under this section shall immediately report an allegation of a violation of section 28-831 to the Department of Health and Human Services which shall commence an investigation within twenty-four hours under the Child Protection and Family Safety Act.

#### **§ 28-801.01. Solicitation of prostitution; penalty; affirmative defense.**

(1) Any person who solicits another person not his or her spouse to perform any act of sexual contact or sexual penetration, as those terms are defined in section 28-318, in exchange for money or other thing of value, commits solicitation of prostitution.

(2) Any person convicted of violating subsection (1) of this section shall be punished as follows:

(a) If such person has had no prior convictions, such person shall be guilty of a Class I misdemeanor and pay a fine of not less than two hundred fifty dollars, unless the person solicited is under the age of eighteen years, in which case such person violating this section shall be guilty of a Class IV felony. If the court places such person on probation, such order of probation shall include in its conditions (i) the payment of a fine of not less than two hundred fifty dollars, (ii) that such person shall satisfactorily attend and complete an appropriate mental health and substance abuse assessment conducted by a licensed mental health professional or substance abuse professional authorized to complete such assessment, and (iii) that such person shall satisfactorily attend and complete, at his or her own expense, an educational program designed to educate participants on the effect of prostitution on the participants' health, on the person solicited, and on the community; and

(b) If such person has had one or more prior convictions, such person shall be guilty of a Class IV felony and pay a fine of not less than five hundred dollars. If the court places such person on probation, such order of probation shall include in its conditions (i) the payment of a fine of not less than five hundred dollars, (ii) that such person shall satisfactorily attend and complete an appropriate mental health and substance abuse assessment conducted by a licensed mental health professional or substance abuse professional authorized to complete such assessment, and (iii) that such person shall satisfactorily attend and complete, at his or her own expense, an educational program designed to educate participants on the effect of prostitution on the participants' health, on the person solicited, and on the community. (3) It is an affirmative defense to prosecution under this section that such person was a trafficking victim as defined in section 28-830.

(3) It is an affirmative defense to prosecution under this section that such person was a trafficking victim as defined in section 28-830.

#### **§ 28-802. Pandering; penalty.**

(1) A person commits pandering if such person:

- (a) Entices another person to become a prostitute; or
- (b) Procures or harbors therein an inmate for a house of prostitution or for any place where prostitution is practiced or allowed; or
- (c) Inveigles, entices, persuades, encourages, or procures any person to come into or leave this state for the purpose of prostitution or debauchery; or
- (d) Receives or gives or agrees to receive or give any money or other thing of value for procuring or attempting to procure any person to become a prostitute or commit an act of prostitution or come into this state or leave this state for the purpose of prostitution or debauchery.

(2) Pandering is a Class III felony for a first offense, unless the person being enticed, procured, harbored, or otherwise persuaded to become a prostitute is under the age of eighteen years, in which case pandering is a Class II felony for a first offense. Pandering is a Class II felony for a second or subsequent offense.

#### **§ 28-803. Pandering; evidence.**

(1) Any person referred to in section 28-802 shall be a competent witness in any prosecution thereunder to testify to any and all matters, including conversation with the accused, or by the accused with third persons, in his presence, notwithstanding having married the accused either

before or after the violation of any of the provisions of such section; and the act and state of marriage shall not be a defense to any violation of such section.

(2) Pandering shall be an exception to the husband-wife privilege as provided in section 27-505.

**§ 28-804. Keeping a place of prostitution; penalty.**

(1) Any person who has or exercises control over the use of any place which offers seclusion or shelter for the practice of prostitution and who knowingly grants or permits the use of such place for the purpose of prostitution commits the offense of keeping a place of prostitution.

(2) Keeping a place of prostitution is a Class IV felony, unless any person using such place for the practice of prostitution is under the age of eighteen years, in which case any person convicted of keeping a place of prostitution shall be guilty of a Class III felony.

**§ 28-804.01. Prostitution cases; incriminating testimony; how treated.**

In all cases under sections 28-801 to 28-804, no person shall be excused from testifying against another person by reason of such testimony tending to incriminate the person testifying, but the testimony so given, unless voluntary, shall in no case be used against the person so testifying in any criminal prosecution or otherwise.

**§ 28-805. Debauching a minor; penalty.**

(1) Any person not a minor commits the offense of debauching a minor if he or she shall debauch or deprave the morals of any boy or girl under the age of seventeen years by:

(a) Lewdly inducing such boy or girl carnally to know any other person; or

(b) Soliciting any such boy or girl to visit a house of prostitution or other place where prostitution, debauchery, or other immoral practices are permitted or encouraged, for the purpose of prostitution or sexual penetration; or

(c) Arranging or assisting in arranging any meeting for such purpose between any such boy or girl and any female or male of dissolute character or any inmate of any place where prostitution, debauchery, or other immoral practices are permitted or encouraged; or

(d) Arranging or aiding or assisting in arranging any meeting between any such boy or girl and any other person for the purpose of sexual penetration.

(2) Debauching a minor is a Class I misdemeanor.

**§ 28-817. Prosecution; temporary restraining order or injunction; when.**

(1) The plaintiff, after the commencement of such action may, if he deems it necessary in order to prevent the continued use of such work, material, conduct or live performance, request a temporary restraining order or injunction against such person, firm or corporation to prevent the violation or further violation except as provided in this section.

(2) No other temporary restraining order or injunction shall issue in advance of final adjudication by the trial court in actions brought under the provisions of sections 28-816 to 28-818 when the question of whether the work, material, conduct or live performance is obscene is in issue. If an injunction is requested, any party to the action shall be entitled to a trial of the issues within ten calendar days after service of the summons has been completed, and a decision shall be rendered by the court within two judicial days of the conclusion of the trial.

# Revised Statutes of Nebraska – Human Trafficking

## **Chapter 28 Crimes and Punishment**

### **Article 8 Offenses Relating to Morals**

#### **§ 28-830. Human trafficking; forced labor or services; terms, defined.**

For purposes of sections 28-830 and 28-831, the following definitions apply:

- (1) Actor means a person who solicits, procures, or supervises the services or labor of another person;
- (2) Commercial sexual activity means any sex act on account of which anything of value is given, promised to, or received by any person;
- (3) Debt bondage means inducing another person to provide:
  - (a) Commercial sexual activity in payment toward or satisfaction of a real or purported debt; or
  - (b) Labor or services in payment toward or satisfaction of a real or purported debt if:
    - (i) The reasonable value of the labor or services is not applied toward the liquidation of the debt; or
    - (ii) The length of the labor or services is not limited and the nature of the labor or services is not defined;
- (4) Financial harm means theft by extortion as described by section 28-513;
- (5) Forced labor or services means labor or services that are performed or provided by another person and are obtained or maintained through:
  - (a) Inflicting or threatening to inflict serious personal injury, as defined by section 28-318, on another person;
  - (b) Physically restraining or threatening to physically restrain the other person;
  - (c) Abusing or threatening to abuse the legal process against another person to cause arrest or deportation for violation of federal immigration law;
  - (d) Controlling or threatening to control another person's access to a controlled substance listed in Schedule I, II or III of section 28-405;
  - (e) Exploiting another person's substantial functional impairment as defined in section 28-368 or substantial mental impairment as defined in section 28-369;
  - (f) 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; or
  - (g) Causing or threatening to cause financial harm to another person, including debt bondage;
- (6) Labor means work of economic or financial value;
- (7) 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 eighteen years of age or older intending or knowing that the person will be subjected to forced labor or services;
- (8) 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;
- (9) Maintain means, in relation to labor or services, to secure continued performance thereof, regardless of any initial agreement by the other person to perform such type of service;



- (10) Minor means a person younger than eighteen years of age;
- (11) Obtain means, in relation to labor or services, to secure performance thereof;
- (12) Services means an ongoing relationship between the actor and another person 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 services under this section. Nothing in this subdivision shall be construed to legalize prostitution;
- (13) Sex trafficking means knowingly recruiting, enticing, harboring, transporting, providing, or obtaining by any means or knowingly attempting to recruit, entice, harbor, transport, provide, or obtain by any means a person eighteen years of age or older for the purpose of having such person engage in commercial sexual activity, sexually explicit performance, or the production of pornography or to cause or attempt to cause a person eighteen years of age or older to engage in commercial sexual activity, sexually explicit performance, or the production of pornography;
- (14) Sex trafficking means knowingly recruiting, enticing, harboring, transporting, providing, or obtaining by any means or knowingly attempting to recruit, entice, harbor, transport, provide, or obtain by any means a person eighteen years of age or older for the purpose of having such person engage in commercial sexual activity, sexually explicit performance, or the production of pornography or to cause or attempt to cause a person eighteen years of age or older to engage in commercial sexual activity, sexually explicit performance, or the production of pornography;
- (15) 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; and
- (16) Trafficking victim means a person subjected to any act or acts prohibited by section 28-831.

**§ 28-831. Human trafficking; labor trafficking or sex trafficking; labor trafficking of a minor or sex trafficking of a minor; prohibited acts; penalties.**

- (1) Any person who engages in labor trafficking of a minor or sex trafficking of a minor is guilty of a Class II felony if the actor uses overt force or the threat of force or the trafficking victim has not yet attained the age of sixteen years. Any person who otherwise engages in labor trafficking of a minor or sex trafficking of a minor is guilty of a Class IIA felony.
- (2) Any person who engages in labor trafficking or sex trafficking by inflicting or threatening to inflict serious personal injury, as defined in section 28-318, on another person or physically restrains or threatens to physically restrain another person is guilty of a Class IIA felony. Any person who otherwise engages in labor trafficking or sex trafficking is guilty of a Class III felony.
- (3) Any person who knowingly benefits from or participates in a venture which has, as part of the venture, an act that is in violation of this section is guilty of a Class IIIA felony.

**§ 28-833. Enticement by electronic communication device; penalty.**

- (1) A person commits the offense of enticement by electronic communication device if he or she is nineteen years of age or over and knowingly and intentionally utilizes an electronic communication device to contact a child under sixteen years of age or a peace officer who is believed by such person to be a child under sixteen years of age and in so doing:
  - (a) Uses or transmits any indecent, lewd, lascivious, or obscene language, writing, or sound;
  - (b) Transmits or otherwise disseminates any visual depiction of sexually explicit conduct as defined in section 28-1463.02; or
  - (c) Offers or solicits any indecent, lewd, or lascivious act.

- (2) Enticement by electronic communication device is a Class IV felony.
- (3) Enticement by electronic communication device is deemed to have been committed either at the place where the communication was initiated or where it was received.
- (4) For purposes of this section, electronic communication device means any device which, in its ordinary and intended use, transmits by electronic means writings, sounds, visual images, or data of any nature to another electronic communication device.

## **Article 9 Offenses Involving Integrity and Effectiveness of Government Operation**

### **§ 28-901. Obstructing government operations; penalty.**

- (1) A person commits the offense of obstructing government operations if he intentionally obstructs, impairs, or perverts the administration of law or other governmental functions by force, violence, physical interference or obstacle, breach of official duty, or any other unlawful act, except that this section does not apply to flight by a person charged with crime, refusal to submit to arrest, failure to perform a legal duty other than an official duty, or any other means of avoiding compliance with law without affirmative interference with governmental functions.
- (2) Obstructing government operations is a Class I misdemeanor.

# Lincoln Municipal Code

## **Title 9 Public Peace and Welfare**

### **Chapter 16 Offenses Against Public Decency**

#### **§ 9.16.150. Prostitution.**

It shall be unlawful for any person to intentionally or knowingly perform, offer or agree to perform any act of sexual penetration with any person not his or her spouse in exchange for money or other thing of value. It shall be unlawful for any person purposely or knowingly to solicit, induce, or attempt to induce another person to engage in an act or acts prohibited hereunder. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$100.00, recoverable with costs. Any person violating this section shall be issued a citation in lieu of arrest pursuant to law.

#### **§ 9.16.160. Keeping a Place of Prostitution.**

It shall be unlawful for any person who has or exercises control over the use of any place which offers seclusion or shelter to knowingly grant or permit the use of such place to engage in an act or acts as prohibited in Section 9.16.150.

#### **§ 9.16.170. Unlawful to Visit or Frequent House of Prostitution.**

It shall be unlawful for any person to visit or frequent a house, building, or place of prostitution for the purpose of engaging in an act or acts as prohibited in Section 9.16.150. (Ord. 15620 §17; July 9, 1990: P.C. §9.52.080: Ord. 13762 §11; February 13, 1984: prior Ord. 3489 §21- 208, as amended by Ord. 3726; March 11, 1940).

#### **§ 9.16.220. Public Nudity; Statement of Intent.**

It is the intent of the City to prohibit the exploitation of human nudity for the purpose of advertising, selling, or otherwise promoting the economic interests of any type of business enterprise. It is also the intent of the City to further the government's interest in avoiding the harmful secondary effects of this activity such as prostitution, sexual assaults, criminal activity, degradation of women, and other activities which break down family structure. This prohibition is not intended to extend to any expression of opinion or the performance of a bona fide play, ballet, or drama protected by the First Amendment to the Constitution of the United States or by Article I, §5 of the Constitution of the State of Nebraska. (Ord. 16935 §1; February 20, 1996).

#### **§ 9.16.220. Public Nudity; Statement of Intent.**

- (a) It shall be unlawful for a person to, knowingly or intentionally, in a public place or in any place open to the public, appear in a state of nudity.
- (b) 'Nudity' means the showing of the human male or female genitals or pubic area with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering on any part of the areola and nipple, or the showing of covered male genitals in a discernibly turgid state.

#### **§ 9.16.240. Sexual Contact; Prohibited.**

- (a) It shall be unlawful for any employee or performer (including amateur performers) in any business or commercial establishment to have any sexual contact with any other employee, performer or patron for gratuity, pay or other remuneration, direct or indirect, or in conjunction

with or as part of any performance or entertainment in any business or commercial establishment.

(b) It shall be unlawful for any patron to have sexual contact with any employee or performer in any business or commercial establishment.

(c) For the purposes of this section, sexual contact shall mean the intentional touching between a patron, a performer, or employee involving contact by or with a patron's, performer's, or employee's sexual organ, buttock(s), or breast(s), whether covered or not, or kissing, when such contact can reasonably be construed as being for the purpose of sexual arousal or sexual gratification of either party or any observer.

(d) It shall be unlawful for any person purposely or knowingly to solicit, induce, or attempt to induce another person to engage in an act or acts prohibited hereunder.

(e) It shall be unlawful for the owner, lessee, proprietor, or manager of any business or commercial establishment to knowingly allow any person on the premises of such business or commercial establishment to engage in an act or acts prohibited hereunder.

(f) The provisions of this section shall not apply to a theater, concert hall, art center, museum, or similar establishment which is primarily devoted to the arts or theatrical performances and in which any of the circumstances contained in this section were permitted or allowed as part of such art exhibits or performances.

## Laws in Practice

### **Lincoln Police Department**

According to Demand Forum, the Lincoln Police Department (LPD) has been arresting johns since 2004, but also continues to arrest and charge women with prostitution offenses. Demand Forum also indicated that LPD places a large importance on catching those who solicit or force teens into prostitution. In the last decade, LPD has also moved to online sting operations as opposed to just the conventional street prostitution stings. The identities of those arrested for prostitution are published in local newspapers. In Lincoln, the offense of solicitation is a misdemeanor punishable by as much as a year in jail (see #2 in references). News report stated that you have to arrest these women because otherwise they would do it again, prostitute that is - news anchor suggested you almost consider them as victims (see #3 reference).

LPD has implemented a training program for officers to better spot trafficking. LPD also participates in the National Johns Suppression Initiative (NJSI), which a national sting coordinated by the Cook County Sheriff's Office in an effort to target and reduce sex trafficking. In February 2017, the NNPD arrested 5 sex buyers from January 18th – February 5<sup>th</sup> as part of the sting.

## Victim Services

### **Women's Center for Advancement**

Women's Center for Advancement is located nearby Omaha and works to help women out of immediate crisis and make permanent change in their lives. Seeks to help women gain stability and safety in their community as well as economic stability. Various services are available to victims including advocates, legal teams, therapy and their own counselor, support groups, career services, non-violence programs, clothing closet to help women with interviews, and a Leadership program for girls.

24/7 Crisis Hotline: 402-345-7273.

### **I've Got A Name Lincoln Nebraska**

Non-profit org founded in 2010 to raise awareness about exploitation of children in the commercial sex trade. The organization strives to prevent, rescue, protect and restore local girls from the sex trafficking and sexual exploitation they are in. The organization is committed through awareness, advocacy, fundraising and prayer to protect, defend, rescue, love and restore those who ...are threatened or subjected to sexual exploitation and sex trafficking.

### **Central Nebraska Human Trafficking & Immigration Outreach**

Founded in 2013 to ensure immigrant victims of human trafficking are treated like victims and not like criminals. Located in Lexington, NE. Immigration services are provided to all victims within NE.

Hotline: (308) 325-2295 or National Human Trafficking Hotline: 888-373-7888

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11. NEB. REV. STAT. ANN. § 28-802 (LexisNexis 2016).
12. NEB. REV. STAT. ANN. § 28-803 (LexisNexis 2016).
13. NEB. REV. STAT. ANN. § 28-804 (LexisNexis 2016).
14. NEB. REV. STAT. ANN. § 28-805 (LexisNexis 2016).
15. NEB. REV. STAT. ANN. § 28-817 (LexisNexis 2016).
16. NEB. REV. STAT. ANN. § 28-830 (LexisNexis 2016).
17. NEB. REV. STAT. ANN. § 28-831 (LexisNexis 2016).
18. NEB. REV. STAT. ANN. § 28-901 (LexisNexis 2016).
19. Lin. Mun. Code (Neb.) § 9.16.150 (2014).
20. Lin. Mun. Code (Neb.) § 9.16.160 (2014).
21. Lin. Mun. Code (Neb.) § 9.16.170 (2014).
22. Lin. Mun. Code (Neb.) § 9.16.220 (2014).
23. Lin. Mun. Code (Neb.) § 9.16.230 (2014).
24. Lin. Mun. Code (Neb.) § 9.16.240 (2014).

# Nevada



## Revised Statutes Annotated – Solicitation

### **Title 15. Crimes and Punishments**

#### **Chapter 201. Crimes Against Public Decency and Good Morals**

##### **Pandering, Prostitution and Disorderly Houses**

###### **§ 201.300 Pandering and sex trafficking: Definitions; penalties; exception**

1. A person who without physical force or the immediate threat of physical force, induces an adult to unlawfully become a prostitute or to continue 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 is guilty of pandering which is a category C felony and shall be punished as provided in NRS 193.130. This subsection does not apply to the customer of a prostitute.

2. A person:

(a) Is guilty of sex trafficking if the person:

(1) 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;

(2) Induces, recruits, harbors, transports, provides, obtains or maintains a person by any means, knowing, or in reckless disregard of the fact, that threats, violence, force, intimidation, fraud, duress or coercion will be used to cause the person 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;

(3) By threats, violence, force, intimidation, fraud, duress, coercion, by any device or scheme, or by abuse of any position of confidence or authority, or having legal charge, takes, places, harbors, induces, causes, compels or procures a person 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; or

(4) Takes or detains a person with the intent to compel the person by force, violence, threats or duress to marry him or her or any other person.

(b) Who is found guilty of sex trafficking:

(1) An adult is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.

(2) A child:

(I) If the child is less than 14 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served, and may be further punished by a fine of not more than \$20,000.

(II) If the child is at least 14 years of age but less than 16 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the

possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than \$10,000.

(III) If the child is at least 16 years of age but less than 18 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served, and may be further punished by a fine of not more than \$10,000.

(3) A court shall not grant probation to or suspend the sentence of a person convicted of sex trafficking a child pursuant to subsection 2.

(4) Consent of a victim of pandering or sex trafficking to an act of prostitution is not a defense to a prosecution for any of the acts prohibited by this section.

(5) In a prosecution for sex trafficking a child pursuant to subsection 2, it is not a defense that the defendant did not have knowledge of the victim's age, nor is reasonable mistake of age a valid defense to a prosecution conducted pursuant to subsection 2.

#### **§ 201.305. Prostitution subculture as admissible evidence for certain purposes**

In a prosecution for pandering or sex trafficking pursuant to NRS 201.300, expert testimony concerning:

1. The prostitution subculture, including, without limitation, the effect of physical, emotional, or mental abuse on the beliefs, behavior and perception of the alleged victim of the pandering or sex trafficking that is offered by the prosecution or defense is admissible for any relevant purpose, including, without limitation, to demonstrate:

(a) The dynamics of, and the manipulation and psychological control measures used in, the relationship between a prostitute and a person who engages in pandering or sex trafficking in violation of NRS 201.300; and

(b) The normal behavior and language used in the prostitution subculture.

2. The effect of pandering or sex trafficking may not be offered against a defendant pursuant to subsection 1 to prove the occurrence of an act which forms the basis of a criminal charge against the defendant.

#### **§ 201.320. Living from earnings of prostitute; penalty**

1. A person who knowingly accepts, receives, levies or appropriates any money or other valuable thing, without consideration, from the proceeds of any prostitute, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Any such acceptance, receipt, levy or appropriation of money or valuable thing upon any proceedings or trial for violation of this section is presumptive evidence of lack of consideration.

#### **§ 201.325. Power of court to order restitution**

1. In addition to any other penalty, the court may order a person convicted of a violation of any provision of NRS 201.300 or 201.320 to pay restitution to the victim as provided in subsection 2.

2. Restitution ordered pursuant to this section may include, without limitation:

(a) The cost of medical and psychological treatment, including, without limitation, physical and occupational therapy and rehabilitation;

(b) The cost of transportation, temporary housing and child care;

- (c) The return of property, the cost of repairing damaged property or the full value of the property if it is destroyed or damaged beyond repair;
  - (d) Expenses incurred by a victim in relocating away from the defendant or his or her associates, if the expenses are verified by law enforcement to be necessary for the personal safety of the victim;
  - (e) The cost of repatriation of the victim to his or her home country, if applicable; and
  - (f) Any and all other losses suffered by the victim as a result of the violation of any provision of NRS 201.300 or 201.320.
3. The return of the victim to his or her home country or other absence of the victim from the jurisdiction does not prevent the victim from receiving restitution.
  4. As used in this section, "victim" means any person:
    - (a) Against whom a violation of any provision of NRS 201.300 or 201.320 has been committed; or
    - (b) Who is the surviving child of such a person.

**§ 201.351. Forfeiture of assets; temporary restraining order to preserve property subject to forfeiture; use of proceeds derived from forfeiture**

1. All assets derived from or relating to any violation of NRS 201.300 or 201.320 are subject to forfeiture pursuant to NRS 179.121 and a proceeding for their forfeiture may be brought pursuant to NRS 179.1156 to 179.121, inclusive.
2. In any proceeding for forfeiture brought pursuant to NRS 179.1156 to 179.121, inclusive, the plaintiff may apply for, and a court may issue without notice or hearing, a temporary restraining order to preserve property which would be subject to forfeiture pursuant to this section if:
  - (a) The forfeitable property is in the possession or control of the party against whom the order will be entered; and
  - (b) The court determines that the nature of the property is such that it can be concealed, disposed of or placed beyond the jurisdiction of the court before a hearing on the matter.
3. A temporary restraining order which is issued without notice may be issued for not more than 30 days and may be extended only for good cause or by consent. The court shall provide notice and hold a hearing on the matter before the order expires.
4. Any proceeds derived from a forfeiture of property pursuant to this section and remaining after the distribution required by subsection 1 of NRS 179.118 must be deposited with the county treasurer and distributed to programs for the prevention of child prostitution or for services to victims which are designated to receive such distributions by the district attorney of the county.

**§ 201.354. Engaging in prostitution or solicitation for prostitution: Penalty; exception**

1. It is unlawful for any person to engage in prostitution or solicitation therefor, except in a licensed house of prostitution.
2. Except as otherwise provided in subsection 3, a person who violates subsection 1 is guilty of a misdemeanor.
3. A person who violates subsection 1 by soliciting a child for prostitution:
  - (a) For a first offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130, and by a fine of not more than \$5,000.
  - (b) For a second offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(c) For a third or subsequent offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130. The court shall not grant probation to or suspend the sentence of a person punished pursuant to this paragraph.

**§ 201.356. Test for exposure to human immunodeficiency virus required; payment of costs; notification of results of test**

1. Any person who is arrested for a violation of NRS 201.354 must submit to a test, approved by regulation of the State Board of Health, to detect exposure to the human immunodeficiency virus. The State Board of Health shall not approve a test for use that does not provide the arresting law enforcement agency with the results of the test within 30 days after a person submits to the test. If the person is convicted of a violation of NRS 201.354, the person shall pay the sum of \$100 for the cost of the test.

2. The person forming the test shall immediately transmit the results of the test to the arresting law enforcement agency. If the results of the test are negative, the agency shall inform the court of that fact. If the results of the test are positive, the agency shall upon receipt:

(a) Mail the results by certified mail, return receipt requested, to the person arrested at his or her last known address and place the returned receipt in the agency's file; or

(b) If the person arrested is in the custody of the agency, personally deliver the results to him or her and place an affidavit of service in the agency's file.

If before receiving the results pursuant to this subsection, the person arrested requests the agency to inform him or her of the results and the agency has received those results, the agency shall deliver the results to the person arrested, whether positive or negative, and place an affidavit of service in the agency's file.

3. The court shall, when the person is arraigned, order the person to reappear before the court 45 days after the arraignment to determine whether the person has received the results of the test. The court shall inform the person that the failure to appear at the appointed time will result in the issuance of a bench warrant, unless the order is rescinded pursuant to this subsection. If the court is informed by the agency that the results of the person's test were negative, the court clerk shall rescind the order for reappearance and so notify the person. If, upon receiving notice from the agency that the results of the test were positive, the person notifies the court clerk in writing that he or she has received the results, the clerk shall inform the court and rescind the order for reappearance for that determination.

4. The court shall, upon the person's reappearance ordered pursuant to subsection 3, ask the person whether he or she has received the results of the test. If the person answers that he or she has received them, the court shall note the person's answer in the court records. If the person answers that he or she has not received them, the court shall have the results delivered to the person and direct that an affidavit of service be placed in the agency's file.

5. If the person does not reappear as ordered and has not notified the court clerk of his or her receipt of the results of the test in the manner set forth in subsection 3, the court shall cause a bench warrant to be issued and that person arrested and brought before the court as upon contempt. The court shall also proceed in the manner set forth in subsection 4 to ensure that the person receives the results of the test.

**§ 201.358. Engaging in prostitution or solicitation for prostitution after testing positive for exposure to human immunodeficiency virus: Penalty; definition.**

1. A person who:

(a) Violates NRS 201.354; or

- (b) Works as a prostitute in a licensed house of prostitution, after testing positive in a test approved by the State Board of Health for exposure to the human immunodeficiency virus and receiving notice of that fact is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than \$10,000, or by both fine and imprisonment
- 2. As used in this section, "notice" means:
  - (a) Actual notice; or
  - (b) Notice received pursuant to NRS 201.356.

#### **§ 201.360. Placing person in house of prostitution; penalties**

- 1. A person who:
  - (a) Places another in the charge or custody of a third person with the intent that the other person engage in prostitution or who compels the other person to reside with him or her or with any third person for purposes of prostitution, or who compels another person to reside in a house of prostitution;
  - (b) Asks or receives any compensation, gratuity or reward, or promise thereof, for or on account of placing in a house of prostitution or elsewhere a person for the purpose of causing that person to cohabit with someone who is not the person's spouse;
  - (c) Gives, offers or promises any compensation, gratuity or reward, to procure a person to engage in any act of prostitution in any house of prostitution, or elsewhere, against the person's will;
  - (d) Is the spouse, parent, guardian or other legal custodian of a person under the age of 18 and permits, connives at or consents to the minor's being or remaining in any house of prostitution;
  - (e) Lives with or accepts any earnings of a common prostitute, or entices or solicits a person to go to a house of prostitution to engage in sexual conduct with a common prostitute;
  - (f) Decoys, entices, procures or in any manner induces a person to become a prostitute or to become an inmate of a house of prostitution, for purposes of prostitution, or for purposes of employment, or for any purpose whatever, when that person does not know that the house is one of prostitution; or
  - (g) Decoys, entices, procures or in any manner induces a person, under the age of 21 years, to go into or visit, upon any pretext or for any purpose whatever, any house of ill fame or prostitution, or any room or place inhabited or frequented by any prostitute, or used for purposes of prostitution, is guilty of a felony.
- 2. A person who violates the provisions of subsection 1 shall be punished:
  - (a) Where physical force or the immediate threat of physical force is used upon the other person, for a category C felony as provided in NRS 193.130.
  - (b) Where no physical force or immediate threat of physical force is used, for a category D felony as provided in NRS 193.130.

#### **§ 201.380. Restriction on location of houses of ill fame; penalty**

- 1. It shall be unlawful for any owner, or agent of any owner, or any other person to keep any house of ill fame, or to let or rent to any person whatever, for any length of time whatever, to be kept or used as a house of ill fame, or resort for the purposes of prostitution, any house, room or structure situated within 400 yards of any schoolhouse or schoolroom used by any public or

common school in the State of Nevada, or within 400 yards of any church, edifice, building or structure erected for and used for devotional services or religious worship in this state.

2. Any person violating the provisions of subsection 1 shall be punished by a fine of not more than \$500.

**§ 201.390. Property or principal business streets not to be rented for purposes of prostitution; penalty**

1. It is unlawful for any owner or agent of any owner or any other person to keep, let or rent for any length of time, or at all, any house fronting on the principal business street or thoroughfare of any of the towns of this state, for the purpose of prostitution or to make or use any entrance or exit way to any house of prostitution from the principal business street or thoroughfare of any of the towns of this state.

2. Any person violating the provisions of subsection 1 shall be punished by a fine of not more than \$500.

**§ 201.430. Unlawful advertising of prostitution; penalties**

1. It is unlawful for any person engaged in conduct which is unlawful pursuant to paragraph (b) of subsection 1 of NRS 207.030, or any owner, operator, agent or employee of a house of prostitution, or anyone acting on behalf of any such person, to advertise the unlawful conduct or any house of prostitution:

(a) In any public theater, on the public streets of any city or town, or on any public highway; or

(b) In any county, city or town where prostitution is prohibited by local ordinance or where the licensing of a house of prostitution is prohibited by state statute.

2. It is unlawful for any person knowingly to prepare or print an advertisement concerning a house of prostitution not licensed for that purpose pursuant to NRS 244.345, or conduct which is unlawful pursuant to paragraph (b) of subsection 1 of NRS 207.030, in any county, city or town where prostitution is prohibited by local ordinance or where the licensing of a house of prostitution is prohibited by state statute.

3. Inclusion in any display, handbill or publication of the address, location or telephone number of a house of prostitution or of identification of a means of transportation to such a house, or of directions telling how to obtain any such information, constitutes prima facie evidence of advertising for the purposes of this section.

4. Any person, company, association or corporation violating the provisions of this section shall be punished:

(a) For the first violation within a 3-year period, by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment.

(b) For a second violation within a 3-year period, by imprisonment in the county jail for not less than 30 days nor more than 6 months, and by a fine of not less than \$250 nor more than \$1,000.

(c) For a third or subsequent violation within a 3-year period, by imprisonment in the county jail for 6 months and by a fine of not less than \$250 nor more than \$1,000.

**§ 201.440. Unlawful to permit illegal advertising of houses of prostitution; penalties**

1. In any county, city or town where prostitution is prohibited by local ordinance or where the licensing of a house of prostitution is prohibited by state statute, it is unlawful for any person,

company, association or corporation knowingly to allow any person engaged in conduct which is unlawful pursuant to paragraph (b) of subsection 1 of NRS 207.030, or any owner, operator, agent or employee of a house of prostitution, or anyone acting on behalf of any such person, to advertise a house of prostitution in his or her place of business.

2. Any person, company, association or corporation that violates the provisions of this section shall be punished:

(a) For the first violation within a 3-year period, by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment.

(b) For a second violation within a 3-year period, by imprisonment in the county jail for not less than 30 days nor more than 6 months, and by a fine of not less than \$250 nor more than \$1,000.

(c) For a third or subsequent violation within a 3-year period, by imprisonment in the county jail for 6 months and by a fine of not less than \$250 nor more than \$1,000.

## Revised Statutes Annotated – Human Trafficking

### **Title 15. Crimes and Punishments**

#### **Chapter 200. Crimes Against the Person**

##### **Involuntary Servitude; Purchase or Sale of Person**

###### **§ 200.463. Involuntary servitude; penalties**

1. A person who knowingly subjects, or attempts to subject, another person to forced labor or services by:
  - (a) Causing or threatening to cause physical harm to any person;
  - (b) Physically restraining or threatening to physically restrain any person;
  - (c) Abusing or threatening to abuse the law or legal process;
  - (d) 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;
  - (e) Extortion; or
  - (f) Causing or threatening to cause financial harm to any person,is guilty of holding a person in involuntary servitude.
2. Unless a greater penalty is provided in NRS 200.4631, a person who is found guilty of holding a person in involuntary servitude is guilty of a category B felony and shall be punished.
  - (a) Where the victim suffers substantial bodily harm while held in involuntary servitude or in attempted escape or escape therefrom, by imprisonment in the state prison for a minimum term of not less than 7 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$50,000.
  - (b) Where the victim suffers no substantial bodily harm as a result of being held in involuntary servitude, by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$50,000.

###### **§ 200.4631. Involuntary servitude of minors; penalties**

1. 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 and who knowingly:
  - (a) 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, sexual abuse of the minor or sexual assault of the minor pursuant to NRS 200.366; or
  - (b) Benefits, financially or by receiving anything of value other than sexual gratification from the labor or services obtained by the conduct specified in paragraph (a), is guilty of holding a minor in involuntary servitude.
2. A person who is found guilty of holding a minor in involuntary servitude is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served, and may be further punished by a fine of at least \$50,000.
3. 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.



4. 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.

5. For the purposes of this section:

(a) "Physical injury" includes, without limitation:

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

(b) "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.

(c) "Sexual abuse" includes acts upon a child constituting:

- (1) Lewdness with a child pursuant to NRS 201.230;
- (2) Sado-masochistic abuse pursuant to NRS 201.262;
- (3) Sexual assault pursuant to NRS 200.366;
- (4) Open or gross lewdness pursuant to NRS 201.210; and
- (5) 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 NRS 200.5083.

**§ 200.464. Recruiting, enticing, harboring, transporting, providing or obtaining another person to be held in involuntary servitude; benefiting from another person being held in involuntary servitude; penalty**

Unless a greater penalty is provided pursuant to NRS 200.4361 or 200.468, a person who knowingly:

1. 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 held in involuntary servitude; or
  2. Benefits, financially or by receiving anything of value, from participating in a violation of NRS 200.463 or 200.4631,
- is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$50,000.

**§ 200.465. Assuming rights of ownership over another person; purchase or sale of person; penalty**

A person who:

1. Assumes or attempts to assume rights of ownership over another person;
2. Sells or attempts to sell a person to another;

3. Receives money or anything of value in consideration of placing a person in the custody or under the control of another;
  4. Buys or attempts to buy a person;
  5. Except as otherwise provided in chapter 127 of NRS, pays money or delivers anything of value to another in consideration of having a person placed in his or her custody or under his or her power or control; or
  6. Knowingly aids or assists in any manner a person who violates any provision of this section,
- is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$50,000.

**§ 200.466. Power of court to order restitution for violation of NRS 200.463, 200.464 or 200.465**

1. In addition to any other penalty, the court may order a person convicted of a violation of any provision of NRS 200.463, 200.464 or 200.465 to pay restitution to the victim as provided in subsection 2.
2. Restitution ordered pursuant to this section may include, without limitation:
  - (a) The cost of medical and psychological treatment, including, without limitation, physical and occupational therapy and rehabilitation;
  - (b) The cost of transportation, temporary housing and child care;
  - (c) The return of property, the cost of repairing damaged property or the full value of the property if it is destroyed or damaged beyond repair;
  - (d) Expenses incurred by a victim in relocating away from the defendant or his or her associates, if the expenses are verified by law enforcement to be necessary for the personal safety of the victim;
  - (e) The cost of any repatriation of the victim to his or her home country, if applicable; and
  - (f) Any and all other losses suffered by the victim as a result of the violation of any provision of NRS 200.463, 200.464 or 200.465.
3. The return of the victim to his or her home country or other absence of the victim from the jurisdiction does not prevent the victim from receiving restitution.
4. As used in this section, "victim" means any person:
  - (a) Against whom a violation of any provision of NRS 200.463, 200.464 or 200.465 has been committed; or
  - (b) Who is the surviving child of such a person.

**§ 200.467. Trafficking in persons for financial gain; penalties**

1. A person shall not transport, procure transportation for or assist in the transportation of or procurement of transportation for another person into the State of Nevada who he knows or has reason to know does not have the legal right to enter or remain in the United States in exchange for money or other financial gain.
2. A person who violates the provisions of subsection 1 is guilty of trafficking in persons and, unless a greater penalty is provided pursuant to NRS 200.464 or 200.468, shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$50,000.

**§ 200.468. Trafficking in persons for illegal purposes; penalty**

1. A person shall not transport, procure transportation for or assist in the transportation of or procurement of transportation for another person into the State of Nevada whom the person knows or has reason to know does not have the legal right to enter or remain in the United States with the intent to:
  - (a) Subject the person to involuntary servitude or any other act prohibited pursuant to NRS 200.463, 200.4631 or 200.465;
  - (b) Violates any state or federal labor law, including, without limitation, § U.S.C. § 1324a1; or
  - (c) Commit any other crime which is punishable by not less than 1 year imprisonment in the state prison.
2. A person who violates the provisions of subsection 1 is guilty of trafficking in persons and, unless a greater penalty is provided pursuant to NRS 200.464 or 200.468, shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$50,000.

**§ 200.4685. Trafficking in children; penalty**

1. Except as otherwise provided in this section, a person shall not:
  - (a) Recruit, transport, transfer, harbor, provide, obtain, maintain or solicit a child in furtherance of a transaction, or advertise or facilitate a transaction, pursuant to which a parent of the child or a person with custody of the child places the child in the physical custody of another person who is not a relative of the child, for the purpose of permanently avoiding or divesting himself or herself of responsibility for the child.
  - (b) Sell, transfer or arrange for the sale or transfer of a child to another person for money or anything of value or receive a child in exchange for money or anything of value.
2. The provisions of subsection 1 do not apply to:
  - (a) A placement of a child with a relative, stepparent, child- placing agency or an agency which provides child welfare services;
  - (b) A placement of a child by a child-placing agency or an agency which provides child welfare services;
  - (c) A temporary placement of a child with another person by a parent of the child or a person with legal or physical custody of the child, with an intent to return for the child, including, without limitation, a temporary placement of a child while the parent of the child or the person with legal or physical custody of the child is on vacation, incarcerated, serving in the military, receiving medical treatment or incapacitated;
  - (d) A placement of a child in accordance with NRS 127.330, 159.205 or 159.215;
  - (e) A placement of a child that is approved by a court of competent jurisdiction; or
  - (f) Delivery of a child to a provider of emergency services pursuant to NRS 432B.630.
3. A person who violates the provisions of subsection 1 is guilty of trafficking in children and shall be punished for a category C felony as provided in NRS 193.130.
4. As used in this section:
  - (a) “Advertise” has the meaning ascribed to it in NRS 127.310.
  - (b) “Agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.
  - (c) “Child” means a person who is less than 18 years of age.

(d) “Child-placing agency” has the meaning ascribed to it in NRS 127.220.

**§ 200.469. Power of court to order restitution for violation of NRS 200.467, 200.468 or 200.4685**

1. In addition to any other penalty, the court may order a person convicted of violation of any provision of NRS 200.467, 200.468 or 200.4685 to pay restitution to the victim as provided in subsection 2.
2. Restitution ordered pursuant to this section may include, without limitation:
  - (a) The cost of medical and psychological treatment, including, without limitation, physical and occupational therapy and rehabilitation;
  - (b) The cost of transportation, temporary housing and child care;
  - (c) The return of property, the cost of repairing damaged property or the full value of the property if it is destroyed or damaged beyond repair;
  - (d) Expenses incurred by a victim in relocating away from the defendant or his or her associates, if the expenses are verified by law enforcement to be necessary for the personal safety of the victim;
  - (e) The cost of repatriation of the victim to his or her home country, if applicable; and
  - (f) Any and all other losses suffered by the victim as a result of the violation of any provision of NRS 200.467, 200.468 or 200.4685.
3. The return of the victim to his or her home country or other absence of the victim from the jurisdiction does not prevent the victim from receiving restitution.
4. As used in this section, “victim” means any person:
  - (a) Against whom a violation of any provision of NRS 200.467, 200.468 or 200.4685 has been committed; or
  - (b) Who is the surviving child of such a person.

**Title 3. Remedies; Special Actions and Proceedings**

**Chapter 41. Actions and Proceedings in Particular Cases Concerning Persons  
Actions for Personal Injuries by Wrongful Act, Neglect or Default**

**§ 41.1399. Action by victim of human trafficking; venue; damages and other relief; attorney’s fees and costs; statute of limitations; joinder of parties; limitations on defenses**

1. Any person who is a victim of human trafficking may bring a civil action against any person who caused, was responsible for or profited from the human trafficking.
2. A civil action brought under this section may be instituted in the district court of this State in the county in which the prospective defendant resides or has committed any act which subjects him or her to liability under this section.
3. In an action brought under this section, the court may award such injunctive relief as the court deems appropriate.
4. A plaintiff who prevails in an action brought under this section may recover actual damages, compensatory damages, punitive damages or any other appropriate relief. If a plaintiff recovers actual damages in an action brought under this section and the acts of the defendant were willful and malicious, the court may award treble damages to the plaintiff. If the plaintiff prevails in an action brought under this section, the court may award attorney's fees and costs to the plaintiff.
5. The statute of limitations for an action brought under this section does not commence until:

- (a) The plaintiff discovers or reasonably should have discovered that he or she is a victim of human trafficking and that the defendant caused, was responsible for or profited from the human trafficking;
  - (b) The plaintiff reaches 18 years of age; or
  - (c) If the injury to the plaintiff results from two or more acts relating to the human trafficking, the final act in the series of acts has occurred, whichever is later.
- 6. The statute of limitations for an action brought under this section is tolled for any period during which the plaintiff was under a disability. For the purposes of this subsection, a plaintiff is under a disability if the plaintiff is insane, a person with an intellectual disability, mentally incompetent or in a medically comatose or vegetative state.
- 7. A defendant in an action brought under this section is estopped from asserting that the action was not brought within the statute of limitations if the defendant, or any person acting on behalf of the defendant, has induced the plaintiff to delay bringing an action under this section by subjecting the plaintiff to duress, threats, intimidation, manipulation or fraud or any other conduct inducing the plaintiff to delay bringing an action under this section.
- 8. In the discretion of the court in an action brought under this section:
  - (a) Two or more persons may join as plaintiffs in one action if the claims of those plaintiffs involve at least one defendant in common.
  - (b) Two or more persons may be joined in one action as defendants if those persons may be liable to at least one plaintiff in common.
- 9. The consent of a victim is not a defense to a cause of action brought under this section.
- 10. For the purposes of this section:
  - (a) A victim of human trafficking is a person against whom a violation of any provision of NRS 200.463 to 200.468, inclusive, 201.300 or 201.320, or 18 U.S.C. § 1589, 1590 or 1591 has been committed.
  - (b) It is not necessary that the defendant be investigated, arrested, prosecuted or convicted for a violation of any provision of NRS 200.463 to 200.468, inclusive, 201.300 or 201.320, or 18 U.S.C. § 1589, 1590 or 1591 to be found liable in an action brought under this section.

# Clark County Code of Ordinances

## **Title 12 - PUBLIC PEACE, SAFETY AND MORALS**

### **Chapter 12.08 PROSTITUTION**

#### **§ 12.08.010. Definitions**

(a) "Prostitution" means engaging in sexual intercourse, oral-genital contact, anal-genital contact, oral-anal contact, or sado-masochistic abuse as defined in NRS 201.262, or any touching of the sexual organs or female breast of a person for monetary consideration, whether by credit, cash or check except between persons who are legally married to each other.

(b) "Prostitute" means a male or female person who, for a fee, engages in sexual intercourse, oral-genital contact, anal-genital contact, oral-anal contact, or sado-masochistic abuse as defined in NRS 201.262, or any touching of the sexual organs or female breast of a person, who is not that person's legal spouse, for the purpose of arousing or gratifying the sexual desire of either person.

(c) "Prostitution referral service" means any person who refers knowingly, or under such circumstances where a person should reasonably know that the person is referring, another for the purposes of prostitution or solicitation thereof.

(d) "Person" means a natural person, any form of business or social organization and any other nongovernmental legal entity including, but not limited to, a corporation, partnership, association, trust or unincorporated organization.

(e) "Public place" means any place of business, public building, or other building open to the general public, street, sidewalk, bridge, alley or alleyway, plaza, park, driveway, parking lot or transportation facility or the doorways and entrance ways to any building which fronts on any of the aforesaid places, or a motor vehicle in or on any such place.

(f) "Order out corridor" means that area within the county of Clark which is bordered by Industrial Road from Sahara Avenue south to Twain Avenue (including the proposed extension of Twain Avenue from Industrial Road to Procyon Avenue as shown on Exhibit A, attached hereto and incorporated herein as if fully set forth), Twain Avenue west to Valley View, Valley View south to Viking Road, Viking Road west to Wynn Road, Wynn Road south to Flamingo Road, Flamingo Road east to Industrial Road, Industrial Road south to the alignment of Russell Road, the alignment of Russell Road east to Paradise Road, Paradise Road north to Desert Inn Road, Desert Inn Road east to Joe W. Brown Drive, Joe W. Brown Drive north to Karen Avenue, Karen Avenue west to Paradise Road, Paradise Road north to Sahara Avenue, and Sahara Avenue west to Industrial Road. The order out corridor includes the entire width of the roadway and sidewalks of the streets, avenues and roads described above. The order out corridor does not include Interstate 15 or the property occupied by McCarran International Airport.

#### **§ 12.08.015. Prostitution unlawful**

It is unlawful for any person to commit an act of prostitution.

#### **§ 12.08.020. Accosting and soliciting unlawful**

It is unlawful for any person to accost, solicit or invite another in any public place or in or from any building or vehicle by word, gesture, publication or any other means to commit, offer, agree to afford an opportunity to commit an act of prostitution.

#### **§ 12.08.025. Maintaining a place of prostitution unlawful**

It is unlawful for any person to own, lease, operate, maintain, reside in, visit or entice or attempt to entice another to reside in or visit any building or place with knowledge that acts of prostitution occurs therein.

**§ 12.08.030. Loitering for the purpose of soliciting unlawful**

It is unlawful for any person to remain or wander about in a public place and repeatedly beckon to, or repeatedly stop, or repeatedly attempt to stop, or repeatedly attempt to engage passers-by in conversation, or repeatedly stop or attempt to stop motor vehicles, or repeatedly interfere with the free passage of other persons, for the purpose of prostitution, or of patronizing a prostitute.

**§ 12.08.040. Aiding and abetting unlawful**

It is unlawful for any person to knowingly in any manner aid or abet any act of prostitution, or to:

- (a) Secure or offer to secure another for the purpose of committing an act of prostitution; or
- (b) Knowingly transport a person into or within the county with the purpose to promote that person's engaging in prostitution, or procuring or paying for transportation with that purpose; or
- (c) Knowingly receive, offer or agree to receive another into any place or building for the purpose of performing an act of prostitution, or knowingly permit another to remain there for any such purpose; or
- (d) Direct another to any place for the purpose of committing an act of prostitution.

**§ 12.08.050. Allowing premises to be used for prostitution unlawful**

It is unlawful for any person, partnership, firm, association or corporation to knowingly lease or rent any hotel, motel, building, house, apartment, office, room, premises, or portion thereof to any person, partnership, firm, association or corporation to be used as, or for the purpose of using the premises for, a place of prostitution, or to knowingly suffer or permit the same to be used for prostitution.

**§ 12.08.060. Resorting unlawful**

It is unlawful for any person to resort to any public place for the purpose of inducing, enticing, soliciting for or procuring another to commit an act of prostitution.

**§ 12.08.090. Penalties**

- (a) Any person, partnership, firm, association or corporation violating any of the provisions of this chapter is guilty of a misdemeanor and shall be fined any sum not exceeding one thousand dollars or shall be imprisoned in the county jail for a period of time not exceeding six months, or shall be punished by both such fine and imprisonment.
- (b) Upon the recommendation of the district attorney's office, all or part of a sentence for a violation of this chapter or any other state statute or county ordinance regulating prostitution may be suspended if the defendant agrees or the justice court otherwise orders the defendant to stay out of the order out corridor for a period which shall not be less than six months or more than one year. Such suspended sentence may also be conditioned upon such other conditions as the court deems reasonable for the rehabilitation of the defendant and the preservation of the health, safety and welfare of the public. Prior to ordering the defendant to stay out of the order out corridor as a condition of a suspended sentence, the court shall inquire of the defendant as to the

defendant's special reasons for requiring access to any specified areas within the order out corridor, including:

- (1) Working or residing within the order out corridor, excluding working as an outcall entertainer subject to the provisions of Clark County Code Chapter 6.140; an entertainer for an entertainment referral service subject to the provisions of Clark County Code Chapter 8.50; a dancer or other employee of an erotic dance establishment subject to the provisions of Clark County Code Chapter 6.160; an attendant, server or other employee of an adult nightclub subject to the provisions of Clark County Code Chapter 6.170; an escort subject to the provisions of Clark County Code Chapter 8.32; or in employment of a similar nature by or for any business or establishment which meets the definition of a sexually oriented commercial enterprise set forth in Clark County Code Section 7.54.030;
- (2) The need for medical services within the order out corridor;
- (3) The need for access to federal, state and local social services within the order out corridor;
- (4) The need for religious services within the order out corridor;
- (5) The need for public transportation within the order out corridor; and
- (6) The need for legal services or appearances within the order out corridor.

After such inquiry, the court may grant such exemptions from an order to stay out of the order out corridor as the court deems reasonable. Any order issued pursuant to this section shall specifically describe the perimeters of the order out corridor and any exempted areas therein and shall be accompanied by a copy of a map depicting the perimeters of the order out corridor. Upon written motion, with prior notice to the district attorney's office, the court shall consider modification of the scope of exemptions listed in its order to stay out of the order out corridor within ten calendar days from the filing of such motion.



# Las Vegas Code of Ordinances

## **Title 10- PUBLIC PEACE, MORALS, AND WELFARE**

### **Chapter 10.36 PROSTITUTION**

#### **§ 10.36.020. Acts of prostitution or pandering**

(A) It is unlawful for anyone, other than a Peace Officer acting within the scope of his or her employment, to:

- (1) Commit, engage in, institute, solicit, offer or agree to commit an act of prostitution;
- (2) Attempt to commit, engage in, or institute an act of prostitution; or
- (3) Intentionally facilitate, allow, permit, encourage, procure, negotiate or provide a fee for an act of prostitution.

(B) It is unlawful for anyone, other than a Peace Officer acting within the scope of his or her employment, to:

- (1) Secure or offer to secure another person for the purpose of committing a violation of Subsection (A) of this Section;
  - (2) Knowingly transport, offer to transport, or seek transport for a person into or within the City for the purpose of committing a violation of Subsection (A) of this Section, or to procure or pay for transportation for that purpose;
  - (3) Knowingly receive, offer or agree to receive another into any motor vehicle, place or building for the purpose of committing a violation of Subsection (A) of this Section;
  - (4) Direct another to any motor vehicle or place for the purpose of committing a violation of Subsection (A) of this Section;
  - (5) Attempt to detect the presence or identity of a Police Officer, Peace Officer, or other law enforcement officer for the purpose of attempting to avoid or escape criminal liability for violating, or attempting to violate this Chapter, by:
    - (a) Exposing or touching or seeking to expose or touch an intimate body part of another or one's self, or asking, soliciting, encouraging or attempting to procure another to do the same; or
    - (b) Inquiring, in any manner, as to whether another person is a Peace Officer, Police Officer, or other law enforcement officer;
  - (6) Possess or acquire a prescription or non-prescription controlled substance for the purposes of facilitating a violation of this Chapter or a benefit therefrom, including acquiring or possessing such substance to:
    - (a) Complete a barter, trade or exchange;
    - (b) Enhance sexual performance or sexual gratification; or
    - (c) Incapacitate another so as to steal a thing of value from such other person; or
  - (7) Knowingly, in any other way, aid, abet or participate in an act of prostitution or pandering.
- (C) It is not a defense to a charge of offering or agreeing to an act of prostitution that there was an absence of an intent to institute, commit, engage in, procure, facilitate or carry through with an act of prostitution.

#### **§ 10.36.030. Loitering for prostitution**

It is unlawful for anyone, other than a Peace Officer acting within the scope of his or her employment, to:

(A) Remain or wander about in a public place and repeatedly beckon to, or repeatedly stop, or repeatedly attempt to stop, or repeatedly attempt to engage passers-by in conversation, or repeatedly stop or attempt to stop motor vehicles, or repeatedly interfere with the free passage of other persons, for the purpose of committing a violation of Section 10.36.020; or

(B) Remain or wander about in or upon private property after having been warned against trespassing on such property and repeatedly beckon to, or repeatedly stop, or repeatedly attempt to stop, or repeatedly attempt to engage passers-by in conversation, or repeatedly stop or attempt to stop motor vehicles, or repeatedly interfere with the free passage of other persons, for the purpose of committing a violation of Section 10.36.020.

#### **§ 10.36.050. Violation—Penalty**

(A) Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor and for more than one violation in any three-year period shall be punished as follows:

(1) For a second violation within a three-year period, by imprisonment for not less than thirty days and by a fine of not less than two hundred fifty dollars;

(2) For any violation subsequent to the second violation within a three-year period, by imprisonment for not less than six months and by a fine of not less than two hundred fifty dollars.

(B) Except as otherwise provided in this Section, upon the recommendation of the City Attorney's Office, the municipal court may suspend all or part of a sentence for a violation of this Chapter if the defendant agrees to stay out of all or part of the Order Out Corridor for a period which shall not be less than six months or more than one year. Except as otherwise allowed in this Section, any order to stay out of the Order Out Corridor must include at least the section described in Section 10.36.010 in which the charged activity occurred, any sections described in Section 10.36.010 which share a common border with the section in which the charged activity occurred, any section described in Section 10.36.010 in which a preponderance of the evidence shows that the defendant has committed a violation of this Chapter within the previous three years, and the area along Las Vegas Boulevard from Bonanza Road on the north to and including Sahara Avenue on the south. Such suspended sentence may also be conditioned upon such other conditions as the court deems reasonable for the rehabilitation of the defendant, the preservation of the health, safety and welfare of the public and consistent with one or more neighborhood's effort to revitalize. Prior to ordering the defendant to stay out of the Order Out Corridor, or part thereof, as a condition of a suspended sentence, the court shall inquire of the defendant as to the defendant's special reasons for requiring access to any specified areas within the Order Out Corridor, including:

(1) Working or residing within the Order Out Corridor;

(2) The need for medical services within the Order Out Corridor;

(3) The need for access to Federal, State, and local social services within the Order Out Corridor;

(4) The need for religious services within the Order Out Corridor;

(5) The need for public transportation within the Order Out Corridor; and

(6) The need for legal services or appearances within the Order Out Corridor.

After such inquiry, the court may grant such exemptions from an order to stay out of the Order Out Corridor as the court deems reasonable. Any order issued pursuant to this Section shall specifically designate the applicable sections of the Order Out Corridor and any exempted areas therein, shall be accompanied by a copy of a map depicting the perimeters of the Order Out Corridor and the applicable sections thereof, and shall contain a directive that the defendant carry a copy of the order upon his or her person at all times when such person is within any area mentioned in the order (exempted or otherwise). Upon written motion, with prior notice to the City Attorney's Office, the court shall consider modification of the scope of exemptions listed in its order to stay out of the Order Out Corridor within ten calendar days from the filing of such motion.

(C) Any person wilfully violating any provision of an order to stay out of all or part of the Order Out Corridor is guilty of a misdemeanor. Any person suffering a third or more conviction for violating this Subsection (C) within three years, shall be sentenced to six months in jail and such other sanctions as the Court deems appropriate within its jurisdiction. No person shall be found in wilful violation of this Chapter or any order issued pursuant thereto if such person establishes by a preponderance of the evidence that emergency, catastrophe or other exigent circumstances required the person's presence within the prohibited area of the Order Out Corridor.

## Reno Municipal Code

The Reno Municipal Code does not contain specific restrictions on human trafficking or prostitution, thus the State Penal Code is to be referred to.

## Laws in Practice

### **Las Vegas Police Department**

Las Vegas, Clark County, is the largest city in Nevada. Dubbed "The Entertainment Capital of the World," it has also been identified by federal and local law enforcement as one of the nation's largest hubs of prostitution and sex trafficking. While prostitution is legal in Nevadan counties with populations of 400,000 or less, it remains illegal in the two counties containing the state's largest cities and the majority of its population: Clark and Washoe Counties.

To address the issue, city police conduct dozens of street-level reverse stings and web stings. Upon arrest johns may be subject to SOAP orders, prohibiting them from entering neighborhoods known for commercial sex sales. They may also have their vehicle towed. LVPD has made an effort to prevent arrestees from reoffending through the formation of a john school. Launched in 1997, the program requires johns have no prior offenses. A john must pay a \$450 enrollment fee. The eight-hour course, offered in English and Spanish, includes presentations from law enforcement, health clinicians, and former prostituted women. Offenders may have the opportunity to have their solicitation charges reduced to a misdemeanor upon completion of the course and avoid re-arrest.

In 2017, the LVPD participated in the 13<sup>th</sup> National Johns Suppression Initiative, which is a national sting coordinated by the Cook County Sheriff's Office in an effort to target and reduce sex trafficking. During this 13 day sting, 11 sex buyers were arrested.

### **Clark Country Sheriff's Department**

Prostitution and human trafficking have been on-going problems in Clark County, a major tourist destination of the nation. Clark County and Las Vegas criminal justice officials have worked closely together to target these issues in the area. In July 2014, an individual was arrested and found guilty of sex trafficking activities.

### **Reno Police Department**

The Reno police department has long since realized that human trafficking cannot be eradicated without concentrating on demand. As such, RPD has undertaken several tactics aimed at combatting demand in the commercial sex market. Among them, RPD conducts regular street-based and web based sting operations. Once arrested, a john's name, age and mug shot is released to the media. According to Demand Forum, men arrested for solicitation are issued a misdemeanor solicitation citation which carries with it a \$500 fine. Arrestees are also required to submit to blood testing for sexually transmitted diseases. Reno officials are currently attempting to institute a john school for offenders as well. RPD also participated in the 13<sup>th</sup> National Johns Suppression Initiative and arrested 12 sex buyers.

## Victim Services

### **The Rape Crisis Center**

Founded in 1974, The Rape Crisis Center (RCC) is a response to the lack of resources and respect for those affected by sexual assault. RCC is focused on supporting victims in the immediate aftermath and long-term recovery following sexual abuse and assault. They provide a wide array of services through their 24-hour hotline; information and services available at the resource center; support of victims and families; counseling services for survivors of sexual abuse; outreach and education programs.

### **St. Jude's Ranch for Children**

St. Jude's Ranch works with abused and at-risk children, young adults and families to empower them to create new chances, new choices and new hope in a caring community.

### **Salvation Army- SEEDS of Hope (Saving, Empowering, Educating, & restoring DreamS to lives shattered by human trafficking)**

The SEEDS of Hope Program is a collaborative effort of law enforcement agencies, FBI, and various community services that aims to identify, rescue and restore victims of human trafficking. Some services provided include emergency shelter, transportation, clothing, food, medical care, and job assistance, among others. Contact phone: 702.649.8240 x 230.

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New York



## Penal Law - Solicitation

### **Part 3. Specific Offenses**

#### **Title M. Offenses Against Public Health and Morals**

#### **Article 230. Prostitution Offenses**

##### **§ 230.00. Prostitution**

A person is guilty of prostitution when such person engages or agrees or offers to engage in sexual conduct with another person in return for a fee.

Prostitution is a class B Misdemeanor.

##### **§ 230.01. Prostitution; affirmative defense**

In any prosecution under section 230.00, section 230.03 or subdivision two of section 240.37 of this part, it is an affirmative defense that the defendant's participation in the offense was a result of having been a victim of compelling prostitution under section 230.33, a victim of sex trafficking under section 230.34 of this article or a victim of sex trafficking in persons under the trafficking victims protection act (United States Code, Title 22, Chapter 78).

##### **§ 230.02. Patronizing a person for prostitution; defenses**

1. A person patronizes a person for prostitution when:
  - (a) Pursuant to a prior understanding, he or she pays a fee to another person as compensation for such person or a third person having engaged in sexual conduct with him or her; or
  - (b) He or she pays or agrees to pay a fee to another person pursuant to an understanding that in return therefor such person or a third person will engage in sexual conduct with him or her; or
  - (c) He or she solicits or requests another person to engage in sexual conduct with him or her in return for a fee.
2. As used in this article, "person who is patronized" means the person with whom the defendant engaged in sexual conduct or was to have engaged in sexual conduct pursuant to the understanding, or the person who was solicited or requested by the defendant to engage in sexual conduct.

##### **§ 230.03. Prostitution in a school zone**

1. A person is guilty of prostitution in a school zone when, being nineteen years of age or older, and acting during the hours that school is in session, he or she commits the crime of prostitution in violation of section 230.00 of this article at a place that he or she knows, or reasonably should know, is in a school zone, and he or she knows, or reasonably should know, that such act of prostitution is within the direct view of children attending such school.
2. For the purposes of this section, section 230.08 and section 230.19 of this article, "school zone" means (a) in or on or within any building, structure, athletic playing field, playground or land contained within the real property boundary line of a public or private elementary, parochial, intermediate, junior high, vocational, or high school, or (b) any public sidewalk, street, parking lot, park, playground or private land, located immediately adjacent to the boundary line of such school.

Prostitution in a school zone is a class A misdemeanor.

##### **§ 230.04. Patronizing a person for prostitution in the third degree**

A person is guilty of patronizing a person for prostitution in the third degree when he or she patronizes a person for prostitution.

Patronizing a person for prostitution in the third degree is a class A misdemeanor.

**§ 230.05. Patronizing a person for prostitution in the second degree**

A person is guilty of patronizing a person for prostitution in the second degree when, being eighteen years old or more, he or she patronizes a person for prostitution and the person patronized is less than fifteen years old.

Patronizing a person for prostitution in the second degree is a class E felony.

**§ 230.06. Patronizing a person for prostitution in the first degree**

A person is guilty of patronizing a person for prostitution in the first degree when:

1. He or she patronizes a person for prostitution and the person patronized is less than eleven years old; or
2. Being eighteen years old or more, he or she patronizes a person for prostitution and the person patronized is less than thirteen years old.

Patronizing a person for prostitution in the first degree is a class D felony.

**§ 230.07. Patronizing a person for prostitution; defense**

In any prosecution for patronizing a person for prostitution in the first or second degrees or patronizing a person for prostitution in a school zone, it is a defense that the defendant did not have reasonable grounds to believe that the person was less than the age specified.

**§ 230.08. Patronizing a person for prostitution in a school zone**

1. A person is guilty of patronizing a person for prostitution in a school zone when, being twenty-one years old or more, he or she patronizes a person for prostitution and the person patronized is less than eighteen years old at a place that he or she knows, or reasonably should know, is in a school zone.

2. For purposes of this section, “school zone” shall mean “school zone” as defined in subdivision two of section 230.03 of this article.

Patronizing a person for prostitution in a school zone is a class E felony.

**§ 230.10. Prostitution and patronizing a person for prostitution; no defense**

In any prosecution for prostitution or patronizing a person for prostitution, the sex of the two parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, and it is no defense that:

1. Such persons were of the same sex; or
2. The person who received, agreed to receive or solicited a fee was male and the person who paid or agreed or offered to pay such a fee was a female.

**§ 230.11. Aggravated patronizing a minor for prostitution in the third degree**

A person is guilty of aggravated patronizing a minor for prostitution in the third degree when, being twenty-one years old or more, he or she patronizes a person for prostitution and the person patronized is less than seventeen years old and the person guilty of patronizing engages in sexual intercourse, oral sexual conduct, anal sexual conduct, or aggravated sexual conduct as those terms are defined in section 130.00 of this part, with the person patronized.

Aggravated patronizing a minor for prostitution in the third degree is a class E felony.

**§ 230.12. Aggravated patronizing a minor for prostitution in the second degree**

A person is guilty of aggravated patronizing a minor for prostitution in the second degree when, being eighteen years old or more, he or she patronizes a person for prostitution and the person patronized is less than fifteen years old and the person guilty of patronizing engages in sexual intercourse, oral sexual conduct, anal sexual conduct, or aggravated sexual conduct as those terms are defined in section 130.00 of this part, with the person patronized.

Aggravated patronizing a minor for prostitution in the second degree is a class D felony.

**§ 230.13. Aggravated patronizing a minor for prostitution in the first degree**

A person is guilty of aggravated patronizing a minor for prostitution in the first degree when he or she patronizes a person for prostitution and the person patronized is less than eleven years old, or being eighteen years old or more, he or she patronizes a person for prostitution and the person patronized is less than thirteen years old, and the person guilty of patronizing engages in sexual intercourse, oral sexual conduct, anal sexual conduct, or aggravated sexual conduct as those terms are defined in section 130.00 of this part, with the person patronized.

Aggravated patronizing a minor for prostitution in the first degree is a class B felony.

**§ 230.15. Promoting prostitution; definitions of terms**

The following definitions are applicable to this article:

1. “Advance prostitution.” A person “advances prostitution” when, acting other than as a person in prostitution or as a patron thereof, he or she knowingly causes or aids a person to commit or engage in prostitution, procures or solicits patrons for prostitution, provides persons or premises for prostitution purposes, operates or assists in the operation of a house of prostitution or a prostitution enterprise, or engages in any other conduct designed to institute, aid or facilitate an act or enterprise of prostitution.
2. “Profit from prostitution.” A person “profits from prostitution” when, acting other than as a person in prostitution receiving compensation for personally rendered prostitution services, he or she accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he or she participates or is to participate in the proceeds of prostitution activity.

**§ 230.19. Promoting prostitution in a school zone**

1. A person is guilty of promoting prostitution in a school zone when, being nineteen years old or more, he or she knowingly advances or profits from prostitution that he or she knows or reasonably should know is or will be committed in violation of section 230.03 of this article in a school zone during the hours that school is in session.
2. For purposes of this section, “school zone” shall mean “school zone” as defined in subdivision two of section 230.03 of this article.

Promoting prostitution in a school zone is a class E felony.

**§ 230.20. Promoting prostitution in the fourth degree**

A person is guilty of promoting prostitution in the fourth degree when he or she knowingly:

1. Advances or profits from prostitution; or
2. With intent to advance or profit from prostitution, distributes or disseminates to ten or more people in a public place obscene material, as such terms are defined by subdivisions one and two of section 235.00 of this title, or material that depicts nudity, as such term is defined by subdivision one of section 245.10 of this part.

Promoting prostitution in the fourth degree is a class A misdemeanor.

### **§ 230.25. Promoting prostitution in the third degree**

A person is guilty of promoting prostitution in the third degree when he or she knowingly:

1. Advances or profits from prostitution by managing, supervising, controlling or owning, either alone or in association with others, a house of prostitution or a prostitution business or enterprise involving prostitution activity by two or more persons in prostitution, or a business that sells travel-related services knowing that such services include or are intended to facilitate travel for the purpose of patronizing a person for prostitution, including to a foreign jurisdiction and regardless of the legality of prostitution in said foreign jurisdiction; or
2. Advances or profits from prostitution of a person less than nineteen years old.

Promoting prostitution in the third degree is a class D felony.

### **§ 230.30. Promoting prostitution in the second degree**

A person is guilty of promoting prostitution in the second degree when he or she knowingly:

1. Advances prostitution by compelling a person by force or intimidation to engage in prostitution, or profits from such coercive conduct by another; or
2. Advances or profits from prostitution of a person less than eighteen years old.

Promoting prostitution in the second degree is a class C felony.

### **§ 230.32. Promoting prostitution in the first degree**

A person is guilty of promoting prostitution in the first degree when he or she:

1. knowingly advances or profits from prostitution of a person less than thirteen years old; or
2. being twenty-one years old or more, he or she knowingly advances or profits from prostitution of a person less than fifteen years old.

Promoting prostitution in the first degree is a class B felony.

### **§ 230.33 Compelling prostitution**

A person is guilty of compelling prostitution when, being eighteen years old or more, he or she knowingly advances prostitution by compelling a person less than eighteen years old, by force or intimidation, to engage in prostitution.

Compelling prostitution is a class B felony.

### **§ 230.35. Promoting or compelling prostitution; accomplice**

In a prosecution for promoting prostitution or compelling prostitution, a person less than eighteen years old from whose prostitution activity another person is alleged to have advanced or attempted to advance or profited or attempted to profit shall not be deemed to be an accomplice.

### **§ 230.40. Permitting prostitution**

A person is guilty of permitting prostitution when, having possession or control of premises or vehicle which he or she knows are being used for prostitution purposes or for the purpose of advancing prostitution, he or she fails to make reasonable effort to halt or abate such use.

Permitting prostitution is a class B misdemeanor.

## Penal Law - Human Trafficking

### **Part 3. Specific Offenses**

#### **Title M. Offenses Against Public Health and Morals**

#### **Article 230. Prostitution Offenses**

##### **§ 230.34. Sex trafficking**

A person is guilty of sex trafficking if he or she intentionally advances or profits from prostitution by:

1. unlawfully providing to a person who is patronized, with intent to impair said person's judgment: (a) a narcotic drug or a narcotic preparation; (b) concentrated cannabis as defined in paragraph (a) of subdivision four of section thirty-three hundred two of the public health law; (c) methadone; or (d) gamma-hydroxybutyrate (GHB) or flunitrazepan, also known as Rohypnol;
2. making material false statements, misstatements, or omissions to induce or maintain the person being patronized to engage in or continue to engage in prostitution activity;
3. 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 said person's freedom of movement; provided, however, that this subdivision shall not apply to an attempt to correct a social security administration record or immigration agency record in accordance with any local, state, or federal agency requirement, where such attempt is not made for the purpose of any express or implied threat;
4. requiring that prostitution be performed to retire, repay, or service a real or purported debt;
5. using force or engaging in any scheme, plan or pattern to compel or induce the person being patronized to engage in or continue to engage in prostitution activity by means of instilling a fear in the person being patronized that, if the demand is not complied with, the actor or another will do one or more of the following:

- (a) cause physical injury, serious physical injury, or death to a person; or
- (b) cause damage to property, other than the property of the actor; or
- (c) engage in other conduct constituting a felony or unlawful imprisonment in the second degree in violation of 135.05 of this chapter; or
- (d) accuse some person of a crime or cause criminal charges or deportation proceedings to be instituted against some person; provided, however, that it shall be an affirmative defense to this subdivision that the defendant reasonably believed the threatened charge to be true and that his or her sole purpose was to compel or induce the victim to take reasonable action to make good the wrong which was the subject of such threatened charge; or
- (e) expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt or ridicule; or
- (f) testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or
- (g) 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; or
- (h) perform any other act which would not in itself materially benefit the actor but which is calculated to harm the person who is patronized materially with respect to his or her health, safety, or immigration status.

Sex trafficking is a class B felony.

**§ 230.36. Sex trafficking; accomplice**

In a prosecution for sex trafficking, a person from whose prostitution activity another person is alleged to have advanced or attempted to advance or profited or attempted to profit shall not be deemed to be an accomplice.

## New York City Administrative Code

New York City's Administrative Code does not contain provisions directly relating to solicitation of prostitution and human trafficking. Thus, the state's Penal Law should be consulted for these charges.

## Laws in Practice

### **New York Police Department**

New York City was one of the nation's the first cities to focus on arresting men for attempting to purchase sex acts. The city's first known reverse sting occurred in 1972, and realizing the identities of arrestees via television began in 1979 with a high-profile campaign by then-Mayor Koch that involved shaming arrested sex buyers. Convicted sex buyers have at times been required to perform community service and pay fines, since at least the early 1990s. Periodic reverse stings, some of them large-scale and covering multiple locations in the city, continue through the present.

In June 2013, a large-scale reverse sting and comments made by the New York City Chief of Police suggested a renewed interest in primary prevention. A smaller reverse sting in front of a strip club in mid-town Manhattan followed in August 2013, resulting in the arrest of 10 men, further attesting to the shift in strategy. In the June 2013 reversal, the NYPD arrested 156 sex buyers in a citywide operation dubbed, "Operation Losing Proposition." The initiative took place between May 30 and June 1, 2013, during which law enforcement seized 32 vehicles in addition to making nine other arrests for various offenses. Since 2011, the "Operation Losing Proposition" initiative has resulted in more than 900 arrests of sex buyers, and seizure of over 200 vehicles.

In 2017, New York City partnered with Cook County Sheriff's Office to participate in the 12<sup>th</sup> National Johns Suppression Initiative sting operation. 44 sex buyers were arrested.

### **New York City Mayor's Office - Let's End Human Trafficking**

Let's End Human Trafficking is a community awareness campaign that addresses the problem of human trafficking in New York City, and it's being a major transportation hub for both foreign and domestic victims. A variety of information and other resources are offered to the public in order to expose the harsh realities of human trafficking. By exposing this often hidden from the public crime, the campaign aims to engage New Yorkers in the fight against human trafficking, as well as encourages victims to seek help.



## Victim Services

### **Girls Educational & Mentoring Services (GEMS)**

Girls Educational & Mentoring Services (GEMS) is the only organization in New York State specifically designed to serve girls and young women, ages 12-24, who have experienced commercial sexual exploitation and domestic trafficking. The organization provides these young women with empathetic, consistent support and viable opportunities for positive change. The overall mission of GEMS is to end commercial sexual exploitation and domestic trafficking of children by changing individual lives, transforming public perception, and revolutionizing the systems and policies that impact sexually exploited youth.

GEMS was founded in 1998 by Rachel Lloyd, who came to the U.S. to work with adult women exiting prostitution. GEMS has since grown exponentially and is now one of the nation's largest providers of services to commercially sexually exploited and domestically trafficked youth.

### **Safe Horizon - Anti-Trafficking Program**

Safe Horizon's Anti-Trafficking Program (ATP) is dedicated to supporting survivors of sex and labor trafficking in New York City. ATP is one of the largest direct service providers to victims of human trafficking on the east coast. The program provides legal and case management services to all victims of human trafficking, regardless of gender or gender identity, to help with healing, justice, and the rebuilding of their lives.

The organization also provides consultations and trainings to educate professionals and organizations about the realities of human trafficking and the laws, policies, and practices that help survivors escape and recover.

### **Bellevue/NYU Program for Survivors of Torture**

The Bellevue/NYU's Program for Survivors of Torture aids individuals and families who have suffered from various forms of torture to rebuild healthy, self-sufficient lives. The program offers comprehensive, multidisciplinary care addressing the medical, mental health, and social service needs of torture survivors and their families residing in the New York metropolitan area.

The program merges clinical and academic resources from the city's Bellevue Hospital and New York University. Because the program has such a diverse clientele, employees are trained professionals who have a variety of life experiences and cultural backgrounds.

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# North Dakota

## Century Code Annotated – Solicitation

### **Title 12.1. Criminal Code**

#### **Chapter 12.1-29. Prostitution**

##### **§ 12.1-29-06. Hiring an individual to engage in sexual activity**

An individual who hires or offers or agrees to hire another individual with the intention of engaging in sexual activity is guilty of a class B misdemeanor.

### **Title 23. Health and Safety**

#### **Chapter 23.07, Reportable Diseases**

##### **§ 23-07-07. Sexually transmitted diseases--Additional powers and duties of health officers**

The state health officer, and each district, county, and city health officer within the officer's jurisdiction, when necessary for the protection of public health, shall:

1. Make examination of any person reasonably suspected of being infected with a sexually transmitted disease and detain that person until the results of the examination are known.
2. Require any person infected with a sexually transmitted disease to report for treatment to a reputable physician and to continue such treatment until cured or, if incurable, continue indefinitely such treatment as recommended by the physician.
3. Investigate sources of infection of sexually transmitted diseases.
4. Cooperate with the proper officials whose duty it is to enforce laws directed against prostitution, and otherwise to use every proper means for the repression of prostitution, including providing proper officials with all relevant information available concerning individuals who are infected with the human immunodeficiency virus and who are engaged in prostitution.

##### **§ 23-07-21. Penalties**

Except as otherwise provided in this section, a person is guilty of an infraction:

1. Who violates or fails to obey any provision of this chapter, any lawful rule made by the state department of health, or any order issued by any state, district, county, or municipal health officer;
2. Who violates any quarantine law or regulation, or who leaves a quarantined area without being discharged; or
3. Who, knowing that the person is infected with a sexually transmitted disease, willfully exposes another person to infection.

Any person required to make a report under section 23-07-02.1 who releases or makes public confidential information or otherwise breaches the confidentiality requirements of section 23-07-02.2 is guilty of a class C felony.

### **Title 12.1. Criminal Code**

#### **Chapter 12.1-32. Penalties and Sentencing**

##### **§ 12.1-32-01. Classification of offenses--Penalties**

Offenses are divided into seven classes, which are denominated and subject to maximum penalties, as follows:

1. Class AA felony, for which a maximum penalty of life imprisonment without parole may be imposed. The court must designate whether the life imprisonment sentence imposed is with or without an opportunity for parole. Notwithstanding the provisions of section 12-59-05, a person found guilty of a class AA felony and who receives a sentence of life imprisonment with parole, shall not be eligible to have that person's sentence considered by the parole board for thirty years, less sentence reduction earned for good conduct, after that person's admission to the penitentiary.
2. Class A felony, for which a maximum penalty of twenty years' imprisonment, a fine of twenty thousand dollars, or both, may be imposed.
3. Class B felony, for which a maximum penalty of ten years' imprisonment, a fine of twenty thousand dollars, or both, may be imposed.
4. Class C felony, for which a maximum penalty of five years' imprisonment, a fine of ten thousand dollars, or both, may be imposed.
5. Class A misdemeanor, for which a maximum penalty of one year's imprisonment, a fine of three thousand dollars, or both, may be imposed.
6. Class B misdemeanor, for which a maximum penalty of thirty days' imprisonment, a fine of one thousand five hundred dollars, or both, may be imposed.
7. Infraction, for which a maximum fine of one thousand dollars may be imposed. Any person convicted of an infraction who has, within one year prior to commission of the infraction of which the person was convicted, been previously convicted of an offense classified as an infraction may be sentenced as though convicted of a class B misdemeanor. If the prosecution contends that the infraction is punishable as a class B misdemeanor, the complaint shall specify that the offense is a misdemeanor.

This section shall not be construed to forbid sentencing under section 12.1-32-09, relating to extended sentences.

## Century Code Annotated – Human Trafficking

### **Title 12.1. Criminal Code**

#### **Chapter 12.1-40. Human Trafficking**

##### **§ 12.1-40-01. Human trafficking--Penalty**

1. A person is guilty of human trafficking if the person:
  - a. Benefits financially or receives anything of value from knowing participation in human trafficking; or
  - b. Promotes, recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to promote, recruit, entice, harbor, transport, provide, or obtain by any means, another person, knowing that the person will be subject to human trafficking.
2. An offense under this section is a class AA felony if the person subject to human trafficking is less than eighteen years of age. Otherwise, the offense is a class A felony.
3. If the person subject to human trafficking is under the age of eighteen years, it is no defense that the actor did not know the child's age or reasonably believed the child to be eighteen years of age or older.
4. In addition to any sentence or fine imposed for a conviction of an offense under this chapter, the court shall order the person convicted to make restitution to the victim of the crime.

## Minot Code of Ordinances

### **Chapter 23. Offenses-Miscellaneous**

#### **Article II. Traditional Offenses**

##### **§ 23.17. Indecent exposure**

No person shall, with the intent to arouse or gratify the sexual desire of any person, including the actor, exposes his genitals or perform any other lewd act under circumstances in which his conduct is likely to be observed by a person who would be offended or alarmed.

##### **§ 23-20. Prostitution**

No person shall solicit another person with the intention of being hired or of hiring the other person to engage in sexual activity for hire. "Sexual activity" means sexual act or sexual contact as those terms are defined in Section 12.1-20-02 of the North Dakota Century Code.

## Laws in Practice

### **Minot Police Department (MPD)**

Prostitution is known to be a well-documented problem in the city, and appears to have increased recently due to the rapid growth in population from the oil production boom since about 2009. In response, police have conducted prostitution operations, including reverse stings. In February 2013 and 2014, undercover operations in Minot led to the arrest of ten sex buyers. The names and ages of the men arrested were released to the media.

In September 2014, Minot officers conducted a web-based reversal sting to expand their demand-reduction tactics. Ten johns responded to the ads, arrived to meet a female undercover officer for commercial sex, and, as a result, were arrested. With such success, the MPD would like to conduct more operations but have been constrained by limited resources.

In February 2015, Minot PD arrested 18 johns during the "National Day of Johns" prostitution sweep.



## Victim Services

### **Victim Assistance Academy of North Dakota (VAAND)**

VAAND provides services to victims of crime in North Dakota. They have developed a statewide structure to expand and enhance the level of skills and knowledge for those who interact with victims of crime. Not only do they provide resources for victims but they also train volunteers in how to respond to the special needs of victims. In addition VAAND also holds Training Seminars for the community at large.

### **Victim Assistance for ND/Victims of Crime Act (VOCA)**

In order to get help from the Victim Assistance Program, a victim must register with the Program. They must submit a registration form before any services can be rendered. Services available to crime victims through the victim service program include:

- Assisting victims who have offenders incarcerated with the ND Department of Corrections and Rehabilitation (NDDOCR).
- Crisis intervention and advocacy throughout the corrections process.
- Information regarding the status of inmates in prison. (Inmates may go through several different status changes during their period of incarceration).
- Provide community and agency education about policies and procedures of the NDDOCR.
- Referrals to other state and community services.
- Explanation of the notification process.
- Trained facilitators for restorative justice services such as victim-offender conferencing.

## References

1. 12.1 N.D. Cent. Code Ann. § 12.1-29-06 (2013).
2. 12.1 N.D. Cent. Code Ann. § 12.1-32.01 (2013).
3. 12.1 N.D. Cent. Code Ann. § 12.1-40-01 (2013).
4. 23 N.D. Cent. Code Ann. § 23-07-07 (2013).
5. 23 N.D. Cent. Code Ann. § 23-07-21 (2013).
6. Abt Associates, *DEMANDforum.net*, *Minot, ND*,  
<http://www.demandforum.net/site/minot-nd/> (accessed January 3, 2016).
7. Minot Mun. Code (N. D.) § 23.17 (2013).
8. Minot Mun. Code (N.D.) § 23.20 (2013).

# Ohio

## Penal Code – Solicitation

### **Title XXIX. Crimes -Procedure**

#### **Prostitution**

#### **Chapter 2907. Sex Offenses**

##### **§ 2907.21 Compelling prostitution**

- (A) No person shall knowingly do any of the following:
- (1) Compel another to engage in sexual activity for hire;
  - (2) Induce, procure, encourage, solicit, request, or otherwise facilitate either of the following:
    - (a) A minor to engage in sexual activity for hire, whether or not the offender knows the age of the minor;
    - (b) A person the offender believes to be a minor to engage in sexual activity for hire, whether or not the person is a minor.
- (B) For a prosecution under division (A)(1) of this section, the element “compel” does not require that the compulsion be openly displayed or physically exerted. The element “compel” has been established if the state proves that the victim's will was overcome by force, fear, duress, or intimidation.
- (C) Whoever violates this section is guilty of compelling prostitution. Except as otherwise provided in this division, compelling prostitution is a felony of the third degree. If the offender commits a violation of division (A)(1) of this section and the person compelled to engage in sexual activity for hire in violation of that division is sixteen years of age or older but less than eighteen years of age, compelling prostitution is a felony of the second degree. If the offender commits a violation of division (A)(1) of this section and the person compelled to engage in sexual activity for hire in violation of that division is less than sixteen years of age, compelling prostitution is a felony of the first degree.

##### **§ 2907.22. Promoting prostitution**

- (A) No person shall knowingly:
- (1) Establish, maintain, operate, manage, supervise, control, or have an interest in a brothel or any other enterprise a purpose of which is to facilitate engagement in sexual activity for hire;
  - (2) Supervise, manage, or control the activities of a prostitute in engaging in sexual activity for hire;
  - (3) Transport another, or cause another to be transported, in order to facilitate the other person's engaging in sexual activity for hire;
  - (4) For the purpose of violating or facilitating a violation of this section, induce or procure another to engage in sexual activity for hire.
- (B) Whoever violates this section is guilty of promoting prostitution. Except as otherwise provided in this division, promoting prostitution is a felony of the fourth degree.

##### **§ 2907.24 Soliciting; solicitation after positive HIV test**

- (A) No person shall solicit another to engage with such other person in sexual activity for hire.
- (B) No person, with knowledge that the person has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome, shall engage in conduct in violation of division (A) of this section.

(C) (1) Whoever violates division (A) of this section is guilty of soliciting, a misdemeanor of the third degree.

(2) Whoever violates division (B) of this section is guilty of engaging in solicitation after a positive HIV test. If the offender commits the violation prior to July 1, 1996, engaging in solicitation after a positive HIV test is a felony of the second degree. If the offender commits the violation on or after July 1, 1996, engaging in solicitation after a positive HIV test is a felony of the third degree.

(D) If a person is convicted of or pleads guilty to a violation of any provision of this section, an attempt to commit a violation of any provision of this section, or a violation of or an attempt to commit a violation of a municipal ordinance that is substantially equivalent to any provision of this section and if the person, in committing or attempting to commit the violation, was in, was on, or used a motor vehicle, the court, in addition to or independent of all other penalties imposed for the violation, may impose upon the offender a class six suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(6) of section 4510.02 of the Revised Code.

#### **§ 2907.241 Loitering to engage in solicitation; loitering to engage in solicitation after positive HIV test**

(A) No person, with purpose to solicit another to engage in sexual activity for hire and while in or near a public place, shall do any of the following:

(1) Beckon to, stop, or attempt to stop another;

(2) Engage or attempt to engage another in conversation;

(4) If the offender is the operator of or a passenger in a vehicle, stop, attempt to stop, beckon to, attempt to beckon to, or entice another to approach or enter the vehicle of which the offender is the operator or in which the offender is the passenger;

(B) No person, with knowledge that the person has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome, shall engage in conduct in violation of division (A) of this section.

(D) (1) Whoever violates division (A) of this section is guilty of loitering to engage in solicitation, a misdemeanor of the third degree.

(2) Whoever violates division (B) of this section is guilty of loitering to engage in solicitation after a positive HIV test. If the offender commits the violation prior to July 1, 1996, loitering to engage in solicitation after a positive HIV test is a felony of the fourth degree. If the offender commits the violation on or after July 1, 1996, loitering to engage in solicitation after a positive HIV test is a felony of the fifth degree.

#### **§ 2929.18 Financial sanctions**

(A) Except as otherwise provided in this division and in addition to imposing court costs pursuant to section 2947.23 of the Revised Code, the court imposing a sentence upon an offender for a felony may sentence the offender to any financial sanction or combination of financial sanctions authorized under this section or, in the circumstances specified in section 2929.32 of the Revised Code, may impose upon the offender a fine in accordance with that section. Financial sanctions that may be imposed pursuant to this section include, but are not limited to, the following:

(1) Restitution by the offender to the victim of the offender's crime or any survivor of the victim, in an amount based on the victim's economic loss.

(2) Except as provided in division (B)(1), (3), or (4) of this section, a fine payable by the offender to the state, to a political subdivision, or as described in division (B)(2) of this section to one or more law enforcement agencies, with the amount of the fine based on a standard percentage of the offender's daily income over a period of time determined by the court and based upon the seriousness of the offense.

(3) Except as provided in division (B)(1), (3), or (4) of this section, a fine payable by the offender to the state, to a political subdivision when appropriate for a felony, or as described in division (B)(2) of this section to one or more law enforcement agencies, in the following amount:

- (a) For a felony of the first degree, not more than twenty thousand dollars;
- (b) For a felony of the second degree, not more than fifteen thousand dollars;
- (c) For a felony of the third degree, not more than ten thousand dollars;
- (d) For a felony of the fourth degree, not more than five thousand dollars;
- (e) For a felony of the fifth degree, not more than two thousand five hundred dollars.

(5) (a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the following:

- (i) All or part of the costs of implementing any community control sanction...;
- (ii) All or part of the costs of confinement under a sanction...;
- (iii) All or part of the cost of purchasing and using an immobilizing or disabling device...

(B) (1) For a first, second, or third degree felony violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code, the sentencing court shall impose upon the offender a mandatory fine of at least one-half of, but not more than, the maximum statutory fine amount authorized for the level of the offense pursuant to division (A)(3) of this section. If an offender alleges in an affidavit filed with the court prior to sentencing that the offender is indigent and unable to pay the mandatory fine and if the court determines the offender is an indigent person and is unable to pay the mandatory fine described in this division, the court shall not impose the mandatory fine upon the offender.

## Penal Code – Human Trafficking

### **Title XXIX. Crimes -Procedure**

#### **Human Trafficking**

#### **Chapter 2905. Kidnapping and Extortion**

##### **§ 2905.32 Trafficking in persons**

(A) No person shall knowingly recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain, or knowingly attempt to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain, another person if any of the following applies:

(1) The offender knows that the other person will be subjected to involuntary servitude or 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.

(2) The other person is less than sixteen years of age or is a developmentally disabled person whom the offender knows or has reasonable cause to believe is a developmentally disabled person, and either the offender knows that the other person will be subjected to involuntary servitude or the offender's knowing recruitment, luring, enticement, isolation, harboring, transportation, provision, obtaining, or maintenance of the other person or knowing attempt to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain the other person is for any of the following purposes

(a) To engage in sexual activity for hire;

(b) To engage in a performance for hire that is obscene, sexually oriented, or nudity oriented;

(c) To be a model or participant for hire in the production of material that is obscene, sexually oriented, or nudity oriented.

(3) The other person is sixteen or seventeen years of age, either the offender knows that the other person will be subjected to involuntary servitude or the offender's knowing recruitment, luring, enticement, isolation, harboring, transportation, provision, obtaining, or maintenance of the other person or knowing attempt to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain the other person is for any purpose described in divisions (A)(2)(a) to (c) of this section, and the circumstances described in division (A)(5), (6), (7), (8), (9), (10), (11), (12), or (13) of section 2907.03 of the Revised Code apply with respect to the offender and the other person.

(B) For a prosecution under division (A)(1) of this section, 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, or intimidation.

(C) In a prosecution under this section, proof that the defendant engaged in sexual activity with any person, or solicited sexual activity with any person, whether or not for hire, without more, does not constitute a violation of this section.

(E) Whoever violates this section is guilty of trafficking in persons, a felony of the first degree. Notwithstanding division (A)(1) of section 2929.14 of the Revised Code, the court shall sentence the offender to a definite prison term of ten, eleven, twelve, thirteen, fourteen, or fifteen years.

## Cincinnati Code of Ordinances

### **Title VII. General Regulations**

#### **Chapter 759. Use of a Motor Vehicle to Facilitate a Prostitution or Drug Related Crime**

##### **§ 759-5. Impoundment of Motor Vehicles Used to Facilitate Officer Evasion, Prostitution or Drug Related Crimes**

(a) In addition to the imposition of a civil fine, a police officer may impound and cause to be towed any motor vehicle when the officer has probable cause to believe that the motor vehicle was used to facilitate the commission or attempted commission of a crime involving failure to comply with the order or signal of a police officer pursuant to Ohio Revised Code § 2921.331, sexual activity for hire pursuant to Ohio Revised Code §§ 2907.21, 2907.22, 2907.23 2907.24, 2907.241 or 2907.25, and/or a crime involving the possession, delivery, transportation, purchase or sale of illegal drugs pursuant to §§ 2925.03, 2925.09, 2925.11, 2925.32 or 2925.37, or pursuant to Cincinnati Municipal Code §§ 601-23 or 910-23.

(b) Upon impounding the vehicle, the police officer shall provide by hand delivery to any present owner or person in control of the vehicle notice of the fact of the impoundment, notice of a civil offense and civil fine in accordance with § 1501-13, the location of the city impound lot and the right to post a cash bond pursuant to § 759-9.

##### **§ 759-3. Use of a Motor Vehicle for Prostitution or Solicitation Prohibited**

No person shall operate or use or permit another to operate or use a motor vehicle to facilitate the commission or attempted commission of a crime involving sexual activity for hire pursuant to Ohio Revised Code §§ 2907.21, 2907.22, 2907.23, 2907.24, 2907.241 or 2907.25. Violation of this section is a Class D Civil Offense as defined by Cincinnati Municipal Code § 1501-9(b); and a person who violates this section is liable for the civil fine specified in § 1501-99 for a Class D Civil Offense.

##### **§ 759-9. Posting Bond**

The owner of the impounded vehicle may secure release of the vehicle by posting a cash bond in the amount of five hundred dollars together with all towing and storage costs in accordance with § 513-7. Upon a finding that the vehicle was subject to impoundment in violation of § 759-3, or upon an admission of the offense, any amount posted as bond to secure the release of the vehicle will be credited to the amount owed as determined by the hearing examiner in accordance with § 759-7(b).

#### **Chapter 761. Chronic Nuisance Premises**

##### **§ 761-1-N. Nuisance or Nuisance Activity**

“Nuisance” or “nuisance activity” shall mean any of the following activities, conduct or behavior whenever engaged in by premises owners, operators, occupants, or persons associated with a premise:

(j) Compelling or promoting prostitution, procuring, soliciting, or loitering to engage in solicitation, or prostitution as defined Ohio Revised Code Sections 2907.21 through 2907.25, inclusive;

##### **§ 761-7 Citations For Multiple Nuisance Activities; Criminal and Civil Penalties**



(a) Whoever violates this chapter or fails to obey any order issued by the city solicitor or his or her designee to...provide a written plan to abate the nuisance activities within 10 days, is guilty of a misdemeanor of the fourth degree on the first offense and guilty of a misdemeanor of the third degree on the second and subsequent offense. Each day's continuation of a violation or failure to comply is a separate offense.

## Dayton Charter

### **Title XIII. General Offenses**

#### **Division 1. General Provisions**

#### **Chapter 136. Public Morality**

##### **§ 136.03. Procuring**

- (A) No person, knowingly and for gain, shall do either of the following:
- (1) Entice or solicit another to patronize a prostitute or brother;
  - (2) Procure a prostitute for another to patronize, or take or direct another at his or her request to any place for the purpose of patronizing a prostitute.
- (C) Whoever violates this section is guilty of procuring, a misdemeanor of the first degree. For second offense and/or conviction there shall be a mandatory minimum 30 days confinement in jail and also a mandatory minimum \$200.00 fine. For a third offense and/or conviction there shall be a mandatory minimum 90 days confinement in jail and also a mandatory minimum \$500.00 fine. For a fourth and subsequent offense(s) and/or conviction(s) there shall be a mandatory minimum 180 days confinement in jail and also a mandatory minimum \$1,000.00 fine.

##### **§ 136.04. Soliciting**

- (A) No person shall solicit another to engage in sexual activity for hire.
- (B) Whoever violates this section is guilty of soliciting, a misdemeanor of the third degree. For a second offense and/or conviction there shall be a mandatory minimum 15 days confinement in jail and also a mandatory minimum \$100.00 fine. For a third offense and/or conviction there shall be a mandatory minimum 30 days confinement in jail and also a mandatory minimum \$250.00 fine. For a fourth and/or subsequent offense(s) and/or conviction(s), there shall be a mandatory minimum 60 days confinement in jail and also a mandatory minimum \$500.00 fine.

##### **§ 136.05. Loitering to solicit prostitution**

- (A) No person shall remain or wander about, either on foot, in a vehicle or motor vehicle, in or near any public place, with purpose to solicit another to engage in sexual activity for hire...
- (D) Whoever violates this section is guilty of loitering to solicit prostitution, a misdemeanor of the first degree. For second offense and/or conviction there shall be a mandatory minimum 30 days confinement in jail and also a mandatory minimum \$200.00 fine. For a third offense and/or conviction there shall be a mandatory minimum 90 days confinement in jail and also a mandatory minimum \$500.00 fine. For a fourth and subsequent offense(s) and/or conviction(s) there shall be a mandatory minimum 180 days confinement in jail and also a mandatory minimum \$1,000.00 fine.

##### **§ 136.06. Prostitution**

- (A) No person shall engage in sexual activity for hire.
- (B) Whoever violates this section is guilty of prostitution, a misdemeanor of the first degree. For a second offense and/or conviction there shall be a mandatory minimum 30 days confinement in jail and also a mandatory minimum \$200.00 fine. For a third offense and/or conviction there shall be a mandatory minimum 90 days confinement in jail and also a mandatory minimum \$500.00 fine. For a fourth and subsequent offense(s) and/or conviction(s) there shall be a mandatory minimum 180 days confinement in jail and also a mandatory minimum \$1,000.00 fine.

## Englewood Municipal Code

### **666.07. Procuring**

- (a) No person, knowingly and for gain, shall do either of the following:
  - (1) Entice or solicit another to patronize a prostitute or brothel;
  - (2) Procure a prostitute for another to patronize, or take or direct another at the other's request to any place for the purpose of patronizing a prostitute.
- (b) No person, having authority or responsibility over the use of premises, shall knowingly permit the premises to be used for the purpose of engaging in sexual activity for hire.
- (c) Whoever violates this section is guilty of procuring. Except as otherwise provided in this division, procuring is a misdemeanor of the first degree. If the prostitute who is procured, patronized, or otherwise involved in a violation of division (a)(2) of this section is under 18 years of age at the time of the violation, regardless of whether the offender who violates division (a)(2) of this section knows the prostitute's age, or if a prostitute who engages in sexual activity for hire in premises used in violation of division (b) of this section is under 18 years of age at the time of the violation, regardless of whether the offender who violates division (b) of this section knows the prostitute's age, procuring is a felony to be prosecuted under appropriate state law.

### **666.08. Soliciting**

- (a) (1) No person shall solicit another who is 18 years of age or older to engage with the other person in sexual activity for hire.
  - (2) No person shall solicit another to engage with such other person in sexual activity for hire if the other person is 16 or 17 years of age and the offender knows that the other person is 16 or 17 years of age or is reckless in that regard.
  - (3) No person shall solicit another to engage with such other person in sexual activity for hire if either of the following applies:
    - (a) The other person is less than 16 years of age, whether or not the offender knows the age of the other person.
    - (b) The other person is a developmentally disabled person and the offender knows or has reasonable cause to believe the other person is a developmentally disabled person.
- (b) (1) Whoever violates division (a) of this section is guilty of soliciting. A violation of division (a)(1) of this section is a misdemeanor of the third degree. A violation of division (a)(2) or (a)(3) of this section is a felony to be prosecuted under appropriate state law.
  - (2) If a person is convicted of or pleads guilty to a violation of division (a) of this section or an attempt to commit a violation of division (a) of this section and if the person, in committing or attempting to commit the violation, was in, was on or used a motor vehicle, the court, in addition to or independent of all other penalties imposed for the violation, may impose upon the offender a class six suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(6). In lieu of imposing upon the offender the class six suspension, the court instead may require the offender to perform community service for a number of hours determined by the court.
- (c) As used in division (a) of this section:
  - (1) "Developmentally disabled person." Has the same meaning as in Ohio R.C. 2905.32.

(2) "Sexual activity for hire." Means an implicit or explicit agreement to provide sexual activity in exchange for anything of value paid to the person engaging in such sexual activity, to any person trafficking that person, or to any person associated with either such person.

#### **666.085. Loitering to Engage in Solicitation**

(a) No person, with purpose to solicit another to engage in sexual activity for hire and while in or near a public place, shall do any of the following:

- (1) Beckon to, stop or attempt to stop another;
- (2) Engage or attempt to engage another in conversation;
- (3) Stop or attempt to stop the operator of a vehicle or approach a stationary vehicle;
- (4) If the offender is the operator of or a passenger in a vehicle, stop, attempt to stop, beckon to, attempt to beckon to, or entice another to approach or enter the vehicle of which the offender is the operator or in which the offender is the passenger;
- (5) Interfere with the free passage of another.

(b) As used in division (a) of this section:

(1) "Public place" means any of the following:

- A. A street, road, highway, thoroughfare, bikeway, walkway, sidewalk, bridge, alley, alleyway, plaza, park, driveway, parking lot or transportation facility.
- B. A doorway or entrance way to a building that fronts on a place described in division (1)A. of this definition.
- C. A place not described in division (1)A. or (1)B. of this definition that is open to the public.

(2) "Vehicle" has the same meaning as in Ohio R.C. 4501.01.

(c) Whoever violates this section is guilty of loitering to engage in solicitation, a misdemeanor of the third degree.

#### **666.09. Prostitution**

(a) No person shall engage in sexual activity for hire.

(b) Whoever violates this section is guilty of prostitution, a misdemeanor of the third degree.

#### **666.10. Rules of Evidence**

(a) In any case in which it is necessary to prove that a place is a brothel, evidence as to the reputation of such place and as to the reputation of the persons who inhabit or frequent it is admissible on the question of whether such place is or is not a brothel.

(b) In any case in which it is necessary to prove that a person is a prostitute, evidence as to the reputation of such person is admissible on the question of whether such person is or is not a prostitute.

(c) In any prosecution for a violation of Sections 666.07 to 666.09, proof of a prior conviction of the accused of any such offense or substantially equivalent offense is admissible in support of the charge.

(d) The prohibition contained in Ohio R.C. 2317.02(D) against testimony by a husband or wife concerning communications between them does not apply, and the accused's spouse may testify concerning any such communication in any of the following cases:

- (1) When the husband or wife is charged with a violation of Section 666.07 and the spouse testifying was the prostitute involved in the offense or the person who used the offender's premises to engage in sexual activity for hire;

- (2) When the husband or wife is charged with a violation of Section 666.08 or Section 666.09.

**666.16. Injunction; Abatement of Nuisance**

- (a) Where it appears that Ohio R.C. 2907.31 or Ohio R.C. 2907.32, or a substantially equivalent municipal ordinance, is being or is about to be violated, the chief legal officer of the Municipality may bring an action to enjoin the violation. The defendant, upon his or her request, is entitled to trial on the merits within five days after the joinder of the issues, and the court shall render judgment within five days after the trial is concluded.
- (b) Premises used or occupied for repeated violations of Ohio R.C. 2907.31 or Ohio R.C. 2907.32, or a substantially equivalent municipal ordinance, constitute a nuisance subject to abatement pursuant to Ohio R.C. Chapter 3767.

**666.99. Sentencing for Sexually Oriented Offenses; Sexual Predators; Registration**

- (a) If an offender is being sentenced for a sexually oriented offense or child-victim oriented offense that is a misdemeanor committed on or after January 1, 1997, and the offender is a tier III sex offender/child-victim offender relative to the offense or the offense is any offense listed in Ohio R.C. 2901.07(D)(1) to (D)(3), the judge shall include in the offender's sentence a statement that the offender is a tier III sex offender/child-victim offender, shall comply with the requirements of Ohio R.C. 2950.03, and shall require the offender to submit to a DNA specimen collection procedure pursuant to Ohio R.C. 2901.07.
- (b) If an offender is being sentenced for a sexually oriented offense or a child-victim oriented offense that is a misdemeanor committed on or after January 1, 1997, the judge shall include in the sentence a summary of the offender's duties imposed under Ohio R.C. 2950.04, 2950.041, 2950.05, and 2950.06, and the duration of the duties. The judge shall inform the offender, at the time of sentencing, of those duties and of their duration. If required under Ohio R.C. 2950.03(A)(2), the judge shall perform the duties specified in that section or, if required under Ohio R.C. 2950.03(A)(6), the judge shall perform the duties specified in that division.

**636.075. Criminal Child Enticement**

- (a) No person, by any means and without privilege to do so, shall knowingly solicit, coax, entice, or lure any child under 14 years of age to accompany the person in any manner, including entering into any vehicle or onto any vessel, whether or not the offender knows the age of the child, if both of the following apply:
- (1) The actor does not have the express or implied permission of the parent, guardian, or other legal custodian of the child in undertaking the activity.
  - (2) The actor is not a law enforcement officer, medic, firefighter, or other person who regularly provides emergency services, and is not an employee or agent of, or a volunteer acting under the direction of, any board of education, or the actor is any such person, but at the time the actor undertakes the activity, the actor is not acting within the scope of the actor's lawful duties in that capacity.
- (b) No person, with a sexual motivation, shall violate division (a) of this section.
- (c) No person, for any unlawful purpose other than, or in addition to, that proscribed by division (a) of this section, shall engage in any activity described in division (a) of this section.
- (d) It is an affirmative defense to a charge under division (a) of this section that the actor undertook the activity in response to a bona fide emergency situation or that the actor undertook

the activity in a reasonable belief that it was necessary to preserve the health, safety, or welfare of the child.

(e) Whoever violates division (a), (b) or (c) of this section is guilty of criminal child enticement, a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, a substantially equivalent State law or municipal ordinance, Ohio R.C. 2907.02, 2907.03, or former Ohio R.C. 2907.12, or Ohio R.C. 2905.01 or 2907.05 when the victim of that prior offense was under 17 years of age at the time of the offense, criminal child enticement is a felony to be prosecuted under appropriate State law.

(f) As used in this section:

(1) "Sexual motivation" has the same meaning as in Ohio R.C. 2971.01.

(2) "Vehicle" has the same meaning as in Ohio R.C. 4501.01.

(3) "Vessel" has the same meaning as in Ohio R.C. 1547.01.

### **636.08. Coercion**

(a) No person, with purpose to coerce another into taking or refraining from action concerning which he or she has a legal freedom of choice, shall do any of the following:

(1) Threaten to commit any offense.

(2) Utter or threaten any slander against any person.

(3) Expose or threaten to expose any matter tending to subject any person to hatred, contempt, or ridicule, or to damage his or her personal or business repute, or to impair his or her credit.

(4) Institute or threaten criminal proceedings against any person.

(5) Take or withhold, or threaten to take or withhold official action, or cause or threaten to cause official action to be taken or withheld.

(b) Divisions (a)(4) and (5) of this section shall not be construed to prohibit a prosecutor or court from doing any of the following in good faith and in the interests of justice:

(1) Offering or agreeing to grant, or granting immunity from prosecution pursuant to Ohio R.C. 2945.44.

(2) In return for a plea of guilty to one or more offenses charged or to one or more other or lesser offenses, or in return for the testimony of the accused in a case to which he or she is not a party, offering or agreeing to dismiss, or dismissing one or more charges pending against an accused, or offering or agreeing to impose, or imposing a certain sentence or modification of sentence.

(3) Imposing probation on certain conditions, including without limitation requiring the offender to make restitution or redress to the victim of his or her offense.

(c) It is an affirmative defense to a charge under division (a)(3), (4), or (5) of this section that the actor's conduct was a reasonable response to the circumstances which occasioned it, and that his or her purpose was limited to:

(1) Compelling another to refrain from misconduct or to desist from further misconduct.

(2) Preventing or redressing a wrong or injustice.

(3) Preventing another from taking action for which the actor reasonably believed the other person to be disqualified.

(4) Compelling another to take action which the actor reasonably believed the other person to be under a duty to take.

(d) Whoever violates this section is guilty of coercion, a misdemeanor of the second degree.

(e) As used in this section, "threat" includes a direct threat and a threat by innuendo.

## Huber Heights Municipal Code

### **533.08. Procuring**

- (a) No person, knowingly and for gain, shall do either of the following:
  - (1) Entice or solicit another to patronize a prostitute or brothel;
  - (2) Procure a prostitute for another to patronize, or take or direct another at his or her request to any place for the purpose of patronizing a prostitute.
- (b) No person, having authority or responsibility over the use of premises, shall knowingly permit such premises to be used for the purpose of engaging in sexual activity for hire.
- (c) Whoever violates this section is guilty of procuring. Except as otherwise provided in this subsection (c), procuring is a misdemeanor of the first degree. If the prostitute who is procured, patronized or otherwise involved in a violation of subsection (a)(2) of this section is under sixteen years of age at the time of the violation, regardless of whether the offender who violates subsection (a)(2) of this section knows the prostitute's age, or if a prostitute who engages in sexual activity for hire in premises used in violation of subsection (b) of this section is under sixteen years of age at the time of the violation, regardless of whether the offender who violates subsection (b) of this section knows the prostitute's age, procuring is a felony and shall be prosecuted under appropriate state law. If the prostitute who is procured, patronized or otherwise involved in a violation of subsection (a)(2) of this section is sixteen or seventeen years of age at the time of the violation or if a prostitute who engages in sexual activity for hire in premises used in violation of subsection (b) of this section is sixteen or seventeen years of age at the time of the violation, procuring is a felony and shall be prosecuted under appropriate state law.

### **533.09. Soliciting**

- (a) No person shall solicit another who is eighteen years of age or older to engage with such other person in sexual activity for hire.
- (b) Whoever violates this section is guilty of soliciting, a misdemeanor of the third degree.
- (c) If a person is convicted of or pleads guilty to a violation of any provision of this section or an attempt to commit a violation of any provision of this section, and if the person, in committing or attempting to commit the violation, was in, was on, or used a motor vehicle, the court, in addition to or independent of all other penalties imposed for the violation, shall impose upon the offender a class six suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(6) of Ohio R.C. 4510.02. In lieu of imposing upon the offender the class six suspension, the court instead may require the offender to perform community service for a number of hours determined by the court.
- (d) As used in this section, "sexual activity for hire" means an implicit or explicit agreement to provide sexual activity in exchange for anything of value paid to the person engaging in such sexual activity, to any person trafficking that person, or to any person associated with either such person.

### **533.091. Loitering to Engage in Solicitation**

- (a) No person, with purpose to solicit another to engage in sexual activity for hire and while in or near a public place, shall do any of the following:
  - (1) Beckon to, stop or attempt to stop another;
  - (2) Engage or attempt to engage another in conversation;
  - (3) Stop or attempt to stop the operator of a vehicle or approach a stationary vehicle;

- (4) If the offender is the operator of or a passenger in a vehicle, stop, attempt to stop, beckon to, attempt to beckon to, or entice another to approach or enter the vehicle of which the offender is the operator or in which the offender is the passenger;
- (5) Interfere with the free passage of another.
- (b) As used in this section:
  - (1) "Vehicle" has the same meaning as in Ohio R.C. 4501.01.
  - (2) "Public place" means any of the following:
    - A. A street, road, highway, thoroughfare, bikeway, walkway, sidewalk, bridge, alley, alleyway, plaza, park, driveway, parking lot, or transportation facility;
    - B. A doorway or entrance way to a building that fronts on a place described in subsection (b)(2)A. hereof;
    - C. A place not described in subsection (b)(2)A. or B. hereof that is open to the public.
- (c) Whoever violates subsection (a) hereof is guilty of loitering to engage in solicitation, a misdemeanor of the third degree.

### **533.10. Prostitution**

- (a) No person shall engage in sexual activity for hire.
- (b) Whoever violates this section is guilty of prostitution, a misdemeanor of the third degree.

### **501.99. Penalties for Misdemeanors**

(a) Financial Sanctions. In addition to imposing court costs pursuant to Ohio R.C. 2947.23, the court imposing a sentence upon an offender for a misdemeanor committed under the Codified Ordinances, including a minor misdemeanor, may sentence the offender to any financial sanction or combination of financial sanctions authorized under this section. If the court in its discretion imposes one or more financial sanctions, the financial sanctions that may be imposed pursuant to this section include, but are not limited to, the following:

- (1) Restitution. Unless the misdemeanor offense is a minor misdemeanor or could be disposed of by the traffic violations bureau serving the court under Traffic Rule 13, restitution by the offender to the victim of the offender's crime or any survivor of the victim, in an amount based on the victim's economic loss. The court may not impose restitution as a sanction pursuant to this section if the offense is a minor misdemeanor or could be disposed of by the traffic violations bureau serving the court under Traffic Rule 13. If the court requires restitution, the court shall order that the restitution be made to the victim in open court or to the adult probation department that serves the jurisdiction or the clerk of the court on behalf of the victim.

If the court imposes restitution, the court shall determine the amount of restitution to be paid by the offender. If the court imposes restitution, the court may base the amount of restitution it orders on an amount recommended by the victim, the offender, a presentence investigation report, estimates or receipts indicating the cost of repairing or replacing property, and other information, provided that the amount the court orders as restitution shall not exceed the amount of the economic loss suffered by the victim as a direct and proximate result of the commission of the offense. If the court decides to impose restitution, the court shall hold an evidentiary hearing on restitution if the offender, victim or survivor disputes the amount of restitution. If the court holds an evidentiary hearing, at the hearing the victim or survivor has the burden to prove by a preponderance of the evidence the amount of restitution sought from the offender.



All restitution payments shall be credited against any recovery of economic loss in a civil action brought by the victim or any survivor of the victim against the offender. No person may introduce evidence of an award of restitution under this section in a civil action for purposes of imposing liability against an insurer under Ohio R.C. 3937.18.

If the court imposes restitution, the court may order that the offender pay a surcharge, of not more than five per cent of the amount of the restitution otherwise ordered, to the entity responsible for collecting and processing restitution payments.

The victim or survivor may request that the prosecutor in the case file a motion, or the offender may file a motion, for modification of the payment terms of any restitution ordered. If the court grants the motion, it may modify the payment terms as it determines appropriate.

(2) Fines. A fine in the following amount:

- A. For a misdemeanor of the first degree, not more than one thousand dollars (\$1,000);
- B. For a misdemeanor of the second degree, not more than seven hundred fifty dollars (\$750.00);
- C. For a misdemeanor of the third degree, not more than five hundred dollars (\$500.00);
- D. For a misdemeanor of the fourth degree, not more than two hundred fifty dollars (\$250.00);
- E. For a minor misdemeanor, not more than one hundred fifty dollars (\$150.00).

(3) Reimbursement of costs of sanctions.

A. Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including, but not limited to, the following:

- 1. All or part of the costs of implementing any community control sanction, including a supervision fee under Ohio R.C. 2951.021;
- 2. All or part of the costs of confinement in a jail or other residential facility, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment, and the costs of repairing property damaged by the offender while confined.

B. The amount of reimbursement ordered under subsection (a)(3)A. of this section shall not exceed the total amount of reimbursement the offender is able to pay and shall not exceed the actual cost of the sanctions. The court may collect any amount of reimbursement the offender is required to pay under that subsection. If the court does not order reimbursement under that subsection, confinement costs may be assessed pursuant to a repayment policy adopted under Ohio R.C. 2929.37. In addition, the offender may be required to pay the fees specified in Ohio R.C. 2929.38 in accordance with that section.

(b) Jail Terms.

(1) Except as provided in Ohio R.C. 2929.22 or 2929.23 of the Revised Code, and unless another term is required or authorized pursuant to law, if the sentencing court imposing a sentence upon an offender for a misdemeanor elects or is required to impose a jail term on the offender pursuant to this General Offenses Code, the court shall impose a definite jail term that shall be one of the following:

- A. For a misdemeanor of the first degree, not more than one hundred eighty days;
- B. For a misdemeanor of the second degree, not more than ninety days;

- C. For a misdemeanor of the third degree, not more than sixty days;
- D. For a misdemeanor of the fourth degree, not more than thirty days.
- (2) A. A court that sentences an offender to a jail term under this section may permit the offender to serve the sentence in intermittent confinement or may authorize a limited release of the offender as provided in Ohio R.C. 2929.26(B). The court retains jurisdiction over every offender sentenced to jail to modify the jail sentence imposed at any time, but the court shall not reduce any mandatory jail term.
- B. 1. If a prosecutor, as defined in Ohio R.C. 2935.01, has filed a notice with the court that the prosecutor wants to be notified about a particular case and if the court is considering modifying the jail sentence of the offender in that case, the court shall notify the prosecutor that the court is considering modifying the jail sentence of the offender in that case. The prosecutor may request a hearing regarding the court's consideration of modifying the jail sentence of the offender in that case, and, if the prosecutor requests a hearing, the court shall notify the eligible offender of the hearing.
2. If the prosecutor requests a hearing regarding the court's consideration of modifying the jail sentence of the offender in that case, the court shall hold the hearing before considering whether or not to release the offender from the offender's jail sentence.
- (3) If a court sentences an offender to a jail term under this section and the court assigns the offender to a county jail that has established a county jail industry program pursuant to Ohio R.C. 5147.30, the court shall specify, as part of the sentence, whether the offender may be considered for participation in the program. During the offender's term in the county jail, the court retains jurisdiction to modify its specification regarding the offender's participation in the county jail industry program.
- (4) If a person is sentenced to a jail term pursuant to this section, the court may impose as part of the sentence pursuant to Ohio R.C. 2929.28 a reimbursement sanction, and, if the local detention facility in which the term is to be served is covered by a policy adopted pursuant to Ohio R.C. 307.93, 341.14, 341.19, 341.21, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 and Ohio R.C. 2929.37, both of the following apply:
- A. The court shall specify both of the following as part of the sentence:
1. If the person is presented with an itemized bill pursuant to Ohio R.C. 2929.37 for payment of the costs of confinement, the person is required to pay the bill in accordance with that section.
2. If the person does not dispute the bill described in subsection (b)(4)A.1. of this section and does not pay the bill by the times specified in Ohio R.C. 2929.37, the clerk of the court may issue a certificate of judgment against the person as described in that section.
- B. The sentence automatically includes any certificate of judgment issued as described in subsection (b)(4)A.2. of this section.
- (c) Organizations. Regardless of the penalties provided in subsections (a) and (b) hereof, an organization convicted of an offense pursuant to Section 501.11 shall be fined, in accordance with this section. The court shall fix the fine as follows:

<u>Type of Misdemeanor</u>	<u>Maximum Fine</u>
First degree	\$5000.00

Second degree	4000.00
Third degree	3000.00
Fourth degree	2000.00
Minor	1000.00
Misdemeanor not specifically classified	2000.00
Minor misdemeanor not specifically classified	1000.00

(1) When an organization is convicted of an offense that is not specifically classified, and the section defining the offense or penalty plainly indicates a purpose to impose the penalty provided for violation upon organizations, then the penalty so provided shall be imposed in lieu of the penalty provided in this subsection (c).

(2) When an organization is convicted of an offense that is not specifically classified, and the penalty provided includes a higher fine than the fine that is provided in this subsection (c), then the penalty imposed shall be pursuant to the penalty provided for the violation of the section defining the offense.

(3) This subsection (c) does not prevent the imposition of available civil sanctions against an organization convicted of an offense pursuant to Section 501.11, either in addition to or in lieu of a fine imposed pursuant to this subsection (c).

#### **537.17. Criminal Child Enticement**

(a) No person, by any means and without privilege to do so, shall knowingly solicit, coax, entice or lure any child under fourteen years of age to accompany the person in any manner, including entering into any vehicle, or onto any vessel, whether or not the offender knows the age of the child, if both of the following apply:

(1) The actor does not have the express or implied permission of the parent, guardian or other legal custodian of the child in undertaking the activity;

(2) The actor is not a law enforcement officer, medic, firefighter, or other person who regularly provides emergency services, and is not an employee or agent of, or a volunteer acting under the direction of any Board of Education, or the actor is any of such persons, but, at the time the actor undertakes the activity, the actor is not acting within the scope of the actor's lawful duties in that capacity.

(b) No person, with a sexual motivation, shall violate subsection (a) of this section.

(c) No person, for any unlawful purpose other than, or in addition to, that proscribed by subsection (a) of this section, shall engage in any activity described in subsection (a) of this section.

(d) It is an affirmative defense to a charge under subsection (a) hereof that the actor undertook the activity in response to a bona fide emergency situation or that the actor undertook the activity in a reasonable belief that it was necessary to preserve the health, safety or welfare of the child.

(e) Whoever violates this section is guilty of criminal child enticement, a misdemeanor of the first degree. If the offender has previously been convicted of a violation of this section or Ohio R.C. 2905.05, 2907.02, or 2907.03, or former Section 2907.12, or Ohio R.C. 2905.01 or 2907.05 when the victim of that prior offense was under seventeen years of age at the time of the offense, criminal child enticement is a felony and shall be prosecuted under appropriate State law.

(f) As used in this section:

(1) "Sexual motivation" has the same meaning as in Ohio R.C. 2971.01.

- (2) "Vehicle" has the same meaning as in Ohio R.C. 4501.01.
- (3) "Vessel" has the same meaning as in Ohio R.C. 1547.01.

# Miamisburg Codified Ordinances

## **Codified Ordinances**

### **General Offences**

#### **Chapter 666. Sex Related Offenses**

##### **§ 666.07. Procuring**

- (a) No person, knowingly and for gain, shall do either of the following:
  - (1) Entice or solicit another to patronize a prostitute or brothel;
  - (2) Procure prostitute for another to patronize, or take or direct another at the other's request to any place for the purpose of patronizing a prostitute.
- (b) No person, having authority or responsibility over the use of premises, shall knowingly permit the premises to be used for the purpose of engaging in sexual activity for hire.
- (c) Whoever violates this section is guilty of procuring... [P]rocuring is a misdemeanor of the first degree. If the prostitute who is procured, patronized, or otherwise involved in a violation of division (a)(2) of this section is under 18 years of age at the time of the violation, regardless of whether the offender who violates division (a)(2) of this section knows the prostitute's age, or if a prostitute who engages in sexual activity for hire in premises used in violation of division (b) of this section is under 18 years of age at the time of the violation, regardless of whether the offender who violates division (b) of this section knows the prostitute's age, procuring is a felony to be prosecuted under appropriate state law.

##### **§ 666.08. Soliciting**

- (a) No person shall solicit another to engage with the other person in sexual activity for hire.
- (b) (1) Whoever violates this division (a) of this section is guilty of soliciting, a misdemeanor of the third degree.
  - (2) if a person is convicted of or pleads guilty to a violation of division (a) of this section or an attempt to commit a violation of division (a) of this section and if the person, in committing or attempting to commit the violation, was in, was on, or used a motor vehicle, the court, in addition to or independent of all other penalties impose for the violation, may impose upon the offender a class six suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(6). In lieu of imposing upon the offender the class six suspension, the court instead may require the offender to perform community service for a number of hours determined by the court.

##### **§ 666.15. Deception to Obtain Matter Harmful to Juveniles**

- (a) No person, for the purpose of enabling a juvenile to obtain any material or gain admission to any performance which is harmful to juveniles, shall do either of the following:
  - (1) Falsely represent that he or she is the parent, guardian, or spouse of the juvenile.
  - (2) Furnish the juvenile with any identification or document purporting to show that the juvenile is 18 years of age or over or married.
- (b) No juvenile, for the purpose of obtaining any material or gaining admission to any performance which is harmful to juveniles, shall do either of the following:
  - (1) Falsely represent that he or she is 18 years of age or over or married.

- (2) Exhibit any identification or document purporting to show that he or she is 18 years of age or over or married.
- (c) Whoever violates this section is guilty of deception to obtain matter harmful to juveniles, a misdemeanor of the second degree. A juvenile who violates division (b) of this section shall be adjudged an unruly child, with the disposition of the case as may be appropriate under Ohio R.C. Chapter 2151.

## **General Offenses**

### **Chapter 698 Penalties and Sentencing**

#### **§ 698.02. Penalties for Misdemeanor**

##### **(b) Misdemeanor Jail Terms.**

(1) ...[I]f the sentencing court imposing a sentence upon an offender for a misdemeanor elects or is required to impose a jail term on the offender pursuant to this chapter, the court shall impose a definite jail term that shall be one of the following:

- A. For a misdemeanor of the first degree, not more than 180 days;
- B. For a misdemeanor of the second degree, not more than 90 days;
- C. For a misdemeanor of the third degree, not more than 60 days;
- D. For a misdemeanor of the fourth degree, not more than 30 days.

##### **(c) Misdemeanor Community Control Sanctions.**

(1) A. ...[W]hen a jail term is required by law, in sentencing an offender for a misdemeanor, other than a minor misdemeanor, the sentencing court may do either of the following:

1. Directly impose a sentence that consists of one or more community control sanctions authorized by divisions (d), (e), or (f) of this section. The court may impose any other conditions of release under a community control sanction that the court considers appropriate. If the court imposes a jail term upon the offender, the court may impose any community control sanction or combination of community control sanction in addition to the jail term.

B. The duration of all community control sanctions imposed upon an offender and in effect for an offender at any time shall not exceed five years.

##### **(d) Community Residential Sanction.**

(1) Except when a mandatory jail term is required by law, the court imposing a sentence for a misdemeanor, other than a minor misdemeanor, may impose upon the offender any community residential sanction or combination of community residential sanctions under this division (d). Community residential sanctions include, but are not limited to, the following:

A. A term of up to 180 days in a halfway house or a term in a halfway house not to exceed the longest jail term available for the offense, whichever is shorter, if the political subdivision that would have responsibility for paying the costs of confining the offender in a jail has entered into a contract with the halfway house for use of the facility for misdemeanor offenders;

B. If the offender is an eligible offender, as defined in R.C. Sec. 307.932, a term of up to 60 days in community alternative sentencing center or district community alternative sentencing center established and operated in accordance with that section, in the circumstances specified in that section, with one of the conditions of the sanction being that the offender complete in the center the entire term imposed.

(f) Financial Sanctions.

(1) In addition to imposing court costs pursuant to Ohio R.C. 2947.23, the court imposing a sentence upon an offender for a misdemeanor, including a minor misdemeanor, may sentence the offender to any financial sanction or combination of financial sanctions authorized under this division (f)... [T]he financial sanctions that may be imposed pursuant to this section include, but are not limited to, the following:

B. Fines. A fine of the type described in division (f)(1)B.1. and 2. of this section payable to the appropriate entity as required by law:

1. A fine in the following amount:

- a. For a misdemeanor of the first degree, not more than one thousand dollars (\$1,000.00);
- b. For a misdemeanor of the second degree, not more than seven hundred fifty dollars (\$750.00);
- c. For a misdemeanor of the third degree, not more than five hundred dollars (\$500.00);
- d. For a misdemeanor of the fourth degree, not more than two hundred fifty dollars (\$250.00);
- e. For a minor misdemeanor, not more than one hundred fifty dollars (\$150.00).

2. A State fine or cost as defined in Ohio R.C. 2949.111.

C. Reimbursement.

1. Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including, but not limited to, the following:

- a. All or part of the costs of implementing any community control sanction, including a supervision fee under Ohio R.C. 2951.021;
- b. All or part of the costs of confinement in a jail or other residential facility, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment, and the costs of repairing property damaged by the offender while confined;

(2) (B) If the court determines that the offender is indigent and unable to pay the financial sanction or court costs, the court shall consider imposing and may impose a term of community service under division (e)(1) of this section in lieu of imposing a financial sanction or court costs.

**§ 698.07. Suspension of Driver's License**

Except as otherwise provided in Ohio R.C. 4510.07 or in any other provision of the Revised Code, whenever an offender is convicted of or pleads guilty to violation of any provision of this Code of Ordinances that is substantially equivalent to a provision of the Revised Code...a court, in addition to any other penalties authorized by law, may suspend the offender's driver's or commercial driver's license or permit or nonresident operating privileges for the period of time the court determines appropriate...

## Riverside Codified Ordinances

### **Part Five - General Offenses Code**

#### **Chapter 533 Obscenity and Sex Offenses**

##### **§ 533.03. Unlawful Sexual Conduct with a Minor**

(a) No person, who is eighteen years of age or older, shall engage in sexual conduct with another, who is not the spouse of the offender, when the offender knows the other person is thirteen years of age or older but less than sixteen years of age, or the offender is reckless in that regard.

(b) Whoever violates this section is guilty of unlawful sexual conduct with a minor, a misdemeanor of the first degree. If the offender is four years older or more than the other person, or if the offender has previously been convicted of or pleaded guilty to a violation of Ohio R.C. 2907.02, 2907.03 or 2907.04, or former Ohio R.C. 2907.12, unlawful sexual conduct with a minor is a felony and shall be prosecuted under appropriate State law.

##### **§ 533.08. Procuring**

(a) No person, knowingly and for gain, shall do either of the following:

(1) Entice or solicit another to patronize a prostitute or brothel;

(2) Procure a prostitute for another to patronize, or take or direct another at his or her request to any place for the purpose of patronizing a prostitute.

(c) Whoever violates this section is guilty of procuring. Except as otherwise provided in this subsection (c), procuring is a misdemeanor of the first degree. If the prostitute who is procured, patronized or otherwise involved in a violation of subsection (a)(2) of this section is under sixteen years of age at the time of the violation, regardless of whether the offender who violates subsection (a)(2) of this section knows the prostitute's age, or if a prostitute who engages in sexual activity for hire in premises used in violation of subsection (b) of this section is under sixteen years of age at the time of the violation, regardless of whether the offender who violates subsection (b) of this section knows the prostitute's age, procuring is a felony and shall be prosecuted under appropriate state law. If the prostitute who is procured, patronized or otherwise involved in a violation of subsection (a)(2) of this section is sixteen or seventeen years of age at the time of the violation or if a prostitute who engages in sexual activity for hire in premises used in violation of subsection (b) of this section is sixteen or seventeen years of age at the time of the violation, procuring is a felony and shall be prosecuted under appropriate state law.

##### **§ 533.09. Soliciting**

(a) No person shall solicit another to engage with such other person in sexual activity for hire.

(b) Whoever violates this section is guilty of soliciting, a misdemeanor of the third degree.

(c) If a person is convicted of or pleads guilty to a violation of any provision of this section or an attempt to commit a violation of any provision of this section, and if the person, in committing or attempting to commit the violation, was in, was on, or used a motor vehicle, the court, in addition to or independent of all other penalties imposed for the violation, shall impose upon the offender a class six suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(6) of Ohio R.C. 4510.02. In lieu of imposing upon the offender the class six suspension, the court instead may require the offender to perform community service for a number of hours determined by the court.



## **Chapter 501 General Provisions and Penalty**

### **§ 501.99. Penalties for Misdemeanors**

(a) Financial Sanctions. In addition to imposing court costs pursuant to Ohio R.C. 2947.23, the court imposing a sentence upon an offender for a misdemeanor committed under the Codified Ordinances, including a minor misdemeanor, may sentence the offender to any financial sanction or combination of financial sanctions authorized under this section. If the court in its discretion imposes one or more financial sanctions, the financial sanctions that may be imposed pursuant to this section include, but are not limited to, the following:

(1) Restitution. Unless the misdemeanor offense is a minor misdemeanor or could be disposed of by the traffic violations bureau serving the court under Traffic Rule 13, restitution by the offender to the victim of the offender's crime or any survivor of the victim, in an amount based on the victim's economic loss. The court may not impose restitution as a sanction pursuant to this section if the offense is a minor misdemeanor or could be disposed of by the traffic violations bureau serving the court under Traffic Rule 13. If the court requires restitution, the court shall order that the restitution be made to the victim in open court or to the adult probation department that serves the jurisdiction or the clerk of the court on behalf of the victim.

If the court imposes restitution, the court shall determine the amount of restitution to be paid by the offender. If the court imposes restitution, the court may base the amount of restitution it orders on an amount recommended by the victim, the offender, a presentence investigation report, estimates or receipts indicating the cost of repairing or replacing property, and other information, provided that the amount the court orders as restitution shall not exceed the amount of the economic loss suffered by the victim as a direct and proximate result of the commission of the offense. If the court decides to impose restitution, the court shall hold an evidentiary hearing on restitution if the offender, victim or survivor disputes the amount of restitution. If the court holds an evidentiary hearing, at the hearing the victim or survivor has the burden to prove by a preponderance of the evidence the amount of restitution sought from the offender.

All restitution payments shall be credited against any recovery of economic loss in a civil action brought by the victim or any survivor of the victim against the offender. No person may introduce evidence of an award of restitution under this section in a civil action for purposes of imposing liability against an insurer under Ohio R.C. 3937.18.

If the court imposes restitution, the court may order that the offender pay a surcharge, of not more than five per cent of the amount of the restitution otherwise ordered, to the entity responsible for collecting and processing restitution payments.

The victim or survivor may request that the prosecutor in the case file a motion, or the offender may file a motion, for modification of the payment terms of any restitution ordered. If the court grants the motion, it may modify the payment terms as it determines appropriate.

(2) Fines. A fine in the following amount:

- A. For a misdemeanor of the first degree, not more than one thousand dollars (\$1,000);
- B. For a misdemeanor of the second degree, not more than seven hundred fifty dollars (\$750.00);
- C. For a misdemeanor of the third degree, not more than five hundred dollars (\$500.00);
- D. For a misdemeanor of the fourth degree, not more than two hundred fifty dollars (\$250.00);

E. For a minor misdemeanor, not more than one hundred fifty dollars (\$150.00).

(3) Reimbursement of costs of sanctions.

A. Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including, but not limited to, the following:

1. All or part of the costs of implementing any community control sanction, including a supervision fee under Ohio R.C. 2951.021;
2. All or part of the costs of confinement in a jail or other residential facility, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment, and the costs of repairing property damaged by the offender while confined.

B. The amount of reimbursement ordered under subsection (a)(3)A. of this section shall not exceed the total amount of reimbursement the offender is able to pay and shall not exceed the actual cost of the sanctions. The court may collect any amount of reimbursement the offender is required to pay under that subsection. If the court does not order reimbursement under that subsection, confinement costs may be assessed pursuant to a repayment policy adopted under Ohio R.C. 2929.37. In addition, the offender may be required to pay the fees specified in Ohio R.C. 2929.38 in accordance with that section.

(b) Jail Terms.

(1) Except as provided in Ohio R.C. 2929.22 or 2929.23 of the Revised Code, and unless another term is required or authorized pursuant to law, if the sentencing court imposing a sentence upon an offender for a misdemeanor elects or is required to impose a jail term on the offender pursuant to this General Offenses Code, the court shall impose a definite jail term that shall be one of the following:

- A. For a misdemeanor of the first degree, not more than one hundred eighty days;
- B. For a misdemeanor of the second degree, not more than ninety days;
- C. For a misdemeanor of the third degree, not more than sixty days;
- D. For a misdemeanor of the fourth degree, not more than thirty days.

(2) A. A court that sentences an offender to a jail term under this section may permit the offender to serve the sentenced in intermittent confinement or may authorize a limited release of the offender as provided in Ohio R.C. 2929.26(B). The court retains jurisdiction over every offender sentenced to jail to modify the jail sentence imposed at any time, but the court shall not reduce any mandatory jail term.

B. 1. If a prosecutor, as defined in Ohio R.C. 2935.01, has filed a notice with the court that the prosecutor wants to be notified about a particular case and if the court is considering modifying the jail sentence of the offender in that case, the court shall notify the prosecutor that the court is considering modifying the jail sentence of the offender in that case. The prosecutor may request a hearing regarding the court's consideration of modifying the jail sentence of the offender in that case, and, if the prosecutor requests a hearing, the court shall notify the eligible offender of the hearing.

If the prosecutor requests a hearing regarding the court's consideration of modifying the jail sentence of the offender in that case, the court shall hold the hearing before considering whether or not to release the offender from the offender's jail sentence.

(3) If a court sentences an offender to a jail term under this section and the court assigns the offender to a county jail that has established a county jail industry program pursuant to Ohio R.C. 5147.30, the court shall specify, as part of the sentence, whether the offender may be considered for participation in the program. During the offender's term in the county jail, the court retains jurisdiction to modify its specification regarding the offender's participation in the county jail industry program.

(4) If a person is sentenced to a jail term pursuant to this section, the court may impose as part of the sentence pursuant to Ohio R.C. 2929.28 a reimbursement sanction, and, if the local detention facility in which the term is to be served is covered by a policy adopted pursuant to Ohio R.C. 307.93, 341.14, 341.19, 341.21, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 and Ohio R.C. 2929.37, both of the following apply:

A. The court shall specify both of the following as part of the sentence:

1. If the person is presented with an itemized bill pursuant to Ohio R.C. 2929.37 for payment of the costs of confinement, the person is required to pay the bill in accordance with that section.

2. If the person does not dispute the bill described in subsection (b)(4)A.1. of this section and does not pay the bill by the times specified in Ohio R.C. 2929.37, the clerk of the court may issue a certificate of judgment against the person as described in that section.

B. The sentence automatically includes any certificate of judgment issued as described in subsection (b)(4)A.2. of this section.

# Sharonville Municipal Code

## **Part Five - General Offenses Code**

### **Chapter 533 Obscenity and Sex Offenses**

#### **§ 533.03. Unlawful Sexual Conduct with a Minor**

(a) No person, who is eighteen years of age or older, shall engage in sexual conduct with another, who is not the spouse of the offender, when the offender knows the other person is thirteen years of age or older but less than sixteen years of age, or the offender is reckless in that regard.

(b) Whoever violates this section is guilty of unlawful sexual conduct with a minor, a misdemeanor of the first degree. If the offender is four years older or more than the other person, or if the offender has previously been convicted of or pleaded guilty to a violation of Ohio R.C. 2907.02, 2907.03 or 2907.04, or former Ohio R.C. 2907.12, unlawful sexual conduct with a minor is a felony and shall be prosecuted under appropriate State law.

#### **§ 533.08. Procuring**

(a) No person, knowingly and for gain, shall do either of the following:

(1) Entice or solicit another to patronize a prostitute or brothel;

(2) Procure a prostitute for another to patronize, or take or direct another at his or her request to any place for the purpose of patronizing a prostitute.

(c) Whoever violates this section is guilty of procuring. Except as otherwise provided in this subsection (c), procuring is a misdemeanor of the first degree. If the prostitute who is procured, patronized or otherwise involved in a violation of subsection (a)(2) of this section is under sixteen years of age at the time of the violation, regardless of whether the offender who violates subsection (a)(2) of this section knows the prostitute's age, or if a prostitute who engages in sexual activity for hire in premises used in violation of subsection (b) of this section is under sixteen years of age at the time of the violation, regardless of whether the offender who violates subsection (b) of this section knows the prostitute's age, procuring is a felony and shall be prosecuted under appropriate state law. If the prostitute who is procured, patronized or otherwise involved in a violation of subsection (a)(2) of this section is sixteen or seventeen years of age at the time of the violation or if a prostitute who engages in sexual activity for hire in premises used in violation of subsection (b) of this section is sixteen or seventeen years of age at the time of the violation, procuring is a felony and shall be prosecuted under appropriate state law.

#### **§ 533.09. Soliciting**

(a) No person shall solicit another to engage with such other person in sexual activity for hire.

(b) Whoever violates this section is guilty of soliciting, a misdemeanor of the third degree.

(c) If a person is convicted of or pleads guilty to a violation of any provision of this section or an attempt to commit a violation of any provision of this section, and if the person, in committing or attempting to commit the violation, was in, was on, or used a motor vehicle, the court, in addition to or independent of all other penalties imposed for the violation, shall impose upon the offender a class six suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(6) of Ohio R.C. 4510.02. In lieu of imposing upon the offender the class six suspension, the court instead may require the offender to perform community service for a number of hours determined by the court.

#### **§ 533.14. Registration of Sex Offenders**

(a) Upon required notice received from the Hamilton County Sheriff and Butler County Sheriff of any Tier II or Tier III sex offender, as defined by the Ohio Attorney General's Office, residing within the City of Sharonville, the Sharonville Police Department shall prepare a notice which shall be published at the cost of the City of Sharonville in two local newspapers which are regularly circulated within the City. The notice shall contain at least the following information:

Name of Individual:

Address of Registrant:

Dates on which sex offense(s) took place:

Names of criminal statute(s) for which the individual was convicted:

(b) The Notice shall also contain the following statement: "The City of Sharonville does not express any opinion regarding the likelihood of any sex offender to commit any offense in the future. The City of Sharonville hopes that individuals who have served time in the justice system have been rehabilitated and shall lead productive lives in the future".

### **Chapter 501 General Provisions and Penalty**

#### **§ 501.99. Penalties for Misdemeanors**

(a) Financial Sanctions. In addition to imposing court costs pursuant to Ohio R.C. 2947.23, the court imposing a sentence upon an offender for a misdemeanor committed under the Codified Ordinances, including a minor misdemeanor, may sentence the offender to any financial sanction or combination of financial sanctions authorized under this section. If the court in its discretion imposes one or more financial sanctions, the financial sanctions that may be imposed pursuant to this section include, but are not limited to the following:

(1) Restitution. Unless the misdemeanor offense is a minor misdemeanor or could be disposed of by the traffic violations bureau serving the court under Traffic Rule 13, restitution by the offender to the victim of the offender's crime or any survivor of the victim, in an amount based on the victim's economic loss. The court may not impose restitution as a sanction pursuant to this section if the offense is a minor misdemeanor or could be disposed of by the traffic violations bureau serving the court under Traffic Rule 13. If the court requires restitution, the court shall order that the restitution be made to the victim in open court or to the adult probation department that serves the jurisdiction or the clerk of the court on behalf of the victim.

If the Court imposes restitution, the court shall determine the amount of restitution to be paid by the offender. If the court imposes restitution, the court may base the amount of restitution it orders on an amount recommended by the victim, the offender, a presentence investigation report, estimates or receipts indicating the cost of repairing or replacing property, and other information, provided that the amount the court orders as restitution shall not exceed the amount of the economic loss suffered by the victims as a direct and proximate result of the commission of the offense.

All restitution payments shall be credited against any recovery of economic loss in a civil action brought by the victim or any survivor of the victim against the offender. No person may introduce evidence of an award of restitution under this section in a civil action for purposes of imposing liability against an insurer under Ohio R.C. 3937.18.

If the court imposes restitution, the court may order that the offender pay a surcharge, of not more than five per cent of the amount of the restitution otherwise ordered, to the entity responsible for collecting and processing restitution payments.

- (2) Fines. A fine in the following amount:
- A. For a misdemeanor of the first degree, not more than one thousand dollars (\$1,000);
  - B. For a misdemeanor of the second degree, not more than seven hundred fifty dollars (\$750.00);
  - C. For a misdemeanor of the third degree, not more than five hundred dollars (\$500.00);
  - D. For a misdemeanor of the fourth degree, not more than two hundred fifty dollars (\$250.00);
  - E. For a minor misdemeanor, not more than one hundred fifty dollars (\$150.00).

(3) Reimbursement of costs of sanctions.

- A. Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including, but not limited to, the following:
- 1. All or part of the costs of implementing any community control sanction, including a supervision fee under Ohio R.C. 2951.021;
  - 2. All or part of the costs of confinement in a jail or other residential facility, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment, and the costs of repairing property damaged by the offender while confined.
- B. The amount of reimbursement ordered under subsection (a)(3)A. of this section shall not exceed the total amount of reimbursement the offender is able to pay and shall not exceed the actual cost of the sanctions. The court may collect any amount of reimbursement the offender is required to pay under that subsection. If the court does not order reimbursement under that subsection, confinement costs may be assessed pursuant to a repayment policy adopted under Ohio R.C. 2929.37. In addition, the offender may be required to pay the fees specified in Ohio R.C. 2929.38 in accordance with that section.

(b) Jail Terms.

- (1) Except as provided in Ohio R.C. 2929.22 or 2929.23 of the Revised Code, and unless another term is required or authorized pursuant to law, if the sentencing court imposing a sentence upon an offender for a misdemeanor elects or is required to impose a jail term on the offender pursuant to this General Offenses Code, the court shall impose a definite jail term that shall be one of the following:

- A. For a misdemeanor of the first degree, not more than one hundred eighty days;
- B. For a misdemeanor of the second degree, not more than ninety days;
- C. For a misdemeanor of the third degree, not more than sixty days;
- D. For a misdemeanor of the fourth degree, not more than thirty days.

- (2) A. A court that sentences an offender to a jail term under this section may permit the offender to serve the sentence in intermittent confinement or may authorize a limited release of the offender as provided in Ohio R.C. 2929.26(B). The court retains jurisdiction over every offender sentenced to jail to modify the jail sentence imposed at any time, but the court shall not reduce any mandatory jail term.

- B. 1. If a prosecutor, as defined in Ohio R.C. 2935.01, has filed a notice with the court that the prosecutor wants to be notified about a particular case and if the court is considering modifying the jail sentence of the offender in that case, the court shall notify the prosecutor that the court is considering modifying the jail

sentence of the offender in that case. The prosecutor may request a hearing regarding the court's consideration of modifying the jail sentence of the offender in that case, and, if the prosecutor requests a hearing, the court shall notify the eligible offender of the hearing.

2. If the prosecutor requests a hearing regarding the court's consideration of modifying the jail sentence of the offender in that case, the court shall hold the hearing before considering whether or not to release the offender from the offender's jail sentence.

(3) If a court sentences an offender to a jail term under this section and the court assigns the offender to a county jail that has established a county jail industry program pursuant to Ohio R.C. 5147.30, the court shall specify, as part of the sentence, whether the offender may be considered for participation in the program. During the offender's term in the county jail, the court retains jurisdiction to modify its specification regarding the offender's participation in the county jail industry program.

(4) If a person is sentenced to a jail term pursuant to this section, the court may impose as part of the sentence pursuant to Ohio R.C. 2929.28 a reimbursement sanction, and, if the local detention facility in which the term is to be served is covered by a policy adopted pursuant to Ohio R.C. 307.93, 341.14, 341.19, 341.21, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 and Ohio R.C. 2929.37, both of the following apply:

A. The court shall specify both of the following as part of the sentence:

1. If the person is presented with an itemized bill pursuant to Ohio R.C. 2929.37 for payment of the costs of confinement, the person is required to pay the bill in accordance with that section.

2. If the person does not dispute the bill described in subsection (b)(4)A.1. of this section and does not pay the bill by the times specified in Ohio R.C. 2929.37, the clerk of the court may issue a certificate of judgment against the person as described in that section.

B. The sentence automatically includes any certificate of judgment issued as described in subsection (b)(4)A.2. of this section.

(c) Organizations. Regardless of the penalties provided in subsections (a) and (b) hereof, an organization convicted of an offense pursuant to Section 501.11 shall be fined, in accordance with this section. The court shall fix the fine as follows:

<u>Type of Misdemeanor</u>	<u>Maximum Fine</u>
First degree	\$5000.00
Second degree	\$4000.00
Third degree	\$3000.00
Fourth degree	\$2000.00
Minor	\$1000.00
Misdemeanor not specifically classified	\$2000.00
Minor misdemeanor not specifically classified	\$1000.00

(1) When an organization is convicted of an offense that is not specifically classified, and the section defining the offense or penalty plainly indicates a purpose to impose the penalty provided for violation upon organizations, then the penalty so provided shall be imposed in lieu of the penalty provided in this subsection (c).

(2) When an organization is convicted of an offense that is not specifically classified, and the penalty provided includes a higher fine than the fine that is provided in this subsection (c), then the penalty imposed shall be pursuant to the penalty provided for the violation of the section defining the offense.

(3) This subsection (c) does not prevent the imposition of available civil sanctions against an organization convicted of an offense pursuant to Section 501.11, either in addition to or in lieu of a fine imposed pursuant to this subsection (c).



## Wood County Code

The Wood County Code did not contain provisions pertaining to solicitation or human trafficking. Thus, the individual city codes or the Ohio Penal Code should be consulted regarding human trafficking and solicitation of a prostitute.

## Laws in Practice

### **Cincinnati Police Department**

Cincinnati law enforcement was among the first in the country to implement the use of street-level reverse stings in 1976. Operations are still routinely conducted, using undercover female officers as decoys. As johns attempt to solicit sex from the women, they are apprehended by police. Once arrested, offenders are served with a civil citation and a \$500 fine. If a john was attempting to purchase sex from a vehicle, his car will be seized and impounded. To limit illegal activities in the area, officers rely on SOAP order. Individuals charged and convicted may not reenter known areas of prostitution for a specified probationary period, and are subject to additional fines and penalties if they do so.

Additionally, individuals charged with solicitation may have their identities publicized in local media outlets. In August 2010, the CPD experimented with a new shaming tactic when officers recorded solicitors if they were wearing company uniforms and/or driving company vehicles. Police then presented the video footage to the men's employers, alerting them of their behavior.

In addition to local demand-driven initiatives, city police have participated in a handful of national sweeps targeting johns. In October 2011, CPD officers coordinated efforts with 8 other law enforcement agencies across the nation to orchestrate the first U.S. "National Day of Johns Arrests", resulting in the arrest of 32 local johns. In September 2012, the CPD participated in "Operation: Buyer Beware", a similar john sweep that engaged 20 law enforcement agencies across 11 states. In June 2013, a reverse sting resulted in the arrest of five male sex buyers.

As of June, 2013 the city council was considering suspending driver's licenses for arrested sex buyers.

### **Dayton Police Department**

In response to chronic prostitution, the Dayton Police Department has resorted to an aggressive and comprehensive strategy to identify and arrest sex buyers. Officers began conducting street-level reverse stings in 1989; operations are now routinely conducted, using one or more undercover female officers as decoys. As men attempt to solicit sex from the women, they are apprehended by a backup team. Once arrested, johns frequently have their names released to the media.

In June 2008, city law enforcement partnered with the Dayton Municipal Court's Adult Probation Department to create a john school. Enrollment is limited to first-time offenders, and all participants must pay a \$250 enrollment fee. Once accepted into the program, johns must attend a day-long course that includes presentations from probation officers, city prosecutors, and public health officials. Between 2008 and 2010, a total of 139 men completed the course, and only two are known to have subsequently reoffended.

### **Englewood Police Department**

Englewood Police Department only recently started conducting prostitution stings to capture johns in conjunction with Dayton PD and operation R-STORM, according to Demand Forum. Englewood PD joined forces with Cook County Sheriff's Office in 2015 during the tenth National Day of Johns Arrest.

### **Miamisburg Police Department**

Miamisburg's experience with prostitution stems from their close proximity to Dayton, Ohio. However, Miamisburg Police Department is not just sitting idly by. They joined forces with the Cook County Sheriff's Office in 2014 for the eighth National Day of John's Arrest.

### **Riverside Police Department**

Riverside residents have as of late noticed an increase in prostitution in the area and complained to local police. In response officers conducted a web-based sting in April 2014 and were able to arrest several individuals using Backpage.com for prostitution. Upon arrest of sex buyers as well as those convicted of prostitution, the police department then publishes the names and photographs of these individuals. Riverside then joined the Cook County Sheriff's Office in July of 2014 for the eighth National Day of John's Arrest.

### **Sharonville Police Department**

In late 2007, guided by business owners' complaints, the Sharonville Police Department conducted a series of reverse sting operations to crack down on prostitution activity in the city's hotels. Between July 2007 and August 2008, a total of 16 prostitution-related arrests were made. In an interview for the National Assessment, officers from the neighboring Blue Ash Police Department confirmed that Sharonville has utilized several demand-driven tactics, including street-level reverse stings, web stings, and shaming. As residents of Hamilton County, Sharonville johns may also be subject to auto seizure and/or license suspension, depending upon the circumstances of their arrests.

Sharonville Police Department does not list any services they provide for victims of sex crimes. They did not have a search tab on the website so that this specific search could be run.

### **Wood County Sheriff's Office**

Wood County's problems with human trafficking and prostitution can be traced to its locations along Interstate 75, which is known for its truck stops. In response, Wood County Sheriff's Office conducts web and street-level stings dedicated to apprehending johns. Once apprehending suspect names and other identifying information is released to local media outlets. Recently Wood County became one of several partnering jurisdictions in the National Day of Johns Arrest which targets men who purchase sex as well as pimps and traffickers in a month-long national sting operation.

## Victim Services

### **Stop Human Trafficking Dayton**

STOP Human Trafficking Dayton is a non-profit organization providing awareness and action for the victim's of human trafficking in the Dayton region. They aim to increase awareness and action for the victim of human trafficking in Dayton and neighboring communities; to address the need to coordinate awareness and efforts of their community leaders and families; and to support survivors by being a bridge to other organizations working toward well-educated/trained therapeutic residential programs; as well as to provide a visual form of awareness and action by utilizing Dayton and its neighboring communities art/artists.

For more information about Stop Human Trafficking Dayton and the services they provide, visit their website at <http://stophumantraffickingdayton.org/>.

### **End Slavery Cincinnati**

End Slavery Cincinnati helps to identify victims of human trafficking, raise public awareness, and coordinate services for victims. Not only do they provide victim services, but also engage in the legislative process through their Legislation and Policy Committee. The Committee is currently in the process of developing a database of agencies and groups that are interested in being engaged in the issue and development of human trafficking legislation.

For more information, contact Erin Meyer, Coalition Manager, at 513-762-5658 or [Erin.Meyer@use.salvationarmy.org](mailto:Erin.Meyer@use.salvationarmy.org). For more information on End Slavery Cincinnati visit their website <http://www.endslaverycincinnati.org>.

### **Lighthouse Youth Services**

Lighthouse Youth Services provides services to children, youth and families in need. Their services are aimed at helping these individuals become self-sufficient so that they will not fall victim to the commercial sex trade. Lighthouse provides such services as early childhood services, behavioral health and psychiatric services, home-based services for families, community residential treatment facilities, foster care and adoption, independent living services, and educational opportunities.

For more information or if you are trying to reach Lighthouse services call 513-569-9500 or visit their website <http://www.lys.org>.

### **Ohio Alliance to End Sexual Violence (OAESV)**

OAESV is a statewide coalition determined to end sexual violence by offering survivors access to advocates, mental health providers, healthcare professionals, attorneys and law enforcement aid. OAESV raises money for services they provide through victims by offering membership to the public that carries a membership fee. They also accept donations. OAESV staff also travels the state in response to survivor requests for trauma intervention and to meet the needs of rape crisis programs.

For more information on OAESV and its programs visit [www.oaesv.org](http://www.oaesv.org). If you are in need of victim services contact 216-658-1381 or 888-886-8388.

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# Oklahoma

## Penal Code – Solicitation

### **Title 21. Crimes and Punishments**

#### **Part IV. Crimes Against Public Decency and Morality**

#### **Chapter 39. Oklahoma Law on Obscenity and Child Pornography**

### **§ 1021. Indecent exposure--Indecent exhibitions--Obscene material or child pornography-- Solicitation of minors**

#### **A. Every person who willfully and knowingly either:**

1. Lewdly exposes his or her person or genitals in any public place, or in any place where there are present other persons to be offended or annoyed thereby; provided, however, for purposes of this section, a person alleged to have committed an act of public urination shall be prosecuted pursuant to Section 22 of this title unless such act was accompanied with another act that violates paragraphs 2 through 4 of this subsection and shall not be subject to registration under the Sex Offenders Registration Act;
2. Procures, counsels, or assists any person to expose such person, or to make any other exhibition of such person to public view or to the view of any number of persons, for the purpose of sexual stimulation of the viewer;
3. Writes, composes, stereotypes, prints, photographs, designs, copies, draws, engraves, paints, molds, cuts, or otherwise prepares, publishes, sells, distributes, keeps for sale, knowingly downloads on a computer, or exhibits any obscene material or child pornography; or
4. Makes, prepares, cuts, sells, gives, loans, distributes, keeps for sale, or exhibits any disc record, metal, plastic, or wax, wire or tape recording, or any type of obscene material or child pornography, shall be guilty, upon conviction, of a felony and shall be punished by the imposition of a fine of not less than Five Hundred Dollars (\$500.00) nor more than Twenty Thousand Dollars (\$20,000.00) or by imprisonment for not less than thirty (30) days nor more than ten (10) years, or by both such fine and imprisonment.

#### **B. Every person who:**

1. Willfully solicits or aids a minor child to perform; or
2. Shows, exhibits, loans, or distributes to a minor child any obscene material or child pornography for the purpose of inducing said minor to participate in, any act specified in paragraphs 1, 2, 3 or 4 of subsection A of this section shall be guilty of a felony, upon conviction, and shall be punished by imprisonment in the custody of the Department of Corrections for not less than ten (10) years nor more than thirty (30) years, except when the minor child is under twelve (12) years of age at the time the offense is committed, and in such case the person shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for not less than twenty-five (25) years.

#### **C. Persons convicted under this section shall not be eligible for a deferred sentence.**

#### **D. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.**

### **§1025. Bawdy-house, etc.--Penalty**



Every person who keeps any bawdy house, house of ill fame, of assignation, or of prostitution, or any other house or place for persons to visit for unlawful sexual intercourse, or for any other lewd, obscene or indecent purpose is, upon conviction, guilty of a misdemeanor and shall be punished by a fine of not less than Two Thousand Dollars (\$2,000.00) for each offense.

**§1028. Setting up or operating place of prostitution--Ownership--Renting--Procuring--Receiving person for forbidden purpose--Transportation--Receiving proceeds**

It shall be unlawful in the State of Oklahoma:

- (a) To keep, set up, maintain, or operate any house, place, building, other structure, or part thereof, or vehicle, trailer, or other conveyance with the intent of committing an act of prostitution, lewdness, or assignation;
- (b) To knowingly own any house, place, building, other structure, or part thereof, or vehicle, trailer, or other conveyance used with the intent of committing an act of lewdness, assignation, or prostitution, or to let, lease, or rent, or contract to let, lease, or rent any such place, premises, or conveyance, or part thereof, to another with knowledge or reasonable cause to believe that the intention of the lessee or rentee is to use such place, premises, or conveyance for prostitution, lewdness, or assignation;
- (c) To offer, or to offer to secure, another with the intent of having such person commit an act of prostitution, or with the intent of having such person commit any other lewd or indecent act;
- (d) To receive or to offer or agree to receive any person into any house, place, building, other structure, vehicle, trailer, or other conveyance with the intent of committing an act of prostitution, lewdness, or assignation, or to permit any person to remain there with such intent;
- (e) To direct, take, or transport, or to offer or agree to take or transport, or aid or assist in transporting, any person to any house, place, building, other structure, vehicle, trailer, or other conveyance, or to any other person with knowledge or having reasonable cause to believe that the intent of such directing, taking or transporting is prostitution, lewdness or assignation;
- (f) To knowingly accept, receive, levy, or appropriate any money or other thing of value without consideration from a prostitute or from the proceeds of any woman engaged in prostitution;
- (g) To knowingly abet the crime of prostitution by allowing a house, place, building, or parking lot to be used or occupied by a person who is soliciting, inducing, enticing, or procuring another to commit an act of lewdness, assignation, or prostitution or who is engaging in prostitution, lewdness, or assignation on the premises of the house, place, building, or parking lot.

**§1029. Engaging in prostitution, etc.--Soliciting or procuring--Residing or being in place for prohibited purpose--Aiding, abetting, or participating--Child prostitution--Presumption of coercion**

A. It shall be unlawful:

- 1. To engage in prostitution, lewdness, or assignation;
- 2. To solicit, induce, entice, or procure another to commit an act of lewdness, assignation, or prostitution, with himself or herself;
- 3. To reside in, enter, or remain in any house, place, building, or other structure, or to enter or remain in any vehicle, trailer, or other conveyance with the intent of committing an act of prostitution, lewdness, or assignation; or
- 4. To aid, abet, or participate in the doing of any of the acts prohibited in paragraph 1, 2 or 3 of this subsection.

B. Any prohibited act described in paragraph 1, 2, 3 or 4 of subsection A of this section committed with a person under eighteen (18) years of age shall be deemed child prostitution, as

defined in Section 1030 of this title, and shall be punishable as provided in Section 1031 of this title.

C. In any prosecution of a person sixteen (16) or seventeen (17) years of age for an offense described in subsection A of this section, there shall be a presumption that the actor was coerced into committing such offense by another person in violation of the human trafficking provisions set forth in Section 748 of this title.

**§1031. Punishment for violations--Fines--Knowingly engaging in prostitution while infected with HIV--Violations within certain distance from school or church**

A. Except as provided in subsection B or C of this section, any person violating any of the provisions of Section 1028, 1029 or 1030 of this title shall be guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment in the county jail for not less than upon conviction, shall be punished by imprisonment in the county jail for not less than thirty (30) days nor more than one (1) year or by fines as follows: a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00) upon the first conviction for violation of any of such provisions, a fine of not more than Five Thousand Dollars (\$5,000.00) upon the second conviction for violation of any of such provisions, and a fine of not more than Seven Thousand Five Hundred Dollars (\$7,500.00) upon the third or subsequent convictions for violation of any of such provisions, or by both such imprisonment and fine. In addition, the court may require a term of community service of not less than forty (40) nor more than eighty (80) hours. The court in which any such conviction is had shall notify the county superintendent of public health of such conviction.

B. Any person who engages in an act of prostitution with knowledge that they are infected with the human immunodeficiency virus shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not more than five (5) years.

C. Any person who engages in an act of child prostitution, as defined in Section 1030 of this title, shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not more than ten (10) years and by fines as follows: a fine of not more than Five Thousand Dollars (\$5,000.00) upon the first conviction, a fine of not more than Ten Thousand Dollars (\$10,000.00) upon the second conviction, and a fine of not more than Fifteen Thousand Dollars (\$15,000.00) upon the third or subsequent convictions.

D. Any person violating any of the provisions of Section 1028, 1029, or 1030 of this title within one thousand (1,000) feet of a school or church shall be guilty of a felony and, upon conviction, shall be punished by imprisonment in the custody of the Department of Corrections for not more than five (5) years or by fines as follows: a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00) upon the first conviction for violation of any of such provisions, a fine of not more than Five Thousand Dollars (\$5,000.00) upon the second conviction for violation of any of such provisions, and a fine of not more than Seven Thousand Five Hundred Dollars (\$7,500.00) upon the third or subsequent convictions for violation of any of such provisions, or by both such imprisonment and fine. In addition, the court may require a term of community service of not less than forty (40) nor more than eighty (80) hours. The court in which any such conviction is had shall notify the county superintendent of public health of such conviction.

**§748. Human trafficking**

A. As use in Section 748 and 748.2 of this title:

1. "Coercion" means compelling, forcing or intimidating a person to act by:
  - a. threats of harm or physical restraint against any person,

- b. 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,
  - c. the abuse or threatened abuse of the law or legal process,
  - d. 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 license or birth certificate, of another person,
  - e. facilitating or controlling a person's access to any addictive or controlled substance other than for legal medical purposes,
  - f. blackmail,
  - g. 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,
  - h. determining, dictating or setting the times at which another person will be available to engage in an act of prostitution with a third party,
  - i. determining, dictating or setting the places at which another person will be available for solicitation of, or to engage in, an act of prostitution with a third party, or
  - j. 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;
2. "Commercial sex" means any form of commercial sexual activity such as sexually explicit performances, prostitution, participation in the production of pornography, performance in a strip club, or exotic dancing or display;
  3. "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;
  4. "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 or labor;
  5. "Human trafficking for labor" means:
    - a. 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, or
    - b. benefiting, financially or by receiving anything of value, from participation in a venture that has engaged in an act of trafficking for labor;
  6. "Human trafficking for commercial sex" means:
    - a. 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,
    - b. 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, or

- c. benefiting, financially or by receiving anything of value, from participating in a venture that has engaged in an act of trafficking for commercial sex;
  - 7. “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;
  - 8. “Minor” means an individual under eighteen (18) years of age; and
  - 9. “Victim” means a person against whom a violation of any provision of this section has been committed.
- B. It shall be unlawful to knowingly engage in human trafficking.
- C. Any person violating the provisions of this section shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not less than five (5) years or for life, or by a fine of not more than One Hundred Thousand Dollars (\$100,000.00), or by both such fine and imprisonment. Any person violating the provisions of this section where the victim of the offense is under eighteen (18) years of age at the time of the offense shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not less than fifteen (15) years or for life, or by a fine of not more than Two Hundred Fifty Thousand Dollars (\$250,000.00), or by both such fine and imprisonment. The court shall also order the defendant to pay restitution to the victim as provided in Section 991f of Title 22 of the Oklahoma Statutes. If the person is convicted of human trafficking, the person shall serve eighty-five percent (85%) of the sentence before being eligible for parole consideration or any earned credits. The terms of imprisonment specified in this subsection shall not be subject to statutory provisions for suspension, deferral or probation, or state correctional institution earned credits accruing from and after November 1, 1989, except for the achievement earned credits authorized by subsection H of Section 138 of Title 57 of the Oklahoma Statutes. To qualify for such achievement earned credits, such inmates must also be in compliance with the standards for Class level 2 behavior, as defined in subsection D of Section 138 of Title 57 of the Oklahoma Statutes.

## Penal Code – Human Trafficking

### **Title 21. Crimes and Punishments**

#### **Chapter 25. Kidnapping**

#### **Part III. Crimes Against the Person**

#### **§ 748. Human trafficking for forced labor or forced sexual exploitation**

B. It shall be unlawful to knowingly engage in human trafficking.

C. Any person violating the provisions of this section shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not less than five (5) years, or by a fine of not more than Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment. Any person violating the provisions of this section where the victim of the offense is under eighteen (18) years of age at the time of the offense shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not less than ten (10) years, or by a fine of not more than Twenty Thousand Dollars (\$20,000.00), or by both such fine and imprisonment. The court shall also order the defendant to pay restitution to the victim as provided in Section 991f of Title 22 of the Oklahoma Statutes.

#### **§ 748.2. Human trafficking**

A. Human trafficking victims shall:

1. Be housed in an appropriate shelter as soon as practicable;
2. Not be detained in facilities inappropriate to their status as crime victims;
3. Not be jailed, fined, or otherwise penalized due to having been trafficked;
4. Receive prompt medical care, mental health care, food, and other assistance, as necessary;
5. Have access to legal assistance, information about their rights, and translation services, as necessary; and
6. Be provided protection if the safety of the victim is at risk or if there is a danger of additional harm by recapture of the victim by a trafficker, including:
  - a. taking measures to protect trafficked persons and their family members from intimidation and threats of reprisals, and
  - b. ensuring that the names and identifying information of trafficked persons and their family members are not disclosed to the public.

B. Any person aggrieved by a violation of subsection B of Section 748 of this title may bring a civil action against the person or persons who committed the violation to recover actual and punitive damages and reasonable attorney fees. A criminal case or prosecution is not a necessary precedent to the civil action. The statute of limitations for the cause of action shall not commence until the latter of the victim's emancipation from the defendant or the victim's twenty-first birthday.

C. Upon availability of funds, the Attorney General is authorized to establish an emergency hotline number for victims of human trafficking to call in order to request assistance or rescue. The Attorney General is authorized to enter into agreements with the county departments of health to require posting of the rights contained in this section along with the hotline number for publication in locations as directed by the State Department of Health.

D. Any peace officer who comes into contact with a human trafficking victim shall inform the victim of the human trafficking emergency hotline number and give notice to the victim of

certain rights. The notice shall consist of handing the victim a written statement of the rights provided for in subsection A of this section.

E. Upon a showing that a child may be a victim of human trafficking or sexual abuse, the law enforcement officer shall immediately notify the Department of Human Services and the child shall be remanded to the custody of the Department of Human Services.

### **§ 1029.**

A. It shall further be unlawful:

1. To engage in prostitution, lewdness, or assignation;
2. To solicit, induce, entice, or procure another to commit an act of lewdness, assignation, or prostitution, with himself or herself;
3. To reside in, enter, or remain in any house, place, building, or other structure, or to enter or remain in any vehicle, trailer, or other conveyance with the intent of committing an act of prostitution, lewdness, or assignation; or
4. To aid, abet, or participate in the doing of any of the acts prohibited in paragraph 1, 2 or 3 of this subsection.

B. Any prohibited act described in paragraph 1, 2, 3 or 4 of subsection A of this section committed with a person under sixteen (16) years of age shall be deemed child prostitution, as defined in Section 1030 of this title, and shall be punishable as provided in Section 1031 of this title.

## **Title 21- Crimes and Punishments**

### **PART IV. Crimes Against Public Decency and Morality**

#### **Chapter 39. Oklahoma Law on Obscenity and Child Pornography**

#### **§ 1040.13a. Facilitating, encouraging, offering or soliciting sexual conduct or engaging in sexual communication with a minor or person believed to be a minor**

A. It is unlawful for any person to facilitate, encourage, offer or solicit sexual conduct with a minor, or other individual the person believes to be a minor, by use of any technology, or to engage in any communication for sexual or prurient interest with any minor, or other individual the person believes to be a minor, by use of any technology. For purposes of this subsection, "by use of any technology" means the use of any telephone or cell phone, computer disk (CD), digital video disk (DVD), recording or sound device, CD-ROM, VHS, computer, computer network or system, Internet or World Wide Web address including any blog site or personal web address, e-mail address, Internet Protocol address (IP), text messaging or paging device, any video, audio, photographic or camera device of any computer, computer network or system, cell phone, any other electrical, electronic, computer or mechanical device, or any other device capable of any transmission of any written or text message, audio or sound message, photographic, video, movie, digital or computer-generated image, or any other communication of any kind by use of an electronic device.

B. A person is guilty of violating the provisions of this section if the person knowingly transmits any prohibited communication by use of any technology defined herein, or knowingly prints, publishes or reproduces by use of any technology described herein any prohibited communication, or knowingly buys, sells, receives, exchanges, or disseminates any prohibited communication or any information, notice, statement, website, or advertisement for communication with a minor or access to any name, telephone number, cell phone number, e-mail address, Internet address, text message address, place of residence, physical characteristics

or other descriptive or identifying information of a minor, or other individual the person believes to be a minor.

C. The fact that an undercover operative or law enforcement officer was involved in the detection and investigation of an offense pursuant to this section shall not constitute a defense to a prosecution under this section.

D. Any violation of the provisions of this section shall be a felony, punishable by a fine in an amount not to exceed Ten Thousand Dollars (\$ 10,000.00), or by imprisonment in the custody of the Department of Corrections for a term of not more than ten (10) years, or by both such fine and imprisonment. For purposes of this section, each communication shall constitute a separate offense. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

E. For purposes of any criminal prosecution pursuant to any violation of this section, the person violating the provisions of this section shall be deemed to be within the jurisdiction of this state by the fact of accessing any computer, cellular phone or other computer-related or satellite-operated device in this state, regardless of the actual jurisdiction where the violator resides.

# Oklahoma City Municipal Code

## **Chapter 30. Miscellaneous Provisions and Offenses**

### **Article V- Crimes Against Public Peace and Order**

#### **§ Sec. 30-96 Definition**

As used in this chapter the term "disorderly house" shall mean any structure or vehicle by which the peace, comfort, health, welfare or decency of the public is disturbed by reason of the people therein committing or resorting to any of the following acts:

- (3) the performance of any sexual act declared unlawful by ordinance or State statute, including, but not limited to, soliciting for purposes of prostitution...

#### **§ Sec. 30-99 Residents and visitors to disorderly houses; exception**

No person shall knowingly reside in, enter into, or remain in a disorderly house; provided however, that in any prosecution for violation of this section, the City shall have the burden to prove such knowledge by direct evidence only and not by circumstantial evidence. This section shall not apply to physicians or officers in the discharge of their professional or official duties.

#### **§ Sec. 30-100 Penalty**

Any person convicted of violating any of the provisions of this division for an offense shall be guilty of a Class "b" offense.

A separate offense shall be deemed committed on each day during or on which a violation of this division occurs or continues.

## **Chapter 30. Miscellaneous Provisions and Offenses**

### **Article VII. Prostitution, Public Lewdness, Etc.**

#### **§ 30-152. Prostitutes and procuring for prostitution**

(a) No person shall, in a public place, engage in or offer to engage in any act of prostitution or to solicit, induce, entice, or procure another to commit or engage in any act of prostitution.

(b) Any person who shall violate any of the provisions of Subsection (a) shall, upon conviction, be punished as for a Class "b" offense as follows:

- (1) First offense. A fine of \$1,200.00, and/or imprisonment not to exceed 30 days in jail.
- (2) Second or subsequent offense. A fine of \$1,200.00 and imprisonment of not less than 30 days nor more than six months in jail.

#### **§ 30-152.1. Public lewdness**

(a) No person shall, in a public place, with any person, engage in or offer to engage in any act of lewdness, including but not limited to sexual intercourse, fellatio, cunnilingus, masturbation (mutual or solitary), or anal intercourse, or to solicit, induce, entice, or procure another to commit or engage in any act of lewdness.

(b) This section shall not apply to any conduct wherein money or any other thing of value is exchanged or otherwise involved.

(c) Any person convicted of violating any of the provisions of Subsection (a) shall be punished as for a Class "b" offense.

#### **§ 30-153. - Keeping or leasing house for immoral purpose**



(a) No person shall keep, maintain or aid, abet or assist in keeping or maintaining, or occupy or use, any room, building, dwelling, hotel, roominghouse or other place for purposes of engaging in the act of prostitution, lewdness or illegal sexual relations, or knowingly lease, rent, or let same for these purposes, or knowingly permit same to be used for these purposes.

(b) Any person, who shall violate any of the provisions of Subsection (a) shall, upon conviction, be punished as for a Class "b" offense.

#### **§ 30-158. Public indecency**

(a) Any person who knowingly or intentionally, in a public place:

(1) engages in sexual intercourse;

(2) appears in a state of nudity in places not intended for such purpose; or

(3) fondles the genitals of himself or another person;

(4) engages in actions that simulate an act or acts of sexual intercourse, fellatio, cunnilingus, anal intercourse, or masturbation shall be deemed guilty of a Class "b" offense. Each act of public indecency shall constitute a separate offense.

### **Chapter 35. Nuisances**

#### **Article VI. Criminal Activities Public Nuisance Abatement**

##### **Division 4. Public Nuisances Involving Vehicles**

#### **§ 35-189. Vehicle used for prostitution-related transportation or prostitution-related criminal activity, a drive-by shooting or an eluding a peace officer violation declared a public nuisance per se**

(a) Pursuant to the authorities cited in Section 35-172 of this article, the City declares that any vehicle used by an involved owner or lessee or an involved licensee for prostitution-related transportation or prostitution-related criminal activity is a public nuisance per se, and while in the possession of the involved owner or lessee or the involved licensee, the vehicle constitutes a continuing danger to the comfort, repose, health or safety of City residents, visitors, businesses and neighborhoods, rendering them insecure in life and in the use of property. Due to the existence of this public nuisance per se, the City declares that it is necessary for the City to provide for the impoundment of a vehicle used by the involved owner or lessee or the involved licensee for prostitution-related transportation or prostitution-related criminal activity and to hold the vehicle from further use by the involved owner or lessee or the involved licensee for the mandatory holding period provided for by Section 35-190 of this division.

#### **§ 35-190. Procedure used to abate public nuisance per se relating to a vehicle used for prostitution-related transportation or prostitution-related criminal activity a drive-by shooting or for an eluding a peace officer violation as declared by this division**

(c) Impoundment of a vehicle under this division may be done by a City Police Officer immediately, in the field, when the impoundment is incident to an arrest of an involved owner or lessee or an involved licensee for commission of prostitution-related transportation or prostitution-related criminal activity, a drive-by shooting or an eluding a peace officer violation. Immediate impoundment in such cases without prior notice to and an opportunity to be heard for vehicle owners and lessees is necessary to summarily abate the public nuisance and prior notice to and an opportunity to be heard for vehicle owners and lessees are impracticable under the circumstances. Following such impoundment incident to an arrest, the post-impoundment procedures set forth in Subsection (f) of this section shall be followed.

(g) Any vehicle impounded under this section and for which the City Manager or his/her designated agent acting on behalf of the City as the hearing officer finds reasonable cause to exist that the vehicle is a public nuisance per se under Section 35-189 of this division shall be held by the City and not released to any involved owner or lessee for the mandatory holding period, which shall be a period of 90 days from and after the date of impoundment.

(h) Following the mandatory holding period, the involved owner or lessee shall have the right to redeem the vehicle from the City upon payment of all impoundment and storage fees due as of the date of redemption. Provided, as stated in Subsection (i)(1) of this section, the mandatory holding period shall not apply as to any non-involved owner or lessee who wishes to assume possession of the vehicle or redeem the vehicle upon payment of all costs, if any, relating to the impoundment and storage of the vehicle as of the date the non-involved owner or lessee assumes possession or redeems the vehicle, as provided by Subsection (j) of this section.

(l) Vehicles used by trespassers for prostitution-related transportation or prostitution-related criminal activity, a drive-by shooting, or eluding or attempting to elude a peace officer shall not be impounded pursuant to this section, but may be impounded and/or released, pursuant to any applicable provision of Division 4 of Article II of Chapter 32 of this Code.

## Laws in Practice

### **Oklahoma City Police Department**

Oklahoma City has used a wide range of tactics to combat the demand for commercial sex, which drives prostitution and sex trafficking. These efforts began in the mid-1970s and many have continued through to the present. Oklahoma County has been imposing community service on johns since 2002. An individual can be sentenced to complete up to 80-hours of community service.

Although not often enforced in recent years, Oklahoma County can impose geographic restrictions on criminal defendants, including arrested johns. The restriction bars the individual from being in any of a dozen areas known for the persistent presence of street level prostitution.

The john school option was dissolved by 2011 due to a lack of political support and fees set at a level inadequate for the program to be financially self-sufficient or revenue-positive.

As is the case in most cities, Oklahoma City police can turn over prostitution crimes to either the city prosecutor or the county prosecutor. Historically, prostitution crimes have been handled by the city. Around 2002, the sitting district attorney requested all prostitution crimes to be given to his office so they could pursue the defendants. Since that happened, the state now reportedly recoups far less in fines than they did when the city prosecuted the cases. Also, when city courts handle the cases, the fine revenue returns to the city, which has made the investment in the reverse stings that produced the arrests. Then they go to the district courts, typically the fine revenue does not return to the city, except perhaps a portion.

## Victim Services

### **The Salvation Army Corps - Central Oklahoma Area Command**

Committed to awareness and advocacy for victims of human sex trafficking, The Salvation Army located in Oklahoma City is looking to start actual intervention programs such as "Stilettos 2 Sneakers" and "Outreach to Victims of Commercial Sexual Exploitation" for prostituted individuals in the area.

Partnering with "No Boundaries International" and several other organizations, the Salvation Army serves as the host building for the Outreach to Victims of Commercial Sexual Exploitation intervention meetings where individuals are educated on the subculture of human trafficking.

The Salvation Army is on the streets once a month with the canteen providing coffee and hot chocolate, spiritual and guidance counseling and support. The Salvation Army is a member of the task force for the State of Oklahoma.

### **Oklahoma City Police Department**

The Oklahoma City Police Department is proud to provide a Victim Services Program to assist you. The Victim Services Program works with individuals whose lives have been impacted by crime and strives to help victims feel safe, supported and informed. Our goal is to empower victims by providing information, resources and practical support for crime victims and witnesses.

Our goal is to meet the immediate health and safety needs for a victim, after a crime has been committed. We respect individuals' choices and provide compassionate care. Services are catered to each individual's needs and advocacy can include:

- Emotional support
- Safety planning
- Crisis intervention
- Informing victims of their rights
- Resources and information
- Assistance applying for and/or referral to state victim compensation
- Criminal justice information and support
- Assistance registering for VINE (Victim Information Notification Everyday)
- Assistance obtaining basic needs

### **DaySpring Villa**

Offers comprehensive services to adult victims of human trafficking. For more information, contact (918) 245-4075.

## References

1. 21 Okl. St. Ann. § 1021 (2013).
2. 21 Okl. St. Ann. § 1031 (2013).
3. 21 Okl. St. Ann. § 748 (2013).
4. 21 Okl. St. Ann. § 748.2 (2013).
5. 21 Okl. St. Ann. § 1025 (2017).
6. 21 Okl. St. Ann. § 1028 (2017).
7. 21 Okl. St. Ann. § 1029 (2013).
8. 21 Okl. St. Ann. § 1040.13a (2013).
9. Abt Associates, *DEMANDforum.net, Oklahoma City, OK*,  
<http://www.demandforum.net/site/oklahoma-city-ok/> (accessed January 3, 2016).
10. Oklahoma City Mun. Code (Okla.) § 30-96 (2014).
11. Oklahoma City Mun. Code (Okla.) § 30-99 (2014).
12. Oklahoma City Mun. Code (Okla.) § 30-100 (2014).
13. Oklahoma City Mun. Code (Okla.) § 30-152 (2013).
14. Oklahoma City Mun. Code (Okla.) § 30-152.1 (2013).
15. Oklahoma City Mun. Code (Okla.) § 30-158 (2013).
16. Oklahoma City Mun. Code (Okla.) § 35-176 (2014).
17. Oklahoma City Mun. Code (Okla.) § 35-189 (2013).
18. Oklahoma City Mun. Code (Okla.) § 35-190 (2013).

# Oregon

## Revised Statutes Annotated – Solicitation

### **Title 10. Property Rights and Transactions**

#### **Chapter 105. Property Rights**

##### **Abatement of Nuisance Activities or Conditions**

###### **§105.555. Places declared nuisances subject to abatement**

(1) The following are declared to be nuisances and shall be enjoined and abated as provided in ORS 105.550 to 105.600:

- (a) Any place that, as a regular course of business, is used for the purpose of prostitution and any place where acts of prostitution or patronizing a prostitute occur;

### **Title 16. Crimes and Punishments**

#### **Chapter 161. General Provisions**

##### **Classes of Offenses**

###### **§161.555. Misdemeanor classifications**

(1) Misdemeanors are classified for the purpose of sentence into the following categories:

- (a) Class A misdemeanors;
- (b) Class B misdemeanors;
- (c) Class C misdemeanors; and
- (d) Unclassified misdemeanors.

(2) The particular classification of each misdemeanor defined in the Oregon Criminal Code is expressly designated in the section defining the crime. An offense defined outside this code which, because of the express sentence provided is within the definition of ORS 161.545, shall be considered an unclassified misdemeanor.

(3) An offense defined by a statute of this state, but without specification as to its classification or as to the penalty authorized upon conviction, shall be considered a Class A misdemeanor.

### **Title 16. Crimes and Punishments**

#### **Chapter 163. Offenses Against Persons**

##### **Sexual Offenses**

###### **§163.413. Purchasing sex with a minor**

(1) A person commits the crime of purchasing sex with a minor if the person pays, or offers or agrees to pay, a fee to engage in sexual intercourse or sexual contact with a minor, a police officer posing as a minor or an agent of a police officer posing as a minor.

(2)

(a) If the person does not have a prior conviction under this section at the time of the offense, purchasing sex with a minor is a Class C felony and the person may use a defense described in ORS 163.325 only if the minor or, in the case of a police officer or agent of a police officer posing as a minor, the age of the purported minor as reported to the defendant was at least 16 years of age.

(b) If the person has one or more prior convictions under this section at the time of the offense, purchasing sex with a minor is a Class B felony, the state need not prove that the person knew the minor or, in the case of a police officer or agent of a police officer posing as a minor, the purported minor was under 18 years of age and the person may not use a defense described in ORS 163.325.

(3)

(a) When a person is convicted under this section, in addition to any other sentence that may be imposed, the court shall impose and may not suspend the sentence described in paragraph (b) of this subsection.

(b) The mandatory minimum sentences that apply to paragraph (a) of this subsection are as follows:

(A) For a person's first conviction, a fine in the amount of \$10,000, a term of incarceration of at least 30 days and completion of a john school program.

(B) For a person's second or subsequent conviction, a fine in the amount of \$20,000 and the court shall designate the offense as a sex crime under ORS 181.805.

(c) Notwithstanding paragraphs (a) and (b) of this subsection, if the court determines that the person is unable to pay the full amount of the mandatory minimum fine, the court shall impose and may not suspend a fine in an amount the court determines the person is able to pay.

(d) For a person's first conviction under this section, the court may designate the offense as a sex crime under ORS 181.805 if the court finds that the circumstances of the offense and the age of the minor or, in the case of a police officer or agent of a police officer posing as a minor, the purported minor as reported to the defendant require the defendant to register and report as a sex offender for the safety of the community.

(4) As used in this section:

(a) "John school" means any course, class or program intended to educate and prevent recidivism of persons who have been arrested for, charged with or convicted of commercial sexual solicitation or purchasing sex with a minor or attempting to engage in commercial sexual solicitation or purchase sex with a minor.

(b) "Minor" means a person under 18 years of age.

(c) "Police officer" has the meaning given that term in ORS 181.610.

## **Title 16. Crimes and Punishments**

### **Chapter 167. Offenses Against Public Health, Decency and Animals**

#### **Prostitution and Related Offenses**

##### **§167.007. Prostitution**

(1) A person commits the crime of prostitution if the person engages in, or offers or agrees to engage in, sexual conduct or sexual contact in return for a fee.

(2) Prostitution is a Class A misdemeanor.

##### **§167.008. Patronizing a prostitute**

(1) A person commits the crime of patronizing a prostitute if the person pays, or offers or agrees to pay, a fee to engage in sexual conduct or sexual contact.

(2) Patronizing a prostitute is a Class A misdemeanor.

##### **§ 167.012 Promoting prostitution**

(1) A person commits the crime of promoting prostitution if, with intent to promote prostitution, the person knowingly:

(a) Owns, controls, manages, supervises or otherwise maintains a place of prostitution or a prostitution enterprise; or



- (b) Induces or causes a person to engage in prostitution or to remain in a place of prostitution; or
  - (c) Receives or agrees to receive money, goods, property, services or something else of value, other than as a prostitute being compensated for personally rendered prostitution services, pursuant to an agreement or understanding that the money, goods, property, services or something else of value is derived from a prostitution activity; or
  - (d) Engages in any conduct that institutes, aids or facilitates an act or enterprise of prostitution.
- (2) Promoting prostitution is a Class C felony.

**§ 167.017. Compelling prostitution**

- (1) A person commits the crime of compelling prostitution if the person knowingly:
- (a) Uses force or intimidation to compel another to engage in prostitution or attempted prostitution;
  - (b) Induces or causes a person under 18 years of age to engage in prostitution;
  - (c) Aids or facilitates the commission of prostitution or attempted prostitution by a person under 18 years of age; or
  - (d) Induces or causes the spouse, child or stepchild of the person to engage in prostitution.
- (2) Compelling prostitution is a Class B felony.
- (3) In a prosecution under subsection (1)(b) or (c) of this section, the state is not required to prove that the defendant knew the other person was under 18 years of age and it is no defense that the defendant did not know the person's age or that the defendant reasonably believed the person to be older than 18 years of age.

## Revised Statutes Annotated – Human Trafficking

### **Title 16. Crimes and Punishments**

#### **Chapter 163. Offenses Against Persons**

#### **Kidnapping and Related Offenses**

#### **§ 163.261. Definitions for ORS 163.263 and 163.264**

As used in ORS 163.263 and 163.264, “services” means activities performed by one person under the supervision or for the benefit of another person.

#### **§ 163.263 Subjecting another person to involuntary servitude in the second degree**

(1) 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:

- (a) Abusing or threatening to abuse the law or legal process;
- (b) 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;
- (c) Threatening to report a person to a government agency for the purpose of arrest or deportation;
- (d) Threatening to collect an unlawful debt; or
- (e) 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.

(2) Subjecting another person to involuntary servitude in the second degree is a Class C felony

#### **§ 163.266. Trafficking in Persons**

(1) 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:

- (a) The person knows that the other person will be subjected to involuntary servitude as described in ORS 163.263 or 163.264;
- (b) 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; or
- (c) The person knows or recklessly disregards the fact that the other person is under 15 years of age and will be used in a commercial sex act.

(2) 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 subsection (1) of this section or ORS 163.263 or 163.264.

(3) As used in this section, “commercial sex act” means sexual conduct or sexual contact, as those terms are defined in ORS 167.002, performed in return for a fee or anything of value.

(4) Violation of subsection (1)(a) or (2) of this section is a Class B felony.

(5) Violation of subsection (1)(b) or (c) of this section is a Class A felony.

#### **§ 163.269. Victim assertion of defense of duress**

A person who is the victim of a crime described in ORS 163.263, 163.264 or 163.266 may assert the defense of duress, as described in ORS 161.270, if the person is prosecuted for conduct that constitutes services under ORS 163.261, that the person was caused to provide.

**Title 19. Miscellaneous Matters Related to Government and Public Affairs**  
**Chapter 192. Records; Public Reports and Meetings**  
**Address Confidentiality Program**

**§ 192.822. Address Confidentiality Program established**

- (1) The Address Confidentiality Program is established in the Department of Justice to:
  - (a) Protect the confidentiality of the actual address of a victim of domestic violence, a sexual offense, stalking or human trafficking; and
  - (b) Prevent assailants or potential assailants of the victim from finding the victim through public records.
- (2) The Attorney General shall designate a substitute address for a program participant and act as the agent of the program participant for purposes of service of all legal process in this state and receiving and forwarding first-class, certified or registered mail.
- (3) The Attorney General is not required to forward any packages or mail other than first-class, certified or registered mail to the program participant.
- (4) The Attorney General is not required to track or otherwise maintain records of any mail received on behalf of a program participant unless the mail is certified or registered.

**§ 192.826. Participation in Address Confidentiality Program**

- (1) Any of the following individuals with the assistance of an application assistant may file an application with the Attorney General to participate in the Address Confidentiality Program:
  - (a) An adult individual.
  - (b) A parent or guardian acting on behalf of a minor when the minor resides with the parent or guardian.
  - (c) A guardian acting on behalf of an incapacitated individual.
- (2) The application must be dated, signed and verified by the applicant and the application assistant who assisted in the preparation of the application.
- (3) The application must contain all of the following:
  - (a) A statement by the applicant that the applicant or the applicant's child or ward is a victim of domestic violence, a sexual offense, stalking or human trafficking and that the applicant fears for the applicant's safety or the safety of the applicant's child or ward.
  - (b) Evidence that the applicant or the applicant's child or ward is a victim of domestic violence, a sexual offense, stalking or human trafficking. This evidence may include any of the following:
    - (A) Law enforcement, court or other federal, state or local government records or files;
    - (B) Documentation from a public or private entity that provides assistance to victims of domestic violence, a sexual offense, stalking or human trafficking if the applicant or the applicant's child or ward is an alleged victim of domestic violence, a sexual offense, stalking or human trafficking;
    - (C) Documentation from a religious, medical or other professional from whom the applicant has sought assistance in dealing with the alleged domestic violence, sexual offense, stalking or human trafficking; or
    - (D) Other forms of evidence as determined by the Attorney General by rule.
  - (c) A statement by the applicant that disclosure of the actual address of the applicant would endanger the safety of the applicant or the safety of the applicant's child or ward.
  - (d) A statement by the applicant that the applicant:

- (A) Resides at a location in this state that is not known by assailants or potential assailants of the applicant or the applicant's child or ward; and
  - (B) Will not disclose the location to assailants or potential assailants of the applicant or the applicant's child or ward while the applicant is a program participant.
  - (e) Written consent permitting the Attorney General to act as an agent for the applicant for the service of all legal process in this state and the receipt of first-class, certified or registered mail.
  - (f) The mailing address and telephone number at which the Attorney General can contact the applicant.
  - (g) The actual address that the applicant requests not be disclosed by the Attorney General that directly relates to the increased risk of the applicant or the applicant's child or ward as a victim of domestic violence, a sexual offense, stalking or human trafficking.
  - (h) A sworn statement by the applicant that to the best of the applicant's knowledge the information contained in the application is true.
  - (i) A recommendation by an application assistant that the applicant be a participant in the Address Confidentiality Program.
- (4) Upon the filing of a properly completed application and upon approval by the Attorney General, the Attorney General shall certify the applicant as a program participant.
- (5) Upon certification, the Attorney General shall issue an Address Confidentiality Program authorization card to the program participant. The Address Confidentiality Program authorization card is valid as long as the program participant remains certified under the program.
- (6) The term of certification shall be for a period of time determined by the Attorney General by rule, unless prior to the end of the period one of the following occurs:
- (a) The program participant withdraws the certification by filing with the Attorney General a request for withdrawal signed by the program participant and acknowledged in writing by a notary public or an application assistant; or
  - (b) The Attorney General cancels the certification under ORS 192.834.
- (7) A program participant may renew the certification by filing an application for renewal with the Attorney General at least 30 days prior to expiration of the current certification.

## Portland Code of Ordinances

### **Title 14. Public Order**

#### **Chapter 14A.40. Interference with Persons and Sexual Misconduct**

##### **§ 14A.40.030. Indecent Exposure**

It is unlawful for any person to expose his or her genitalia while in a public place or place visible from a public place, if the public place is open or available to persons of the opposite sex.

##### **§ 14A.40.040. Loitering to Solicit Prostitution**

A. For the purposes of this Section, the following definitions apply:

1. Prostitution: engaging in, offering, or agreeing to engage in sexual conduct or sexual contact in return for a fee or paying, offering, or agreeing to pay a fee to engage in sexual conduct or sexual contact.
2. Sexual Conduct: sexual intercourse or deviate sexual intercourse.
3. Sexual Contact: any touching another person not married to the actor, for the purpose of arousing or gratifying the sexual desire of either party.

B. It is unlawful for any person to loiter in or near any street or public place in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting, or procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether such purpose is manifested are that the person repeatedly contacts, stops or attempts to stop pedestrians, or repeatedly stops or attempts to stop motor vehicle operators or passengers by hailing them or gesturing to them.

##### **§ 14A.40.050. Unlawful Prostitution Procurement Activities**

A. As used in this Section, "prostitution" means that unlawful conduct defined in Section 14A.40.040 of this Code. As used in this Section, "prostitution procurement activity" means any conduct by any person that constitutes a substantial step in furtherance of an act of prostitution. Such activity includes, but is not limited to, lingering in or near any street or public place, repeatedly circling an area in a motor vehicle, or repeatedly beckoning to, contacting, or attempting to stop pedestrians or motor vehicle operators.

B. It is unlawful for any person to engage in any prostitution procurement activity with an intent to induce, entice, solicit, procure, locate, or contact another person to commit an act of prostitution.

#### **Chapter 14B.30. Prostitution-Free Zones**

##### **§ 14B.30.010. Prostitution-Free Zones**

A. For the purposes of this chapter, the following definitions apply:

1. Arrest: to place a person under actual or constructive restraint or to take a person into custody for the purpose of charging that person with an offense.
2. Essential needs: food, physical care, and medical attention.
3. Reside: to occupy one's principal dwelling; including transient occupancy in a hotel or motel.
4. Travel: the movement on foot or within or upon a vehicle within a prostitution-free zone from one point to another without delay other than to obey traffic control devices.

B. Prostitution-free zones are those areas of the City as designated by the City Council under Chapter 14B.30 of this Code, which are areas where the number of arrests where there was

probable cause to believe a person has committed any of the offenses enumerated in Section 14B.30.030 for a twelve (12) month period within the eighteen (18) months preceding its designation is significantly higher than that for other similarly sized geographic areas of the City that are not located within a prostitution-free zone.

#### **§ 14B.30.020. Designation of Prostitution-Free Zone**

- A. If the City Council designates an area meeting the criteria of Section 14B.30.010 of this Code to be a prostitution-free zone, Council shall do so by ordinance. The designation shall be valid for a period of three (3) years.
- B. The offense of the Chief of Police of the Portland Police Bureau is directed to report to City Council at least ninety (90) days before the end of the period referred to in section 14B.30.020 A., as to whether there is a need to re-configure the prostitution-free zones enumerated in 14B.30.070.
- C. This Chapter, and the procedures and exercise of exclusion authority it contains, are valid until September 30, 2007.
- D. The office of the Chief of Police of the Portland Police Bureau is directed to report to City Council at least ninety (90) days before the expiration of this Chapter as to whether there is a need to re-authorize this Chapter.

#### **§ 14B.30.030. Civil Exclusions**

- A. A person is subject to exclusion under the process described in this chapter for a period of ninety (90) days from any public right of way and park within a prostitution-free zone designated in Code Chapter 14B.30 if that person has been arrested and either cited to appear in court for charging or lodged in jail for presentation to a magistrate for charging based upon probable cause to believe that the person has committed any of the following offenses within that prostitution-free zone, unless the offense was committed entirely within a private residence.
  - 1. Attempted prostitution, in violation of ORS 161.405;
  - 2. Prostitution, in violation of ORS 167.007;
  - 3. Attempted promoting prostitution, in violation of ORS 161.405;
  - 4. Promoting prostitution, in violation of ORS 167.012;
  - 5. Attempted compelling prostitution, in violation of ORS 161.405;
  - 6. Compelling prostitution, in violation of ORS 167.017;
  - 7. Loitering to solicit prostitution, in violation of Portland City Code 14A.40.040; or
  - 8. Unlawful prostitution procurement activity; in violation of Portland City Code 14A.40.050.
- B. A one (1) year exclusion from any public right of way and park within a prostitution-free zone shall take effect upon the day after conviction for any of the offenses enumerated in Subsection A. of this Section if that offense was committed within that prostitution-free zone and the person was both given notice prior to the exclusion that the City would impose a one-year exclusion upon conviction and notified of the right of appeal and the process for initiating an appeal.
- C. A person excluded from a prostitution-free zone under authority of this Section may not enter that prostitution-free zone except to travel to and from and be present at the events and locations listed below:
  - 1. Attend a meeting with an attorney;
  - 2. Attend a scheduled initial interview with a social service provider;
  - 3. Comply with court-or corrections-ordered obligations;

4. Contact criminal justice personnel at a criminal justice facility;
  5. Attend any administrative or judicial hearing relating to an appeal of:
    - a. the person's notice of exclusion; or
    - b. the denial, revocation, or amendment of the person's variance;
  6. Travel through that prostitution-free zone on a Tri-Met vehicle;
  7. Travel through that prostitution-free zone on the I-5, I-84, I-205 or I-405 freeways within its boundaries;
  8. Reside in a dwelling or facility;
  9. Satisfy, or attempt to satisfy an essential need by accessing a public or private place that provides an essential need or service when the essential need cannot be reasonably satisfied by the excluded person without entering the prostitution-free zone;
  10. Obtain social services when:
    - a. the excluded person is in need of social services;
    - b. the social services are sought for reasons relating to the health or well-being of the excluded person; and
    - c. the social services agency has written rules and regulations prohibiting the unlawful use and scale of controlled substances by their clients.
  11. Obtain education by:
    - a. enrolling as a student at an educational facility; or
    - b. attending school at an educational facility.
  12. Work as the owner, principal, agent or employee at a place of lawful employment;
  13. Perform work directly related to lawful employment;
  14. Be present at any place or event as specified by a variance issued by the Chief of Police or designee pursuant to 14B.30.060 B.
- D. An exclusion is valid only if the person to be excluded received actual notice of the exclusion as required by 14B.30.050; including notice of the limitations of the exclusion contained in 14B.30.020.

#### **§ 14B.30.035. Violation of an exclusion-penalties**

- A. It is unlawful for a person to enter or remain in a prostitution-free zone in violation of an exclusion imposed pursuant to this Code. For violation of this subsection, a court may impose a fine of no more than \$500 or imprisonment of no more than 30 days, or both.
- B. A person who enters or remains in a prostitution-free zone in violation of an exclusion issued pursuant to this Code is subject to arrest for Criminal Trespass (ORS 164.245).

### **Chapter 14B.50. Forfeiture**

#### **§ 14B.50.010 Certain Vehicles as Nuisances**

The following motor vehicles are hereby declared to be nuisances and subject to seizure and in rem civil forfeiture:

- C. A motor vehicle used to commit prostitution as defined in ORS 167.007(1)(b).

#### **§ 14B.50.030 Prostitution**

Conduct involving violation of, solicitation to violate, attempt to violate or conspiracy to violate any provision of ORS 167.002 to 167.027, excluding 167.007(1)(a) is hereby declared to be prohibited conduct, and any property that is used to commit or which is proceeds of the prohibited conduct is hereby declared to be subject to forfeiture, as limited by the provisions of Section 14B.50.020.

**§ 14B.50.035 Disbursement of Proceeds from Prostitution Forfeiture**

A. Forfeiture proceeds arising out of the prohibited conduct as defined by Section 14B.50.030 shall be separately accounted for.

B. After entry of a judgment of forfeiture for any assets forfeited under Section 14B.50.030, the forfeiting agency shall distribute or apply the proceeds in the following order:

1. To the satisfaction of any foreclosed liens, security interests, and contracts, in order of their priority;

2. To the seizing and forfeiting agencies for actual and reasonable expenses related to the costs of the forfeiture proceeding, including but not limited to:

a. the costs incurred by seizing and forfeiting agencies in investigating and prosecuting the case, such as costs, disbursements and attorney fees as defined in ORCP 68 A;

b. special expenses such as the provision of currency for undercover law enforcement operations, the cost of disabling a hidden compartment in a motor vehicle, and storage or maintenance of the seized property; and

c. expenses arising in connection with the sale of any forfeited property.

3. The forfeiting agency may not pay expenditures made in connection with the ordinary maintenance and operation of a seizing or forfeiting agency under this Subsection.

C. After payment of costs under Subsection 14B.50.035 B., the forfeiting agency shall use seventy-five percent of the remaining proceeds to provide services, including but not limited to shelter services, for victims of human trafficking. The remaining twenty-five percent of the proceeds from any assets forfeited under or Section 14B.50.030 may be used by the Portland Police Bureau for law enforcement purposes relating to the provisions of ORS 167.002, 167.007(1)(b), 167.012, and 167.017.



## Laws in Practice

### **Portland Police Department**

Prostitution and sex trafficking, including child sex trafficking, have a long and serious history in Portland. Portland has mobilized to address demand for commercial sex since the mid-1970s. Local police have been conducting reverse stings since 1974. Since then the city has been conducting various types of tactics including reverse stings, shaming, community service, public education, neighborhood action, SOAP orders, john school, sending letters, and conducting web stings. Since 1995 Portland has been running a John school within its borders. The John School, known as the Sex Buyer Accountability Diversion program, is modeled after San Francisco's FOPP. It is a diversion program, where meeting all of the requirements results in a case dismissal. The fee is \$1,000, with provisions for a sliding scale based on ability to pay. The program is financially supported entirely by fees from the offenders and excess revenue is used to support programs for survivors of commercial sex and sex trafficking.

Portland also uses systematic SOAP orders and has used "dear john" letters sent to the homes of sex buyers. In simplest terms, those arrested for prostitution offenses can be ordered to stay out of the defined zone, and violations of this restriction can result in enhanced penalties.

Portland has had many neighborhood groups and organizations that have formed and mobilized to combat prostitution and sex trafficking. Some of their efforts have been specifically focused on demand. For example, the community-driven Prostitution Advisory Council wrote a report and presented to city officials recommendations for reinstatement of SOAP orders and re-establishing a john school.

In 2017, the PPD participated in the 13<sup>th</sup> National Johns Suppression Initiative, which is a national sting coordinated by the Cook County Sheriff's Office in an effort to target and reduce sex trafficking. During this 13 day sting, 31 sex buyers were arrested.

## Victim Services

### **Oregonians Against Trafficking Humans (OATH)**

OATH aims to prevent the exploitation of men, women and children through education and promotion of community involvement. OATH helps to link victims of sex trafficking with other services around Oregon as well.

For more information, visit the OATH website at <http://www.oregonoath.org/>.

### **Janus Youth Programs**

Since originating in 1972 Janus Youth Programs have been providing residential care for adolescents struggling with homelessness and drug abuse. Janus Youth Programs has provided a second chance for at-risk youth with few resources, and no place to turn for help. JYP runs various programs to address the needs of youth at all levels including homeless, runaways, and teen parents.

#### *Homeless Youth*

- **Yellow Brick Road:**

Every night trained Yellow Brick Road community volunteer teams and professional staff walk the streets of downtown Portland making over 2,000 contacts monthly with homeless youth, building trust, helping meet their immediate needs and linking youth with services to help them get off the streets. A one-day a week stationary outreach location provides youth with connection to basic services including shower and laundry facilities, telephone and internet connection and linkage to a host of additional supportive services.

- **Access Center:**

The single point of entry for homeless youth ages 14 to 24 seeking services through Portland's Homeless Youth Continuum, the Center screens over 700 youth each year providing engagement, intake, screening and community referrals. Youth seeking services have immediate access to basic needs and safe shelter off the streets. Screenings can be accommodated 365 days of the year between the hours of 9 am and 5 pm.

- **Porch Light Shelter:**

Portland's only 30-bed crisis shelter for homeless youth ages 14 to 24 in need of immediate shelter, Porch Light provides nourishing meals, shower and laundry facilities and 15 nights of safe shelter each month for youth working to secure permanent housing. Filled to capacity every night, over 500 youth are sheltered yearly.

#### *Runaway Youth Services*

- **Harry's Mother and Garfield House Emergency Shelter:**

Harry's Mother provides 24-hour crisis intervention, emergency shelter and individual and family counseling to youth ages 9 to 17 and their families. Harry's Mother helps over 500 youth and their families through its Crisis Intervention and Counseling Center and confidential Garfield House Shelter while a 24-hour Youth and Family Help Line provides immediate support and information and referral to 2,500 callers each year.

- **Juvenile Reception Center:**

The Reception Center provides 24-hour immediate intervention services for youth ages 11 to 17 picked up by the Portland Police for truancy, curfew violations, running away, trespassing and other low level misdemeanors and status offenses. A collaboration with the Portland Police Department, Multnomah County Department of Human Services and the Juvenile Services

Division of the Department of Community Justice, the Reception Center, co-located at Harry's Mother, provides a safe, non-secure setting for youth waiting to be reunited with their parents or guardians. Youth have access to crisis counseling or other services they or their family may need to decrease further involvement in the juvenile justice system.

#### *Teen Parents*

- **Healthy Start:**

Provides parent and child development education and a support group for first-time pregnant or parenting teens aged 20 and under.

- **Seeds:**

SEEDS (Supporting Early Emerging Development Skills) provides parenting education, child development screenings and support services, including a parent support group, for adolescent parents aged 22 and under and living within Portland's city limits.

- **Christina Project:**

Provides domestic violence education, advocacy, case management and support for young mothers aged 22 and under that are experiencing or have experienced intimate partner violence.

#### **Portland's Human Trafficking Task Force**

The Portland Human Trafficking Task Force provides human trafficking awareness about human trafficking, training and education in identifying victims, coordinates victim resources, investigates trafficking cases, and provide statistical research to the Department of Justice. As such, they provide victims with various resources and link them to other service cites in Portland, including advocacy program, aftercare centers for children, awareness events, prevention efforts, outreach and shelters.

For more information visit the Portland Human Trafficking Task Force cite, <http://abolitionnow.com/organizations>.

#### **Catholic Charities Outreach and Support to Special Immigrant Populations (OSSIP)**

OSSIP is a comprehensive program that aims to assist foreign-born survivors of human trafficking. The program provides intensive case management and legal services while aiming for self-sufficiency and self-empowerment for victims.

#### **Lola Greene Baldwin Foundation**

The aim of the foundation is to help victims escape the life of prostitution and survive in the long-term. Specific services provided include access to a drop-in center, case management, legal advocacy and community programs.

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4. OR. REV. STAT. ANN. § 167.007 (2013).
5. OR. REV. STAT. ANN. § 167.008 (2013).
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8. OR. REV. STAT. ANN. § 163.261 (2013).
9. OR. REV. STAT. ANN. § 163.266 (2013).
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18. Portland Mun. Code (Oreg.) § 14B.30.020 (2011).
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# Pennsylvania

## Penal Code – Solicitation

### **Title 18 Pa.C.S.A. Crimes and Offenses**

#### **Part II. Definition of Specific Offenses**

#### **Article F. Offenses Against Public Order and Decency**

#### **Chapter 59. Public Indecency**

#### **§ 5902. Prostitution and related offenses**

- (a) Prostitution. -- A person is guilty of prostitution if he or she:
- (1) is an inmate of a house of prostitution or otherwise engages in sexual activity as a business; or
  - (2) loiters in or within view of any public place for the purpose of being hired to engage in sexual activity.
- (a.1) Grading of offenses under subsection (a). -- An offense under subsection (a) constitutes a:
- (1) Misdemeanor of the third degree when the offense is a first or second offense.
  - (2) Misdemeanor of the second degree when the offense is a third offense.
  - (3) Misdemeanor of the first degree when the offense is a fourth or subsequent offense.
  - (4) Felony of the third degree if the person who committed the offense knew that he or she was human immunodeficiency virus (HIV) positive or manifesting acquired immune deficiency syndrome (AIDS).
- (b) Promoting prostitution. -- A person who knowingly promotes prostitution of another commits a misdemeanor or felony as provided in subsection (c) of this section. The following acts shall, without limitation of the foregoing, constitute promoting prostitution:
- (1) owning, controlling, managing, supervising or otherwise keeping, alone or in association with others, a house of prostitution or a prostitution business;
  - (2) procuring an inmate for a house of prostitution or a place in a house of prostitution for one who would be an inmate;
  - (3) encouraging, inducing, or otherwise intentionally causing another to become or remain a prostitute;
  - (4) soliciting a person to patronize a prostitute;
  - (5) procuring a prostitute for a patron;
  - (6) transporting a person into or within this Commonwealth with intent to promote the engaging in prostitution by that person, or procuring or paying for transportation with that intent;
  - (7) leasing or otherwise permitting a place controlled by the actor, alone or in association with others, to be regularly used for prostitution or the promotion of prostitution, or failure to make reasonable effort to abate such use by ejecting the tenant, notifying law enforcement authorities, or other legally available means; or
  - (8) soliciting, receiving, or agreeing to receive any benefit for doing or agreeing to do anything forbidden by this subsection.
- (b.1) Promoting prostitution of minor. -- A person who knowingly promotes prostitution of a minor commits a felony of the third degree. The following acts shall, without limitation of the foregoing, constitute promoting prostitution of a minor:
- (1) owning, controlling, managing, supervising or otherwise keeping, alone or in association with others, a house of prostitution or a prostitution business in which a victim is a minor;

- (2) procuring an inmate who is a minor for a house of prostitution or a place in a house of prostitution where a minor would be an inmate;
  - (3) encouraging, inducing, or otherwise intentionally causing a minor to become or remain a prostitute;
  - (4) soliciting a minor to patronize a prostitute;
  - (5) procuring a prostitute who is a minor for a patron;
  - (6) transporting a minor into or within this Commonwealth with intent to promote the engaging in prostitution by that minor, or procuring or paying for transportation with that intent;
  - (7) leasing or otherwise permitting a place controlled by the actor, alone or in association with others, to be regularly used for prostitution of a minor or the promotion of prostitution of a minor, or failure to make reasonable effort to abate such use by ejecting the tenant, notifying law enforcement authorities or other legally available means; or
  - (8) soliciting, receiving, or agreeing to receive any benefit for doing or agreeing to do anything forbidden by this subsection.
- (c) Grading of offenses under subsection (b).
- (1) An offense under subsection (b) constitutes a felony of the third degree if:
    - (i) the offense falls within paragraphs (b)(1), (b)(2) or (b)(3);
    - (ii) the actor compels another to engage in or promote prostitution;
    - (iii) (Deleted by amendment.)
    - (iv) the actor promotes prostitution of his spouse, child, ward or any person for whose care, protection or support he is responsible; or
    - (v) the person knowingly promoted prostitution of another who was HIV positive or infected with the AIDS virus.
  - (2) Otherwise the offense is a misdemeanor of the second degree.
- (e) Patronizing prostitutes.--A person commits the offense of patronizing prostitutes if that person hires a prostitute or any other person to engage in sexual activity with him or her or if that person enters or remains in a house of prostitution for the purpose of engaging in sexual activity.
- (e.1) Grading of offenses under subsection (e).--An offense under subsection (e) constitutes a:
- (1) Misdemeanor of the third degree when the offense is a first or second offense.
  - (2) Misdemeanor of the second degree when the offense is a third offense.
  - (3) Misdemeanor of the first degree when the offense is a fourth or subsequent offense.
  - (4) Felony of the third degree if the person who committed the offense knew that he or she was human immunodeficiency virus (HIV) positive or manifesting acquired immune deficiency syndrome (AIDS).
- (e.2) Publication of sentencing order.--A court imposing a sentence for a second or subsequent offense committed under subsection (e) shall publish the sentencing order in a newspaper of general circulation in the judicial district in which the court sits, and the court costs imposed on the person sentenced shall include the cost of publishing the sentencing order.
- (f) Definitions.--As used in this section the following words and phrases shall have the meanings given to them in this subsection:
- “House of prostitution.” Any place where prostitution or promotion of prostitution is regularly carried on by one person under the control, management or supervision of another.
- “Inmate.” A person who engages in prostitution in or through the agency of a house of prostitution.
- “Minor.” An individual under 18 years of age.

“Public place.” Any place to which the public or any substantial group thereof has access.  
“Sexual activity.” Includes homosexual and other deviate sexual relations.

**Part I. Preliminary provisions**

**Chapter 11. Authorized Disposition of Offenders**

**§ 1104. Sentence of imprisonment for misdemeanors**

A person who has been convicted of a misdemeanor may be sentenced to imprisonment for a definite term which shall be fixed by the court and shall be not more than:

- (1) Five years in the case of a misdemeanor of the first degree.
- (2) Two years in the case of a misdemeanor of the second degree.
- (3) One year in the case of a misdemeanor of the third degree.



## Penal Code – Human Trafficking

### **Title 18 Pa.C.S.A. Crimes and Offenses**

#### **Part II. Definition of Specific Offenses**

#### **Article B. Offenses Involving Danger to the Person**

#### **Chapter 30. Human Trafficking**

#### **Subchapter B. Prosecution of Human Trafficking**

##### **§ 3011. Trafficking in individuals**

- (a) Offense defined.--A person commits a felony of the second degree if the person:
- (1) recruits, entices, solicits, harbors, transports, provides, obtains or maintains an individual if the person knows or recklessly disregards that the individual will be subject to involuntary servitude; or
  - (2) knowingly benefits financially or receives anything of value from any act that facilitates any activity described in paragraph (1).
- (b) Trafficking in minors.--A person commits a felony of the first degree if the person engages in any activity listed in subsection (a) that results in a minor's being subjected to sexual servitude.

##### **§ 3012. Involuntary servitude**

- (a) Offense defined. – A person commits a felony of the first degree if the person knowingly, through any of the means described in subsection (b), subjects an individual to labor servitude or sexual servitude, except where the conduct is permissible under Federal or State law other than this chapter
- (b) Means of subjecting an individual to involuntary servitude. – A person may subject an individual to involuntary servitude through any of the following means:
- (1) Causing or threatening to cause serious harm to any individual.
  - (2) Physically restraining or threatening to kidnap any individual.
  - (3) Kidnapping or attempting to kidnap any individual.
  - (4) Abusing or threatening to abuse the legal process.
  - (5) Taking or retaining the individual's personal property or real property as a means of coercion.
  - (6) Engaging in unlawful conduct with respect to documents, as defined in section 3014 (relating to unlawful conduct regarding documents).
  - (7) Extortion.
  - (8) Fraud.
  - (9) Criminal coercion, as defined in section 2906 (relating to criminal coercion).
  - (10) Duress, through the use of or threat to use unlawful force against the person or another.
  - (11) Debt coercion.
  - (12) Facilitating or controlling the individual's access to a controlled substance.
  - (13) 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.

##### **§ 3013. Patronizing a victim of sexual servitude**

- (a) Offense defined. -- A person commits a felony of the second degree if the person engages in any sex act or performance with another individual knowing that the act or performance is the

result of the individual knowing that the act or performance is the result of the individual being a victim of human trafficking.

(b) Investigation. -- An individual arrested for a violation of section 5902(e) (relating to prostitution and related offenses) may be formally detained and questioned by law enforcement personnel to determine if the individual engaged in any sex act or performance with the alleged prostitute knowing that the individual is a victim of human trafficking.

(c) Fine. -- A person whose violation of this section results in a judicial disposition other than acquittal or dismissal shall also pay a fine of \$500 to the court, to be distributed to the commission to fund the grant program established under section 3031 (relating to grants).

### **§ 3019. Victim protection during prosecution**

(a) Disclosure of name of victim of human trafficking. -- Notwithstanding any other provision of law to the contrary, unless the court otherwise orders in a prosecution involving a victim of human trafficking, an officer or employee of the court may not disclose the identity of the victim of human trafficking to the public. Any record revealing the name of the victim of human trafficking shall not be open to public inspection.

(b) Affirmative defense. -- An individual who is charged with any violation under section 5902 (relating to prostitution and related offenses) may offer the defense at trial that he engaged in the conduct charged because he was compelled to do so by coercion or the use of or a threat to use unlawful force against his person or the person of another, which a person of unreasonable firmness in his situation would have been unable to resist.

(c) Diversionary program. -- An individual who is charged with violating a trespassing, loitering, obstruction of highway, disorderly conduct or simple possession of a controlled substance statute as a direct result of being a victim of human trafficking, where the violation is his first offense, shall be given first consideration for a pretrial diversionary program by the judicial authority with jurisdiction over the violations. If the individual successfully completed the diversionary program, the court shall order that the individual's records of the charge of violating the statute shall be expunged as provided for under section 9122 (relating to expungement).

(d) Motion to vacate conviction. --

(1) An individual convicted under section 3503 (relating to criminal trespass), 5503 (relating to disorderly conduct), 5506 (relating to loitering and prowling at night time), 5507 (relating to obstructing highways and other public passages) or 5902 or an offense for simple possession of a controlled substance committed as a direct result of being a victim of human trafficking may file a motion to vacate the conviction.

(2) In order to be considered, a motion under this subsection must:

(i) Be in writing.

(ii) Be consented to by the attorney for the Commonwealth.

(iii) Describe the supporting evidence with particularity.

(iv) Include copies of any documents showing that the moving party is entitled to relief under this section.

(e) Official documentation. -- No official determination or documentation is required to grant a motion under this section, but official documentation from a Federal, State or local government agency indicating that the defendant was a victim at the time of the offense creates a presumption that the defendant's participation in the offense was a direct result of being a victim.

(f) Grant of motion. -- The court shall grant the motion if it finds that:

(1) The moving party was convicted of an offense described in subsection (d)(1).

(2) The conviction was obtained as a result of the moving party's having been a victim of human trafficking.

(g) Conviction vacated. -- If the motion under subsection (d) is granted, the court shall vacate the conviction, strike the adjudication of guilt and order the expungement of the record of the criminal proceedings. The court shall issue an order to expunge all records and files related to the moving party's arrest, citation, investigation, charge, adjudication of guilt, criminal proceedings and probation for the offense.

### **§ 3020. Restitution**

In addition to the provisions of section 1106 (relating to restitution for injuries to person or property), the following shall apply:

- (1) A person who violates this chapter shall be ineligible to receive restitution.
- (2) The following items may be included in an order of restitution:
  - (i) For the period during which the victim of human trafficking was engaged in involuntary servitude, the greater of the following:
    - (A) The value of the victim's time during the period of involuntary servitude as guaranteed under the minimum wage and overtime provisions of the laws of this Commonwealth.
    - (B) The gross income or value to the defendant of the services of the victim.
    - (C) The amount the victim was promised or the amount an individual in the position of the victim would have reasonably expected to earn. This clause shall not apply to the amount an individual would have reasonably expected to earn in an illegal activity.
  - (ii) The return of property of the victim of human trafficking, cost of damage to the property or the replacement value of the property if taken, destroyed or damaged beyond repair as a result of human trafficking.
- (3) Collection and distribution of restitution payments shall be governed by the provisions of 42 Pa.C.S. §§ 9728 (relating to collection of restitution, reparation, fees, costs, fines and penalties), 9730 (relating to payment of court costs, restitution and fines) and 9730.1 (relating to collection of court costs, restitution and fines by private collection agency).

### **§ 3024. Sentencing**

The Pennsylvania Commission on Sentencing, in accordance with 42 Pa.C.S. § 2154 (relating to adoption of guidelines for sentencing), shall provide for sentencing enhancements for courts to consider in cases involving trafficking in individuals and involuntary servitude.

## **Subchapter D. Protection of Victims of Human Trafficking**

### **§ 3051. Civil causes of action**

(a) General rule.--

- (1) An individual who is a victim of human trafficking may bring a civil action against any person that participated in the human trafficking of the individual in the court of common pleas of the county where the individual resides or where any of the alleged violations of this chapter occurred.
- (2) An individual who is a victim of the sex trade may bring a civil action in the court of common pleas of the county where the individual resides against a person that:

- (i) recruits, profits from or maintains the victim in any sex trade act;
  - (ii) abuses or causes bodily harm to the victim in any sex trade act; and
  - (iii) knowingly advertises or publishes advertisements for purposes of recruitment into sex trade activity.
- (c) Damages.--The court may award any of the following forms of relief:
  - (1) Actual damages.
  - (2) Compensatory damages.
  - (3) Punitive damages.
  - (4) Injunctive relief.
  - (5) Any other appropriate relief.
- (d) Attorney fees and costs.--A prevailing plaintiff who is a victim of human trafficking shall be awarded reasonable attorney fees and costs.
- (e) Treble damages.--Treble damages shall be awarded to a victim of human trafficking on proof of actual damages where the defendant's acts were willful and malicious.
- (f) Joinder of actions.--In the discretion of the court:
  - (1) Two or more individuals may join in one action under this section as plaintiffs if their respective actions involve at least one defendant in common.
  - (2) Two or more persons may be joined in one action under this section as defendants if those persons may be liable to at least one plaintiff in common.
- (g) Attempts at avoidance of liability.--No person may avoid liability under this section by:
  - (1) a conveyance of any right, title or interest in real property; or
  - (2) an agreement, including an indemnification agreement or hold harmless agreement, that purports to show the consent of the victim of human trafficking.
- (h) Statute of limitations.--
  - (1) An action may be brought under this section by an individual who was the victim of human trafficking while an adult within five years of the last act against that individual that constitutes an offense under this chapter.
  - (2) An action may be brought under this section by an individual who was a victim of human trafficking while a minor for any offense committed against the victim while the victim was under 18 years of age until that victim reaches 30 years of age.
- (i) Estoppel.--A defendant is estopped from asserting a defense of the statute of limitations when the expiration of the statute is due to intentional conduct by the defendant knowingly inducing or coercing the plaintiff to delay the filing of the action.
- (j) Nondefenses.--It shall not be a defense to an action under this section that the following occurred:
  - (1) The victim of the sex trade and the defendant had a consensual sexual relationship.
  - (2) The defendant is related to the victim of the sex trade by blood or marriage.
  - (3) The defendant has lived with the victim of the sex trade in any formal or informal household arrangement.
  - (4) The victim of the sex trade was paid or otherwise compensated for sex trade activity.
  - (5) The victim of the sex trade engaged in sex trade activity prior to any involvement with the defendant.
  - (6) The victim of the sex trade continued to engage in sex trade activity following any involvement with the defendant.
  - (7) The victim of the sex trade made no attempt to escape, flee or otherwise terminate the contact with the defendant.

- (8) The victim of the sex trade consented to engage in sex trade activity.
  - (9) The victim of the sex trade engaged in only a single incident of sex trade activity.
  - (10) There was no physical contact involved in the sex trade activity.
  - (11) As a condition of employment, the defendant required the victim of the sex trade to agree not to engage in prostitution.
  - (12) The defendant's place of business was posted with signs prohibiting prostitution or prostitution-related activities.
  - (13) The victim of the sex trade has been convicted or charged with prostitution or prostitution-related offenses.
  - (14) The victim of labor trafficking made no attempt to escape, flee or otherwise terminate the contact with the defendant.
- (k) Definitions.--The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:
- “Sex trade.” An act, which if proven beyond a reasonable doubt, could support a conviction for violation or attempted violation of Chapter 59 (relating to public indecency) or section 6312 (relating to sexual abuse of children).
- “Victim of the sex trade.” An individual who has:
- (1) been the object of a solicitation for prostitution;
  - (2) been the object of a transaction in a sex act;
  - (3) been intended or compelled to engage in an act of prostitution;
  - (4) been intended or compelled to engage in a sex act;
  - (5) been described or depicted in material that advertises an intent or compulsion to engage in sex acts; or
  - (6) in the case of obscenity or child pornography, has appeared in or been described or depicted in the offending conduct or material.

## **Title 42 Pa.C.S.A. Judiciary and Judicial Procedure**

### **Part VIII. Criminal Proceedings**

#### **Chapter 97. Sentencing**

##### **Subchapter B. Sentencing Authority**

##### **§ 9720.2. Sentencing for trafficking of persons**

Notwithstanding any other provision of law, a person who commits a violation of 18 Pa.C.S. § 3011 (relating to trafficking in individuals) or 3012 (relating to involuntary servitude) while violating:

- (1) 18 Pa.C.S. § 2901 (relating to kidnapping);
  - (2) 18 Pa.C.S. § 3121 (relating to rape); or
  - (3) 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse);
- shall be sentenced up to a maximum term of life imprisonment.

# Pittsburgh Municipal Code

## **Title Six. Conduct**

### **Article I. Regulated Rights and Actions**

#### **Chapter 615. Public Nuisances**

##### **§ 615.02. Public Nuisances**

(a) For purposes of this Chapter, all facilities are declared to be public nuisances where the activities occur which through action or solicitation result in or are intended to result in:

(1) Ultimate sexual acts, normal or perverted, actual or simulated; or

(2) Masturbation, oral, manual or by object, including but not limiting to cunnilingus or fellatio.

(b) For the purposes of this Chapter, all facilities are declared to be a public nuisance wherein the acts specified in subsections (a)(1) and (2) hereof are performed before a live audience of one

(1) or more persons in a patently offensive manner and the acts taken as a whole lack serious literary, artistic, political, educational or scientific value and the average adult person, applying contemporary community standards, would find, that the acts, when considered as a whole, appeal to the prurient interest.

(c) For the purposes of this Chapter, all facilities are declared to be public nuisances in which sexual devices are sold, distributed or displayed.

## Upper Merion Township Code of Ordinances

Upper Merion Township Code of Ordinances does not contain specific provisions on prostitution or human trafficking laws for those who purchase sex. Thus, Pennsylvania state law would be followed.

## Laws in Practice

### **The Pittsburgh Police Department**

The Pittsburgh Bureau of Police has conducted period street-level reverse stings since 1981. Operations typically utilize several undercover female officers, who pose as decoys. As johns attempt to solicit sex from the women, they are apprehended by a backup team. If the man was attempting to solicit sex from a vehicle, he may have his car seized and impounded by police. As a warning to other would-be sex buyers, Pittsburgh police release arrestees' names and other identifying information to local media outlets.

Following a discussion with residents of the city's Bluff neighborhood, wherein community members complained that johns' punishments paled in comparison to those given to prostituted women, Pittsburgh police created a johns school in 1999. The six hour course, which includes presentations from vice detectives, prosecutors and former prostituted women, offers first-time offenders the opportunity to have the charge expunged from their record. To participate, johns must pay a \$500 enrollment fee. As of 2005, a total of 418 johns had successfully completed the course.

### **The Nuisance Bar Task Force (NBTF)**

The NBTF was organized by the Pittsburgh Neighborhood Alliance in 1986. The goal of the NBTF is to address a chronic problem experienced in many Pittsburgh neighborhoods: Bars that are havens for illicit activities such as drug sales, assaults, prostitution, gambling, open lewdness, etc.

The NBTF is comprised of representatives from: The Pittsburgh Bureau of Police and Fire, The City of Pittsburgh Bureau of Building Inspection, Allegheny County District Attorney's Office, Allegheny County Health Department, Pennsylvania State Liquor Control Board, Pennsylvania State Police Liquor Control Enforcement, and Concerned Citizens of The City of Pittsburgh.

The NBTF meets every other month to review incoming complaints and to make changes to the current Nuisance Bar list. For more information, please visit: <http://www.pittsburghpa.gov/police/nuisance-bar-task-force-home>.

### **Upper Merion Township Police Department**

Residents of Upper Merion have identified prostitution and sex trafficking as substantial problems in the area. In fact, Upper Merion appears to be a staging area for prostitution activity in the greater metro Philadelphia area.

In February 2014, law enforcement officials announced a plan to combat prostitution and sex trafficking in Montgomery County by conducting reverse stings and enforcing harsher penalties (including increased fines and public shaming) for sex buyers. The plan involves the District Attorney's office working initially with police in Upper Merion and Montgomery townships because those areas are home to numerous hotels that are often used for commercial sex. During the prior five years, Upper Merion police have reportedly noticed a significant increase in prostitution offenses in township hotels, according to the DA, who said that between 2011 and 2013 there was a 56 percent increase in prostitution crimes in Upper Merion.



In June, 2015, Montgomery County District Attorney Risa Vetri Ferman and Upper Merion Township Police Chief Thomas Nolan announced the arrest of five men on charges of patronizing prostitution. The joint law enforcement initiative was conducted to investigate and prosecute those committing crimes related to human trafficking and commercial sex , and focused specifically on local hotels. A decoy online advertisement for prostitution services was posted that received hundreds of responses via phone calls and text messages. The identities of the five arrestees were publicly released.

In 2017, the Upper Merion Township Police Department joined forces with the Cook County Sheriff's Office and participated in the 13<sup>th</sup> National Johns Suppression Initiative, which led to the arrests of three sex buyers in the community.

## Victim Services

### **The Project to End Human Trafficking -Pittsburgh**

The Project to End Human Trafficking (PEHT) is dedicated to raising awareness about human trafficking in an effort to pull slavery out from the shadows and into the public eye. Through education, we hope that more people will become inspired to take action against this atrocious issue.

The Project provides prevention education lectures locally, nationally, and internationally that address topics in human trafficking such as culture, globalism, sex tourism, and victim identification. In hopes to spread awareness and eliminate the trafficking in persons, PEHT collaborates with several organization across the globe, including non-governmental organization, governmental agencies, and grassroots advocacy groups. This non-profit organization has a chapter in Washington D.C. and a sister office in Mokono, Uganda. An important component of the education lectures is the provision of information about how individuals and organizations can participate in the anti-slavery movement.

PEHT and Southwestern Pennsylvania Anti-Human Trafficking Coalition (SWPAAHTC) have developed and organized a sophisticated network of service provider agencies in order to provide comprehensive and coordinated victim services. After victims are informed of the services available, PEHT performs a needs assessment and then navigates victims to the appropriate service agencies within the network. All service provider agencies receive specialized training from PEHT. Services are available to assist survivors with reintegration. During repatriation or reintegration, PEHT strives to link victims and survivors with service providers in the home community.

Project to End Human Trafficking has created the Pittsburgh Anti-Trafficking Task Force in the Pittsburgh, Pennsylvania area and has assisted male and female victims locally since its inception. For more information, please visit: <http://www.endhumantrafficking.org/>.

### **Western Pennsylvania Human Trafficking Coalition**

Mission: The mission of the Western Pennsylvania Human Trafficking Coalition is to develop and maintain a network of individuals and agencies to educate the community about human trafficking and to provide emergent support to victims and survivors. The three primary goals include:

Education: Provide educational lectures locally, nationally, and internationally that address topics in human trafficking such as culture, globalism, sex tourism, victim identification, and response.

Prevention: Work collaboratively with organizations in Western Pennsylvania where individuals are at increased risk of being trafficked with the objective of preventing human trafficking before it starts.

Victim and Survivor Service Coordination: When a victim or survivor of human trafficking is identified in Western PA, local law enforcement, the FBI, the Coalition, and The Project to End Human Trafficking work together to utilize and coordinate the services and resources available through the Coalition members to meet the needs of the survivor.

**Leadership & Membership:** The Western PA Human Trafficking Coalition (previously named the Southwestern PA Anti-Human Trafficking Coalition) was founded by PEHT Executive Director, Dr. Mary C. Burke, to help PEHT fill the resources and services gaps for victims and survivors of human trafficking in Western Pennsylvania. Today, the Coalition is jointly facilitated by PEHT and members of the local FBI.

The Coalition is comprised of members representing a variety of social service agencies, non-profit organizations, faith-based groups, universities, civil and law enforcement agencies, professionals, and concerned citizens in the Western PA region. For more information about the Coalition please email [info@endhumantrafficking.org](mailto:info@endhumantrafficking.org).

### **North Star Initiative**

The North Star Initiative is taking action to raise public awareness and the necessary funds to open the County's first restoration home for survivors of human trafficking and sexual exploitation. The Harbor is a planned restoration home located in a rural setting on 3+ acres of land in Lancaster County. The land was procured through the auspices of a local faith-based organization. The Harbor restoration home will have the capacity to serve up to 10 women at any given time when it is opened.

The Harbor restoration home will offer program activities such as basic medical services and case management, individualized entry and departure assessments, career/job skills training, individualized therapy, community integration support, support, safety and legal education, spiritual integration, group therapy, transition services, etc. The Harbor's target population are females 18+ years of age who are presenting problems associated with sex trafficking and/or sexual exploitation. The Harbor hopes to help its residents create measurable relationship skills, increased opportunities for empowerment, demonstration of healthy boundaries, increased skills set towards a sustainable and independent lifestyle, increase in exposure to a faith narrative that will impact decision-making, etc.

Wellspring Living Institute is a leader in restoration homes for the care of survivors from the domestic sex trafficking population. They have been working with these individuals for over a decade. Wellspring Living Institute has partnered with North Star Initiative to mentor our staff in all common practices involved with serving this unique population. For more information on the North Star Initiative, visit <http://www.northstarinitiative.org/>

## References

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10. End Human Trafficking Pittsburgh, <http://www.endhumantrafficking.org/> (accessed January 3, 2016).
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12. North Star Initiative, <http://www.northstarinitiative.org/> (accessed March 11, 2017).

# South Carolina

## Code of Laws – Solicitation

### **Title 16. Crimes and Offenses**

#### **Chapter 15. Offenses Against Morality and Decency**

##### **Article 1. Miscellaneous Offenses**

###### **§ 16-15-90. Prostitution; lewdness, assignation and prostitution generally**

It shall be unlawful to:

- (1) Engage in prostitution;
- (2) Aid or abet prostitution knowingly;
- (3) Procure or solicit for the purpose of prostitution;
- (5) Reside in, enter or remain in any place, structure, building, vehicle, trailer or conveyance for the purpose of lewdness, assignation or prostitution;
- (7) Receive any person for purposes of lewdness, assignation or prostitution into any vehicle, conveyance, trailer, place, structure or building;
- (8) Permit any person to remain for the purpose of lewdness, assignation or prostitution in any vehicle, conveyance, trailer, place, structure or building;
- (9) Direct, take or transport, offer or agree to take or transport or aid or assist in transporting any person to any vehicle, conveyance, trailer, place, structure or building or to any other person with knowledge or having reasonable cause to believe that the purpose of such directing, taking or transporting is prostitution, lewdness or assignation;
- (10) Lease or rent or contract to lease or rent any vehicle, conveyance, trailer, place, structure or building or part thereof believing or having reasonable cause to believe that it is intended to be used for any of the purposes herein prohibited; or
- (11) Aid, abet, or participate knowingly in the doing of any of the acts herein prohibited.

###### **§ 16-15-100. Prostitution, further unlawful acts**

It shall further be unlawful to:

- (1) Procure a female inmate for a house of prostitution;
- (2) Cause, induce, persuade or encourage by promise, threat, violence or by any scheme or device a female to become a prostitute or to remain an inmate of a house of prostitution;
- (3) Induce, persuade or encourage a female to come into or leave this State for the purpose of prostitution or to become an inmate in a house of prostitution;
- (4) Receive or give or agree to receive or give any money or thing of value for procuring or attempting to procure any female to become a prostitute or an inmate in a house of prostitution;
- (5) Accept or receive knowingly any money or other thing of value without consideration from a prostitute; or
- (6) Aid, abet or participate knowingly in the doing of any of the acts herein prohibited.

###### **§ 16-15-110. Prostitution; violations**

Any person violating any provision of §§ 16-15-90 and 16-15-100 must, upon conviction, be punished as follows:

- (1) for the first offense, a fine not exceeding two hundred dollars or confinement in prison for a period of not more than thirty days;

- (2) for the second offense, a fine not exceeding one thousand dollars or imprisonment for not exceeding six months, or both;
- (3) for the third or any subsequent offense, a fine not exceeding three thousand dollars or imprisonment for not less than one year, or both.

**§ 16-15-415. Promoting prostitution of a minor defined; defenses; penalties**

- (A) An individual commits the offense of promoting prostitution of a minor if he knowingly:
  - (1) entices, forces, encourages, or otherwise facilitates a minor to participate in prostitution; or
  - (2) supervises, supports, advises, or promotes the prostitution of or by a minor.
- (B) Mistake of age is not a defense to a prosecution under this section.
- (C) An individual who violates the provisions of this section is guilty of a felony and, upon conviction, must be imprisoned for not less than three years nor more than twenty years. No part of the minimum sentence may be suspended nor is the individual convicted eligible for parole until he has served the minimum sentence. Sentences imposed pursuant to this section must run consecutively with and must commence at the expiration of another sentence being served by the individual sentenced.

**§ 16-15-425. Participating in prostitution of a minor defined; defenses; penalties**

- (A) An individual commits the offense of participating in the prostitution of a minor if he is not a minor and he patronizes a minor prostitute. As used in this section, “patronizing a minor prostitute” means:
  - (1) soliciting or requesting a minor to participate in prostitution;
  - (2) paying or agreeing to pay a minor, either directly or through the minor's agent, to participate in prostitution; or
  - (3) paying a minor, or the minor's agent, for having participated in prostitution, pursuant to a prior agreement.
- (B) Mistake of age is not a defense to a prosecution under this section.
- (C) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be imprisoned not less than two years nor more than five years. No part of the minimum sentence may be suspended nor is the individual convicted eligible for parole until he has served the minimum term. Sentences imposed pursuant to this section shall run consecutively with and shall commence at the expiration of any other sentence being served by the individual sentenced.

**Title 15. Civil Remedies and Procedures**

**Chapter 43. Abatement of Nuisances**

**§ 15-43-10. Use of buildings or places for lewdness and the like declared a nuisance**

- (A) A person who erects, establishes, continues, maintains, uses, owns, occupies, leases, or releases any building or other place used for the purposes of lewdness, assignation, prostitution, repeated acts of unlawful possession or sale of controlled substances, or continuous breach of the peace in this State is guilty of a nuisance; and the building, place, or the ground itself in or upon which the lewdness, assignation, prostitution, repeated acts of unlawful possession or sale of controlled substances, or continuous breach of the peace is conducted, permitted, carried on, continued, or exists and the furniture, fixtures, musical instruments, and movable property used in conducting or maintaining the nuisance also are declared a nuisance and shall be enjoined and abated as provided in this chapter.

(B) As used in this section “continuous breach of the peace” means a pattern of repeated acts or conduct which either (1) directly disturbs the public peace or (2) disturbs the public peace by inciting or tending to incite violence.



# Code of Laws – Human Trafficking

## **Title 16. Crimes and Offenses**

### **Chapter 3. Offenses Against the Person**

#### **Article 19. Trafficking in Persons**

##### **§ 16-3-2010. Definitions**

(3) "Debt bondage" means the status or condition of a debtor arising from a pledge by the debtor of his personal services or those of a person under his 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 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.

(4) "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.

(5) "Involuntary servitude" means a condition of servitude induced through coercion.

(7) "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 forced to perform the act is under the age of eighteen years and anything of value is given, promised to, or received, directly or indirectly, by another person:

- (a) criminal sexual conduct pursuant to Section 16-3-651;
- (b) criminal sexual conduct in the first degree pursuant to Section 16-3-652;
- (c) criminal sexual conduct in the second degree pursuant to Section 16-3-653;
- (d) criminal sexual conduct in the third degree pursuant to Section 16-3-654;
- (e) criminal sexual conduct with a minor pursuant to Section 16-3-655;
- (f) engaging a child for sexual performance pursuant to Section 16-3-810;
- (g) performance pursuant to Section 16-3-800;
- (h) producing, directing, or promoting sexual performance by a child pursuant to Section 16-3-820;
- (i) sexual battery pursuant to Section 16-3-651;
- (j) sexual conduct pursuant to Section 16-3-800; or
- (k) sexual performance pursuant to Section 16-3-800.

(8) "Services" means an act committed at the behest of, under the supervision of, or for the benefit of another person.

(9) "Trafficking in persons" means 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:

- (a) physically restraining or threatening to physically restrain another person;
- (b) 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;
- (c) extortion or blackmail;
- (d) causing or threatening to cause financial harm to the victim;
- (e) facilitating or controlling a victim's access to a controlled substance; or
- (f) coercion.

(10) "Victim of trafficking in persons" or "victim" means a person who has been subjected to the crime of trafficking in persons.

**§ 16-3-2020. Trafficking in persons; penalties; defenses**

- (A) A person who 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 or who benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in this subsection, is guilty of trafficking in persons.
- (B) A person who recruits, entices, solicits, isolates, harbors, transports, provides, or obtains, or so attempts, a victim, for the purposes of sex trafficking, forced labor or services, involuntary servitude or debt bondage through any means or who benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in subsection (A), is guilty of trafficking in persons.
- (C) For a first offense, the person is guilty of a felony and, upon conviction, must be imprisoned not more than fifteen years.
- (D) For a second offense, the person is guilty of a felony and, upon conviction, must be imprisoned not more than thirty years.
- (E) For a third or subsequent offense, the person is guilty of a felony, and upon conviction, must be imprisoned not more than forty-five years.
- (F) If the victim of an offense contained in this section is under the age of eighteen, an additional term of fifteen years may be imposed in addition and must be consecutive to the penalty prescribed for a violation of this section.
- (G) A person who aids, abets, or conspires with another person to violate the criminal provisions of this section must be punished in the same manner as provided for the principal offender and is considered a trafficker.
- (H) A business owner who uses his business in a way that participates in a violation of this article, upon conviction, must be imprisoned for not more than ten years in addition to the penalties provided in this section for each violation.
- (I) A plea of guilty or the legal equivalent entered pursuant to a provision of this article by an offender entitles the victim of trafficking in persons to all benefits, rights, and compensation granted pursuant to Section 16-3-1110.
- (J) In a prosecution of a person who is a victim of trafficking in persons, it is an affirmative defense that he was under duress or coerced into committing the offenses for which he is subject to prosecution, if the offenses were committed as a direct result of, or incidental or related to, trafficking.
- (K) Evidence of the following facts or conditions do not constitute a defense in a prosecution for a violation of this article, nor does the evidence preclude a finding of a violation:
- (1) the victim's sexual history or history of commercial sexual activity, the specific instances of the victim's sexual conduct, opinion evidence of the victim's sexual conduct, and reputation evidence of the victim's sexual conduct;
  - (2) the victim's connection by blood or marriage to a defendant in the case or to anyone involved in the victim's trafficking;
  - (3) the implied or express consent of a victim to acts which violate the provisions of this section do not constitute a defense to violations of this section;
  - (4) age of consent to sex, legal age of marriage, or other discretionary age; and
  - (5) mistake as to the victim's age, even if the mistake is reasonable.

(L) A person who violates the provisions of this section may be prosecuted by the State Grand Jury, pursuant to Section 14-7-1600, when a victim is trafficked in more than one county or a trafficker commits the offense of trafficking in persons in more than one county.

**§ 16-3-2030. Criminal liability of principal owners of business; penalties**

(A) The principal owners of a business, a business entity, including a corporation, partnership, charitable organization, or another legal entity, that knowingly aids or participates in an offense provided in this article is criminally liable for the offense and will be subject to a fine or loss of business license in the State, or both.

(B) If the principal owners of a business entity are convicted of violating a section of this article, the court or Secretary of State, when appropriate, may:

- (1) order its dissolution or reorganization;
- (2) order the suspension or revocation of any license, permit, or prior approval granted to it by a state or local government agency; or
- (3) order the surrender of its charter if it is organized under state law or the revocation of its certificate to conduct business in the State if it is not organized under state law.

**§ 16-3-2040. Restitution for victims of trafficking**

(A) An offender convicted of a violation of this article must be ordered to pay mandatory restitution to the victim as provided in this section.

(B) If the victim of trafficking dies as a result of being trafficked, a surviving spouse of the victim is eligible for restitution. If no surviving spouse exists, restitution must be paid to the victim's issue or their descendants per stirpes. If no surviving spouse or issue or descendants exist, restitution must be paid to the victim's estate. A person named in this subsection may not receive funds from restitution if he benefited or engaged in conduct described in this article.

(C) If a person is unable to pay restitution at the time of sentencing, or at any other time, the court may set restitution pursuant to Section 16-3-1270.

(D) Restitution for this section, pursuant to Section 16-3-1270, means payment for all injuries, specific losses, and expenses sustained by a crime victim resulting from an offender's criminal conduct pursuant to Section 16-3-1110(12)(a).

(E) Notwithstanding another provision of law, the applicable statute of limitations for a victim of trafficking in persons is pursuant to Section 16-3-1110(12)(a).

(F) Restitution must be paid to the victim promptly upon the conviction of the defendant. The return of the victim to his home country or other absence of the victim from the jurisdiction does not prevent the victim from receiving restitution.

**§ 16-3-2060. Civil action for victim of trafficking; statute of limitations**

(A) A person who is a victim of trafficking in persons may bring a civil action in the court of common pleas. The court may award actual damages, compensatory damages, punitive damages, injunctive relief, and other appropriate relief. A prevailing plaintiff also must be awarded attorney's fees and costs. Treble damages must be awarded on proof of actual damages when the defendant's acts were wilful and malicious.

(B) Pursuant to Section 16-3-1110, the applicable statute of limitations for a crime victim who has a cause of action against an incarcerated offender is tolled and does not expire until three years after the offender's sentence is completed, including probation and parole, or three years after release from commitment pursuant to Chapter 48, Title 44, whichever is later. However,

this provision does not shorten any other tolling period of the statute of limitations which may exist for the victim.

(C) The statute of limitations for the filing of a civil suit does not begin to run until a minor victim has reached the age of majority.

(D) If a victim entitled to sue is under a disability at the time the cause of action accrues, so that it is impossible or impractical for him to bring an action, then the time of the disability is not part of the time limited for the commencement of the action. Disability includes, but is not limited to, insanity, imprisonment, or other incapacity or incompetence.

(E) The running of the statute of limitations may be suspended when a victim could not have reasonably discovered the cause of action due to circumstances resulting from the trafficking situation, such as psychological trauma, cultural and linguistic isolation, and the inability to access services.

(F) A defendant is estopped to assert a defense of the statute of limitations when the expiration of the statute is due to conduct by the defendant inducing the victim to delay the filing of the action or placing the victim under duress.

#### **§ 16-3-2070. Compensation for victims of trafficking; identity of victim and victim's family confidential**

(A) Victims of trafficking in persons pursuant to this article are considered victims for purposes of the Victims' Bill of Rights and are entitled to all appropriate forms of compensation available pursuant to the State Crime Victim's Compensation Fund in accordance with the provisions of Article 13, Chapter 3, Title 16. Victims of trafficking in persons pursuant to this article also are entitled to the rights provided in Article 15, Chapter 3, Title 16.

(B) In addition to the provisions of subsection (A), in a prosecution for violations of the criminal provisions of this article, the identity of the victim and the victim's family must be kept confidential by ensuring that names and identifying information of the victim and victim's family are not released to the public, including by the defendant.

(C) Pursuant to Section 16-3-1240, it is unlawful, except for purposes directly connected with the administration of the victim's compensation fund, for any person to solicit, disclose, receive, or make use of or authorize, knowingly permit, participate in or acquiesce in the use of any list, or names of, or information concerning persons applying for or receiving awards without the written consent of the applicant or recipient. The records, papers, files, and communications of the board, its panel and the director and his staff must be regarded as confidential information and privileged and not subject to disclosure under the Freedom of Information Act as contained in Chapter 4, Title 30.

#### **§ 16-3-2090. Forfeiture**

(A) (1) The following are subject to forfeiture:

- (a) all monies used, or intended for use, in violation of Section 16-3-2020;
- (b) all property constituting the proceeds obtained directly or indirectly, for a violation of Section 16-3-2020;
- (c) all property derived from the proceeds obtained, directly or indirectly, from any sale or exchange for pecuniary gain from a violation of Section 16-3-2020;
- (d) all property used or intended for use, in any manner or part, to commit or facilitate the commission of a violation for pecuniary gain of Section 16-3-2020;

- (e) all books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or which have been positioned for use, in violation of Section 16-3-2020;
  - (f) all conveyances including, but not limited to, trailers, aircraft, motor vehicles, and water going vessels, which are used or intended for use unlawfully to conceal or transport or facilitate a violation of Section 16-3-2020. No motor vehicle may be forfeited to the State under this item unless it is used, intended for use, or in any manner facilitates a violation of Section 16-3-2020;
  - (g) all property including, but not limited to, monies, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for any kind of services under Section 16-3-2020, and all proceeds including, but not limited to, monies, and real and personal property traceable to any exchange under Section 16-3-2020; and
  - (h) overseas assets of persons convicted of trafficking in persons also are subject to forfeiture to the extent they can be retrieved by the government.
- (2) Any property subject to forfeiture may be seized by the investigating agency having authority upon warrant issued by any court having jurisdiction over the property. Seizure without process may be made if the:
- (a) seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;
  - (b) property subject to seizure has been the subject of a prior judgment in favor of the State in a criminal injunction or forfeiture proceeding based upon Section 16-3-2020;
  - (c) the investigating agency has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or
  - (d) the investigating agency has probable cause to believe that the property was used or is intended to be used in violation of Section 16-3-2020.
- (3) In the event of seizure, proceedings under this section regarding forfeiture and disposition must be instituted within a reasonable time.
- (4) Any property taken or detained under this section is not subject to replevin but is considered to be in the custody of the investigating agency making the seizure subject only to the orders of the court having jurisdiction over the forfeiture proceedings. Property is forfeited and transferred to the government at the moment of illegal use. Seizure and forfeiture proceedings confirm the transfer.
- (5) For the purposes of this section, whenever the seizure of property subject to seizure is accomplished as a result of a joint effort by more than one law enforcement agency, the law enforcement agency initiating the investigation is considered to be the agency making the seizure.
- (6) Law enforcement agencies seizing property pursuant to this section shall take reasonable steps to maintain the property. Equipment and conveyances seized must be removed to an appropriate place for storage. Monies seized must be deposited in an interest bearing account pending final disposition by the court unless the seizing agency determines the monies to be of an evidential nature and provides for security in another manner.
- (7) When property and monies of any value as defined in this article or anything else of any value is seized, the law enforcement agency making the seizure, within ten days or a

reasonable period of time after the seizure, shall submit a report to the appropriate prosecution agency.

(a) The report must provide the following information with respect to the property seized:

- (i) description;
- (ii) circumstances of seizure;
- (iii) present custodian and where the property is being stored or its location;
- (iv) name of owner;
- (v) name of lienholder; and
- (vi) seizing agency.

(b) If the property is a conveyance, the report shall include the:

- (i) make, model, serial number, and year of the conveyance;
- (ii) person in whose name the conveyance is registered; and
- (iii) name of any lienholders.

(c) In addition to the report, the law enforcement agency shall prepare for dissemination to the public upon request a report providing the following information:

- (i) a description of the quantity and nature of the property and money seized;
- (ii) the seizing agency;
- (iii) the make, model, and year of a conveyance; and
- (iv) the law enforcement agency responsible for the property or conveyance seized.

(d) Property or conveyances seized by a law enforcement agency or department may not be used by officers for personal purposes.

(B) (1) Forfeiture of property must be accomplished by petition of the Attorney General or his designee or the circuit solicitor or his designee to the court of common pleas for the jurisdiction where the items were seized. The petition must be submitted to the court within a reasonable time period following seizure and shall provide the facts upon which the seizure was made. The petition shall describe the property and include the names of all owners of record and lienholders of record. The petition shall identify any other persons known to the petitioner to have interests in the property. Petitions for the forfeiture of conveyances also shall include the make, model, and year of the conveyance, the person in whose name the conveyance is registered, and the person who holds the title to the conveyance. A copy of the petition must be sent to each law enforcement agency which has notified the petitioner of its involvement in effecting the seizure. Notice of hearing or rule to show cause must be directed to all persons with interests in the property listed in the petition, including law enforcement agencies which have notified the petitioner of their involvement in effecting the seizure. Owners of record and lienholders of record may be served by certified mail, to the last known address as appears in the records of the governmental agency which records the title or lien.

(2) The judge shall determine whether the property is subject to forfeiture and order the forfeiture confirmed. The Attorney General or his designee or the circuit solicitor or his designee has the burden of proof to establish by a preponderance of the evidence that the property is subject to forfeiture. If the judge finds a forfeiture, he shall then determine the

lienholder's interest as provided in this article. The judge shall determine whether any property must be returned to a law enforcement agency pursuant to this section.

(3) If there is a dispute as to the division of the proceeds of forfeited property among participating law enforcement agencies, this issue must be determined by the judge. The proceeds from a sale of property, conveyances, and equipment must be disposed of pursuant to this section.

(4) All property, conveyances, and equipment which will not be reduced to proceeds may be transferred to the law enforcement agency or agencies or to the prosecution agency. Upon agreement of the law enforcement agency or agencies and the prosecution agency, conveyances and equipment may be transferred to any other appropriate agency. Property transferred may not be used to supplant operating funds within the current or future budgets. If the property seized and forfeited is an aircraft or watercraft and is transferred to a state law enforcement agency or other state agency pursuant to the provisions of this subsection, its use and retainage by that agency is at the discretion and approval of the State Budget and Control Board.

(5) If a defendant or his attorney sends written notice to the petitioner or the seizing agency of his interest in the subject property, service may be made by mailing a copy of the petition to the address provided, and service may not be made by publication. In addition, service by publication may not be used for a person incarcerated in a Department of Corrections facility, a county detention facility, or other facility where inmates are housed for the county where the seizing agency is located. The seizing agency shall check the appropriate institutions after receiving an affidavit of nonservice before attempting service by publication.

(6) Any forfeiture may be effected by consent order approved by the court without filing or serving pleadings or notices provided that all owners and other persons with interests in the property, including participating law enforcement agencies, entitled to notice under this section, except lienholders and agencies, consent to the forfeiture. Disposition of the property may be accomplished by consent of the petitioner and those agencies involved. Persons entitled to notice under this section may consent to some issues and have the judge determine the remaining issues.

(7) Disposition of forfeited property under this section must be accomplished as follows:

(a) Property forfeited under this subsection shall first be applied to payment to the victim. The return of the victim to his home country or other absence of the victim from the jurisdiction shall not prevent the victim from receiving compensation.

(b) The victim and the South Carolina Victims' Compensation Fund shall each receive one-fourth, and law enforcement shall receive one-half of the value of the forfeited property.

(c) If no victim is named, or reasonable attempts to locate a named victim for forfeiture and forfeiture fails, then all funds shall revert to the South Carolina Victims' Compensation Fund and law enforcement to be divided equally.

(d) If federal law enforcement becomes involved in the investigation, they shall equitably split the share local law enforcement receives under this section, if they request or pursue any of the forfeiture. The equitable split must be pursuant to 21 U.S.C. Section 881(e)(1)(A) and (e)(3), 18 U.S.C. Section 981(e)(2), and 19 U.S.C. Section 1616a.

(C) (1) An innocent owner, manager, or owner of a licensed rental agency or any common carrier or carrier of goods for hire may apply to the court of common pleas for the return of any item seized. Notice of hearing or rule to show cause accompanied by copy of the application must be directed to all persons and agencies entitled to notice. If the judge denies the application, the hearing may proceed as a forfeiture hearing.

(2) The court may return any seized item to the owner if the owner demonstrates to the court by a preponderance of the evidence:

(a) in the case of an innocent owner, that the person or entity was not a consenting party to, or privy to, or did not have knowledge of, the use of the property which made it subject to seizure and forfeiture; or

(b) in the case of a manager or an owner of a licensed rental agency, a common carrier, or a carrier of goods for hire, that any agent, servant, or employee of the rental agency or of the common carrier or carrier of goods for hire was not a party to, or privy to, or did not have knowledge of, the use of the property which made it subject to seizure and forfeiture.

If the licensed rental agency demonstrates to the court that it has rented the seized property in the ordinary course of its business and that the tenant or tenants were not related within the third degree of kinship to the manager or owner, or any agents, servants, or employees of the rental agency, then it is presumed that the licensed rental agency was not a party to, or privy to, or did not have knowledge of, the use of the property which made it subject to seizure and forfeiture.

(3) The lien of an innocent person or other legal entity, recorded in public records, shall continue in force upon transfer of title of any forfeited item, and any transfer of title is subject to the lien, if the lienholder demonstrates to the court by a preponderance of the evidence that he was not a consenting party to, or privy to, or did not have knowledge of, the involvement of the property which made it subject to seizure and forfeiture.

(D) A person who uses property or a conveyance in a manner which would make the property or conveyance subject to forfeiture except for innocent owners, rental agencies, lienholders, and the like as provided for in this section, is guilty of a misdemeanor and, upon conviction, must be imprisoned for not less than thirty days nor more than one year, fined not more than five thousand dollars, or both. The penalties prescribed in this section are cumulative and must be construed to be in addition to any other penalty prescribed by another provision of this article.



# Greenville County Code of Ordinances

## **Chapter 15. Offenses and Miscellaneous**

### **Article 1. In General**

#### **§ 15-9 Loitering for Purposes of Soliciting Prostitution or Engaging in Illegal Drug Activity**

(a) *Definitions.* Except where specifically defined herein, all words used in this Ordinance shall carry their customary meanings.

(1) *Known prostitute or panderer* means any person who, within 1 year prior to the date of arrest for a violation of this Ordinance has, within the knowledge of the arresting officer, been convicted of violating any law defining and punishing acts of soliciting, committing, or offering or agreeing to commit prostitution.

(5) *Other illegal sexual activity* means sexual activity prohibited by the common law or statutes of the State of South Carolina other than prostitution.

(6) *Prostitution* means an act of sexual intercourse or sodomy between 2 persons, not married to each other, in return for the payment of money or other valuable consideration by 1 of them, or for favors.

(b) *Prohibitions.* It shall be unlawful for any person to loiter in any public place in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution or other illegal sexual activity. It shall also be unlawful for any person to loiter in any public place in a manner and under circumstances manifesting the purpose and with the intent to engage in illegal drug-related activity.

(1) Among the circumstances that may be considered in determining whether a person manifests the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution or other illegal sexual activity are that the person:

(a) Is a known prostitute or panderer.

(b) Repeatedly beckons to, stops or attempts to stop passersby, or engages passersby in conversation.

(c) Repeatedly stops or attempts to stop motor vehicle operators by hailing them or gesturing to them.

(2) Among the circumstances that may be considered in determining whether a person has the requisite intent to engage in illegal drug-related activity are that the person:

(a) Is a known unlawful drug user, possessor or seller.

(b) Has been given due notice, either verbal or written, on any occasion prior to any arrest, within 1 block of the area where the arrest occurred, or such person is currently subject to an Order or term of probation prohibiting his presence in a high drug activity geographic area.

(c) Behaves in such a manner as to raise a reasonable suspicion that such person is engaging or about to engage in an unlawful drug-related activity, either sale, possession or purchase, including, by way of example only, such person acting as a lookout.

(d) Is physically identified by the law enforcement officer as a member of a gang or association that has as its principal purpose illegal drug activity.

(e) Transfers small objects or packages for currency or any other thing of value in a furtive fashion that would lead the law enforcement officer to believe or ascertain that a drug sale has or is about to occur.

(f) Takes flight upon the appearance of a law enforcement officer.

- (g) Tries to conceal himself or herself or any object that reasonably could be involved in an unlawful drug-related activity.
  - (h) Uses a vehicle that is registered to a person who is a known unlawful drug user, possessor or seller or is registered to a person for whom there is an outstanding arrest warrant for a crime involving illegal drug-related activity.
- (3) The list of circumstances set forth in subdivisions (1) and (2) of this Section are not exclusive. The circumstances set forth in subdivisions (1) and (2) should be considered particularly salient if they occur in an area that is known for prostitution, other illegal sexual activity, and/or unlawful drug-related activity, or if they occur on or in premises that have been reported to law enforcement as a place suspected of prostitution, other illegal sexual activity, and/or unlawful drug-related activity. Any other relevant circumstances may be considered in determining whether a person has the requisite intent. Moreover, no 1 circumstance or combination of circumstances is in itself determinative of intent. Intent must be determined based on an evaluation of the particular circumstances of each case.
- (c) *Penalty.* Any person who shall violate the provisions of this Ordinance shall be guilty of a misdemeanor and shall be punished within the jurisdictional limits of magistrate's court.

# Greenville City Municipal Codes

## **Chapter 24. Offenses**

### **Article IV. Offenses Against Morality**

#### **Division 2. Prostitution**

##### **§ 24-131. General Prohibitions**

It shall be unlawful for any person to:

- (3) Procure or solicit for the purpose of prostitution;
- (5) Reside in, enter or remain in any place, structure, building, vehicle, trailer or conveyance for the purpose of lewdness, assignation or prostitution;
- (7) Receive any person for purposes of lewdness, assignation or prostitution into any vehicle, conveyance, trailer, place, structure or building;
- (8) Permit any person to remain for the purpose of lewdness, assignation or prostitution in any vehicle, conveyance, trailer, place, structure or building;
- (10) Lease or rent, or contract to lease or rent, any vehicle, conveyance, trailer, place, structure or building or part thereof believing or having reasonable cause to believe that it is intended to be used for any of the purposes prohibited in this section; or
- (11) Aid, abet or participate knowingly in the doing of any of the acts prohibited in this section.

##### **§ 24-132. - Prohibition of certain acts relating to prostitution**

It shall be unlawful for any person to:

- (1) Procure a female inmate for a house of prostitution;
- (2) Cause, induce, persuade or encourage by promise, threat or violence, or by any scheme or device, a female to become a prostitute or to remain an inmate of a house of prostitution;
- (3) Induce, persuade or encourage a female to come into or leave this state for the purpose of prostitution or to become an inmate in a house of prostitution;
- (4) Receive or give, or agree to receive or give, any money or thing of value for procuring or attempting to procure any female to become a prostitute or an inmate in a house of prostitution;
- (5) Accept or receive knowingly any money or other thing of value without consideration from a prostitute; or
- (6) Aid, abet or participate knowingly in the doing of any of the acts prohibited in this section.

##### **§ 24-133. - Use of taxicab or other public conveyance for immoral purposes**

It shall be unlawful for the driver of any taxicab or public conveyance to permit any person to occupy or use such vehicle for the purpose of prostitution or for any other lewd or indecent act, knowing or having reasonable cause to know that it is being used or is to be used for any such purpose, or to direct, take or transport or offer or agree to take or transport any person to any building or place knowing or having reasonable cause to know that the purpose of such directing, taking or transporting is prostitution or any other lewd or indecent act.

##### **§ 24-134. - Solicitation for immoral purposes**

It shall be unlawful for any person, while on any public street or sidewalk, or while in or about any public park, mall or other public place, to invite, entice or solicit any other person for

immoral purposes. The term "immoral purposes," for the purpose of this section, shall include but not be limited to fornication, prostitution, sodomy, cunnilingus and/or fellatio.

**§ 24-135. - Revocation of license for operation of public conveyance for violation of section 24-133 or 24-134**

If any person who may be found guilty of violating any portion of section 24-133 or 24-134 shall hold a license from the city as a driver or owner of a taxicab, public automobile or other public conveyance, he shall suffer the forfeiture of his license in addition to any other punishment that may be imposed.

**§ 24-136. Loitering to solicit prostitution**

(a) For purposes of this section, a known prostitute or panderer is any person who, within one year prior to the date of arrest for violation of this section, has, within the knowledge of the arresting officer, been convicted of violating any law defining and punishing acts of soliciting, committing, or offering or agreeing to commit prostitution.

(b) As used in this section, the term "prostitution" means an act of sexual intercourse or sodomy between two persons, not married to each other, in return for the payment of money or other valuable consideration by one of them, or for favors.

(c) No person shall loiter in or near any street or public place in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution. Circumstances which may be considered in determining whether such purpose is manifested include but are not limited to the following:

(1) That such person is a known prostitute or panderer.

(2) That the person repeatedly beckons to, stops or attempts to stop passersby, or engages passersby in conversation.

(3) That the person repeatedly stops or attempts to stop motor vehicle operators by hailing them or gesturing to them.

(d) No arrests shall be made for violation of this section unless the arresting officer first affords the suspected person an opportunity to explain his conduct, and no one shall be convicted of violating this section if it appears at the trial that the explanation given was true and disclosed a lawful purpose.

## Laws in Practice

### **Greenville County Sheriff's Office**

Greenville County has conducted periodic reverse stings for years. Identities of arrestees – including names, ages, and photos – are routinely released to the media. The Greenville County Sheriff's Office Community Services Division conducts these sting operations. DemandForum.net reports that in their last 12 stings, Greenville County Sheriff's Office has netted 114 sex buyers. Greenville County has also participated in the National Day of Johns' Arrest in a coalition with the Cook County Sheriff's Office. Greenville County utilizes reverse stings, shaming and auto seizures to combat prostitution and human trafficking.

## Victim Services

### **South Carolina Immigrant Victim Assistance Network (SCVAN)**

The South Carolina Victim Assistance Network (SCVAN) coordinates for representatives of agencies that are involved with victims/witness services. SCVAN does this through advocacy, victim assistance functions, and collaboration. SCVAN also provides training, events, and managing of grant funded programs that provide services to crime victims throughout South Carolina.

In 2016, SCVAN provided services to 48 human trafficking victims with 32 individuals continuing specialized services and 16 individuals new to the organization

For more information, see <http://www.scvan.org/>

### **Fresh Start Healing Heart**

Located in the Low Country, Fresh Start Healing Heart's mission is to compassionately walk beside survivors of human trafficking while providing safe housing and restorative services for emotional, spiritual, physical, educational, and financial healing.

For more information, see <http://www.freshstarthealingheart.org/>

### **Greenville Police Department**

The Greenville Police Department operates a Victim Services Unit which provides 24-hour crisis intervention and support to victims of crime. The VSU is run by two victim advocates.

Victim Services include:

- Providing educational materials to law enforcement staff and community in response to criminal victimization
- Referring victims to appropriate service agencies
- Ensuring a victim's legal rights are protected
- Advising victims of case status and progress
- Providing applications and information on South Carolina Crime Victims Compensation
- Establish contact with victims of crime and identify their needs, etc.

For more information contact Steve Eubanks or Isa Brown, 864-467-5508 or 864-476-5373 or visit [police.greenvillesc.gov/victim-services.aspx](http://police.greenvillesc.gov/victim-services.aspx).

### **Triune Mercy Center – Greenville, SC**

Triune Mercy Center provides case management services to sexually exploited women inside the Greenville Country detention center. The center also coordinates intake, provides clothing/toiletries, and transport to restoration houses throughout South Carolina and the Southeast. Triune Mercy Center advocates through the court system and location probation, pardon, and parole to coordinate services for defendants identified as victims. The center offers legal, mental health, counseling, medical, and dental services onsite.

For more information, see <http://www.triunemercy.org/>

### **National Human Trafficking Hotline**

The NHTRC works closely with service providers, law enforcement, and other professionals in South Carolina to serve victims and survivors of trafficking, respond to human trafficking cases, and share information and resources.

For more information, see <https://humantraffickinghotline.org/state/south-carolina>

### **Lowcountry Coalition Against Human Trafficking**

The Lowcountry Coalition Against Human Trafficking is a non-profit organization based in the southeast corner of South Carolina that seeks to raise awareness of human trafficking and connect victims to organizations that can help rebuild their lives and reintegrate them into society. Their primary service area is Beaufort County, which includes Hilton Head Island, Bluffton and Beaufort, but are actively engaged throughout the state.

For more information, see <http://www.lcaht.org/>

### **SWITCH**

Switch's mission is to end human trafficking and sexual exploitation in the Upstate of South Carolina through awareness, prevention, intervention, and restoration. The organization believes that the following core values are central to their ability to achieve their mission: the best interests of the client, integrity, collaboration, service, empowerment, teamwork, hope, and excellence. Switch is focused on the Upstate of South Carolina given that the area is along I-85 between Atlanta and Charlotte, both noted locations for human trafficking activity.

For more information, see <http://switchsc.org/>

### **Sexual Trauma Services**

Sexual Trauma Services of the Midlands provides advocacy, counseling, and prevention education in Richland, Lexington, Newberry and Sumter counties in South Carolina for trafficking survivors and survivors of sexual trauma.

For more information, see <https://www.stsm.org/whoweserve>

### **South Carolina Coalition against Domestic Violence and Sexual Assault**

The South Carolina Coalition Against Domestic Violence and Sexual Assault (SCCADVASA) is a statewide coalition composed of 23 domestic violence and sexual assault advocacy organizations in South Carolina. For almost 35 years, SCCADVASA and member organizations have been representing the critical needs of domestic violence and sexual assault survivors and their families. The coalition provides critical intervention services and primary prevention programs in communities across the state.

In addition, SCCADVASA's member organizations provided services to 79 survivors of human trafficking (Sex and labor, child and adult) in 2016. Services ranged from comprehensive case management, emergency shelter, outreach, transitional shelter, counseling, legal advocacy, referral, and crisis services.

For more information, see <http://sccadvasa.org>

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# Tennessee

## Penal Code – Solicitation

### **Title 39. Criminal Offenses**

#### **Part 5. Sexual Offenses**

#### **Chapter 13. Offenses Against Person**

##### **§ 39-13-513. Prostitution -- Defenses**

- (a) A person commits an offense under this section who engages in prostitution.
- (b) (1) Prostitution is a Class B misdemeanor.
  - (2) Prostitution committed within one hundred feet (100') of a church or within one and one-half (1 1/2) miles of a school, such distance being that established by § 49-6-2101, for state-funded school transportation, is a Class A misdemeanor.
  - (3) A person convicted of prostitution within one and one-half (1 1/2) miles of a school shall, in addition to any other authorized punishment, be sentenced to at least seven (7) days of incarceration and be fined at least one thousand dollars (\$1,000).
- (c) As used in subsection (b), "school" means all public and private schools that conduct classes in any grade from kindergarten through grade twelve (K-12).
- (d) Notwithstanding any provision of this section to the contrary, if it is determined after a reasonable detention for investigative purposes, that a person suspected of or charged with a violation of this section is under eighteen (18) years of age, that person shall be immune from prosecution for prostitution as a juvenile or adult. A law enforcement officer who takes a person under eighteen (18) years of age into custody for a suspected violation of this section shall, upon determination that the person is a minor, provide the minor with the telephone number for the Tennessee human trafficking resource center hotline and release the minor to the custody of a parent or legal guardian or transport the minor to a shelter care facility designated by the juvenile court judge to facilitate the release of the minor to the custody of a parent or legal guardian.
- (e) It is a defense to prosecution under this section that a person charged with a violation of this section was so charged for conduct that occurred because the person was a victim of an act committed in violation of § 39-13-307 or § 39-13-309, or because the person was a victim as defined under the Trafficking Victims Protection Act, compiled in 22 U.S.C. § 7102.

##### **§ 39-13-514. Patronizing prostitution**

- (a) A person commits an offense under this section who patronizes prostitution.
- (b) (1) Patronizing prostitution is a Class B misdemeanor.
  - (2) Patronizing prostitution within one hundred feet (100') of a church or within one and one-half (1 ½ ) miles of a school, such distance being that established by §49-6-2101, for state-funded school transportation, is a Class A misdemeanor.
  - (3) A person convicted of patronizing prostitution within one and one-half (1 ½ ) miles of a school shall, in addition to any other authorized punishment, be sentenced to at least seven (7) days of incarceration and be fined at least one thousand dollars (\$1,000).
  - (4) (A) Patronizing prostitution from a person who is younger than eighteen (18) years of age or has an intellectual disability is a Class E felony.
- (d) It is not a defense to a violation of this section that:
  - (1) The subject of the offense is a law enforcement officer; or
  - (2) The victim of the offense is a minor and consented to the offense.

##### **§ 39-13-517. Public indecency**

(b) A person commits the offense of public indecency who, in a public place, knowingly or intentionally:

(1) Engages in sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or other ultimate sex acts;

(2) Fondles the genitals of the person, or another person; or

(d) Public indecency is punishable as follows:

(1) A first or second offense is a Class B misdemeanor punishable only by a fine of five hundred dollars (\$500) unless otherwise specified under subdivision (d)(3);

(2) Unless subdivision (d)(3) applies, a third or subsequent offense is a Class A misdemeanor punishable by a fine of one thousand five hundred dollars (\$1,500) or confinement for not more than eleven (11) months and twenty-nine (29) days, or both;

### **§ 39-13-528. Offense of solicitation of a minor**

(a) It is an offense for a person eighteen (18) years of age or older, by means of oral, written or electronic communication, electronic mail or Internet services, directly or through another, to intentionally command, request, hire, persuade, invite or attempt to induce a person whom the person making the solicitation knows, or should know, is less than eighteen (18) years of age, or solicits a law enforcement officer posing as a minor, and whom the person making the solicitation reasonably believes to be less than eighteen (18) years of age, to engage in conduct that, if completed, would constitute a violation by the soliciting adult of one (1) or more of the following offenses following offenses:

(1) Rape of a child, pursuant to § 39-13-522;

(2) Aggravated rape, pursuant to § 39-13-502;

(3) Rape, pursuant to § 39-13-503;

(4) Aggravated sexual battery, pursuant to § 39-13-504;

(5) Sexual battery by an authority figure, pursuant to § 39-13-527;

(6) Sexual battery, pursuant to § 39-13-505;

(7) Statutory rape, pursuant to § 39-13-506;

(8) Especially aggravated sexual exploitation of a minor, pursuant to § 39-17-1005;

(9) Sexual activity involving a minor, pursuant to § 39-13-529;

(10) Trafficking for commercial sex acts, pursuant to § 39-13-309;

(11) Patronizing prostitution, pursuant to § 39-13-514;

(12) Promoting prostitution, pursuant to § 39-13-515; or

(13) Aggravated sexual exploitation of a minor, pursuant to § 39-17-1004.

(b) It is no defense that the solicitation was unsuccessful, that the conduct solicited was not engaged in, or that the law enforcement officer could not engage in the solicited offense. It is no defense that the minor solicited was unaware of the criminal nature of the conduct solicited.

(c) A violation of this section shall constitute an offense one (1) classification lower than the most serious crime solicited, unless the offense solicited was a Class E felony, in which case the offense shall be a Class A misdemeanor.

(d) A person is subject to prosecution in this state under this section for any conduct that originates in this state, or for any conduct that originates by a person located outside this state, where the person solicited the conduct of a minor located in this state, or solicited a law enforcement officer posing as a minor located within this state.

## Penal Code – Human Trafficking

### **Title 39. Criminal Offenses**

#### **Part 3. Kidnapping and False Imprisonment**

#### **Chapter 13. Offenses Against Person**

##### **§ 39-13-309. Trafficking a person for a commercial sex act**

- (a) A person commits the offense of trafficking a person for a commercial sex act who:
  - (1) Knowingly subjects, attempts to subject, benefits from or attempts to benefit from another person's provision of a commercial sex act; or
  - (2) Recruits, entices, harbors, transports, provides, or obtains by any other means, another person for the purpose of providing a commercial sex act.
- (b) For purposes of subdivision (a)(2), such means may include, but are not limited to:
  - (1) Causing or threatening to cause physical harm to the person;
  - (2) Physically restraining or threatening to physically restrain the person;
  - (3) Abusing or threatening to abuse the law or legal process;
  - (4) 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;
  - (5) Using blackmail or using or threatening to cause financial harm for the purpose of exercising financial control over the person; or
  - (6) Facilitating or controlling a person's access to a controlled substance.
- (c) A violation of subsection (a) is a Class B felony, except where the victim of the offense is a child under fifteen (15) years of age, or where the offense occurs on the grounds or facilities or within one thousand feet (1,000') of a public or private school, secondary school, preschool, child care agency, public library, recreational center, or public park, a violation of subsection (a) is a Class A felony.

##### **§ 39-13-314. Offense of human trafficking**

- (a) As used in this part, unless the context otherwise indicates:
  - (1) "Human trafficking offense" means the commission of any act that constitutes the criminal offense of:
    - (A) Involuntary labor servitude, under § 39-13-307;
    - (B) Trafficking persons for forced labor or services, under § 39-13-308;
    - (C) Trafficking for commercial sex act, under § 39-13-309; or
    - (D) Promoting the prostitution of a minor, under § 39-13-512; and
  - (2) "Trafficked person" means a victim of a human trafficking offense.
- (b) (1) A trafficked person may bring a civil action for actual damages, compensatory damages, punitive damages, injunctive relief, any combination of those or any other appropriate relief.
- (2) A prevailing plaintiff is entitled to an award of attorney's fees and costs
- (c) Restitution under this section shall include items covered by the criminal injuries compensation fund under § 40-24-107 and any of the following, if not already covered by the court's restitution order:
  - (1) Costs of medical and psychological treatment, including physical and occupational therapy and rehabilitation, at the court's discretion;
  - (2) Costs of necessary transportation, temporary housing, and child care, at the court's discretion;

- (3) Attorney's fees and other court-related costs such as victim advocate fees;
  - (4) The greater of:
    - (A) The value of the victim's labor as guaranteed under the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA), compiled in 29 U.S.C. § 201 et seq., or state equivalent; or
    - (B) The gross income or value to the defendant of the victim's labor or services or of any commercial sex acts engaged in by the victim while in the human trafficking situation;
  - (5) Return of property, cost of damage to property, or full value of property if destroyed or damaged beyond repair;
  - (6) Compensation for emotional distress, pain, and suffering;
  - (7) (A) Expenses incurred by a victim and any household members or other family members in relocating away from the defendant or the defendant's associates, including, but not limited to, deposits for utilities and telephone service, deposits for rental housing, temporary lodging and food expenses, clothing, and personal items;
    - (B) Expenses incurred pursuant to subdivision (c)(7)(A) shall be verified by law enforcement to be necessary for the personal safety of the victim or household or family members, or by a mental health treatment provider to be necessary for the emotional well-being of the victim;
  - (8) Repatriation of the victim to the victim's home country, if applicable; and
  - (9) Any and all other losses suffered by the victim as a result of human trafficking offenses.
- (d) (1) A legal guardian, family member, representative of the trafficked person or court appointee may represent the trafficked person or the trafficked person's estate if deceased.
- (2) If the trafficked person dies as a result of a human trafficking offense, a surviving spouse of the trafficked person is eligible for restitution. If no surviving spouse exists, restitution shall be paid to the trafficked person's issue or their descendants per stirpes. If no surviving spouse, issue, or descendants exist, restitution shall be paid to the trafficked person's estate.
- (e) A person named in this section may not receive any funds from restitution if such person engaged in violations of a human trafficking offense.

# Memphis Charter

## **Title 10. Public Peace, Morals and Welfare**

### **Chapter 10-20. Prostitution**

#### **§ 10-20-1. Definitions**

As used in this chapter, except as more specifically defined in other sections of this chapter, the following terms shall have the meanings indicated:

*Assignment* is the making of any appointment or engagement for prostitution or for the purpose of fellatio or cunnilingus, or any act in furtherance of such appointment or engagement.

*Prostitution* is the giving or receiving of the body for sexual intercourse for hire or licentious sexual intercourse without hire.

#### **§ 10-20-2. Prostitution, Acts relative thereto prohibited**

It is unlawful:

- A. To engage in prostitution;
- B. To knowingly aid or abet prostitution;
- C. To procure or solicit for the purpose of prostitution;
- D. To reside in, enter or remain in any vehicle, trailer, conveyance, place, structure or building for the purpose of prostitution;
- G. To direct, take, transport, or to offer or agree to take or transport, or to aid and abet in transporting or directing any person to any vehicle, conveyance, trailer, place, structure or building for the purpose of prostitution;
- H. To direct, transport or offer to agree to take, direct or transport any person to any other person with knowledge of or having reasonable cause to believe that the purpose of such directing, taking or transporting is for prostitution.

#### **§ 10-20-3. Assignment—Acts relative thereto prohibited**

It is unlawful:

- A. To engage in assignment;
- B. To knowingly aid or abet assignment;
- C. To reside in, enter, or remain in any vehicle, trailer, conveyance, place, structure or building for the purpose of assignment;
- D. To receive or direct any person for purposes of assignment to any vehicle, trailer, conveyance, place, structure, or building, or to permit any person to remain in such places for the purpose of assignment;
- E. To direct, take, transport, or to offer or agree to take or transport, or to aid and abet in transporting or directing any person to any vehicle, conveyance, trailer, place, structure or building for the purpose of assignment;
- F. To direct, transport, or offer to agree to take, direct, or transport any person to any other person with knowledge of or having reasonable cause to believe that the purpose of such directing, taking or transporting is for assignment;
- G. To procure or solicit for the purpose of assignment.

#### **§ 10-20-5. Various acts relating to prostitution declared misdemeanor**

A. *Definitions.* For the purpose of this section:

*Known prostitute or panderer* is a person who, within one year previous to the date of arrest for violation of this subsection, has within the knowledge of the arresting officer been convicted

of violating any ordinance of the city defining and punishing acts of soliciting, committing, or offering or agreeing to commit prostitution.

*Prostitution* means engaging for hire in sexual activity, including homosexual or other deviate sexual relations.

B. *Prohibited acts.* It is unlawful and a misdemeanor for anyone:

1. To commit or offer or agree to commit an act of prostitution;
2. To secure or offer to secure another for the purpose of committing an act of prostitution;
3. To knowingly transport a person into or within the city with purpose to promote that person's engaging in prostitution, or procuring or paying for transportation with that purpose;
4. To knowingly and willfully receive, offer or agree to receive another into any place or building for the purpose of performing an act of prostitution, or to knowingly and willfully permit another to remain there for any such purpose;
5. To direct another to any place for the purpose of committing an act of prostitution;
6. To knowingly in any way aid, abet or participate in an act of prostitution;
7. To loiter in or near any thoroughfare or place open to the public in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether such purpose is manifested are: that such person is a known prostitute or panderer, repeatedly beckons to, stops or attempts to stop, or engages male passers-by in conversation under circumstances manifesting the purpose of inducing, enticing or soliciting, or repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other deliberate bodily gesture. No arrest shall be made for a violation of this subsection unless the arresting officer first affords such person an opportunity to explain such conduct, and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose.

# Metro Government of Nashville and Davidson County Code of Ordinances

## **Title 11. Public Peace, Morals and Welfare**

### **Division I. General Regulations**

#### **Chapter 11.16. Offense Against Public Decency**

##### **§ 11.16.030. Prostitution**

B. It is unlawful for any person to:

1. Commit or offer or agree to commit an act of prostitution;
2. Secure or offer to secure another for the purpose of committing an act of prostitution;
3. Loiter in a public place for the purpose of being hired to engage in prostitution or any sexual activity;
4. Transport knowingly any person to any place for the purpose of committing an act of prostitution;
5. Receive or offer or agree to receive knowingly any person into any place or building for the purpose of performing an act of prostitution, or permit knowingly any person to remain in any place or building for any such purpose;
6. Direct or offer or agree to direct any person to any place or building for the purpose of committing an act of prostitution;
7. In any manner aid, abet, suffer, permit or participate in the doing of any of the acts prohibited by this section.



## Laws in Practice

### **Nashville Police Department**

Prostitution has been identified as a substantial problem in Nashville. Federal prosecutors have said there is a human trafficking and prostitution ring that has ties to several states, and that the network operated in cities including Knoxville (TN), Morristown (TN), Johnson City (TN), and Louisville (KY). Nashville has been a leader in efforts to combat demand for commercial sex. The first reverse sting known to have been conducted in the United States occurred in Nashville in 1964. The city was also among the first cities to pursue the “john school” model of educating men arrested in reverse stings, and the Nashville program remains one of the most robust john schools in the Nation. All of the revenue generated by the john school program through the \$300 fee is given to the Magdalene program for survivors of commercial sex.

The city began using shaming tactics in 2005. The police department website posts the identities of arrested sex buyers, with this explanation/disclaimer:

“The following individuals were arrested and charged for either patronizing or soliciting for prostitution. This is not a comprehensive list of all individuals arrested by the Metropolitan Nashville Police Department for patronizing or soliciting for prostitution. The names, identities, and citations appear here as they were provided to police officers in the field at the time of arrests. All photos and information will be removed after thirty (30) days. These individuals are presumed innocent until proven guilty in a court of law.”

### **Memphis Police Department**

Although the Memphis Police Department conducts occasional john stings to attack consumer-level demand, the vast majority of the city’s anti-prostitution efforts continue to focus on the arrest of prostituted women. Tactics appeared to somewhat shift in April 2008, when Memphis Police and the Shelby County District Attorney General’s Office announced they would begin seizing and impounding the cars of those charged with prostitution-related offenses. That same year, the city began releasing some of the names of arrested johns to the public.

In recent years, a series of high-profile sex trafficking arrests in Memphis have drawn national attention. While some cases have involved the trafficking of adult women, the vast majority have exposed traffickers engaged in the sexual exploitation of children. To address the issue, Tennessee state legislators created an anti-sexual slavery bill in June 2011, insisting minors arrested on suspicion of prostitution no longer be prosecuted but instead returned to their families. While this policy change has no doubt facilitated law enforcement in the recovery of victims, there is still substantial ground to cover— four new and distinct cases of domestic minor sex trafficking were brought to court in 2012 alone.

## Victim Services

### **End Slavery --Tennessee**

To facilitate restoring victims to a path of health and wholeness, End Slavery Tennessee works to provide victims and their advocates a single point of contact to in-house services and service providers that restore victims to wholeness. Requests for aid can come from federal, state and local law enforcement, the District Attorney's office, social workers, medical professionals, parents, classmates, teachers, observant citizens and victims themselves. Aid available includes:

- Safe shelter, both short and long term
- Basic needs
- Medical assessment and care
- Legal Aid
- Mental health assessment and care
- Treatment for addiction
- Dental care
- Transportation to services
- Phone (for safety)
- Tattoo ("tag") removal
- Translator
- Life skills training
- Education
- Job skills and job search
- Identification, SSN, etc.
- Pre-natal care
- Childcare
- Mentoring (for minor survivors)
- Literacy and GED tutoring
- Opportunities to develop new skills, meet new goals
- Safety plans

Services are available to all human trafficking survivors in Middle Tennessee: Adults and minors; foreign nationals and US citizens; victims of labor, service or sex trafficking. End Slavery also holds events and home parties that increase awareness of the plight of victims and where products are offered for sale that are made by former victims who are now learning new skills and learning to earn a living.

To slow demand for services of slaves End Slavery teaches at each session of the Magdalene House "John School" in Nashville. They educate attendees about how their choices feed human trafficking and slavery, how to become responsible consumers, and seek out goods not made by slaves. For more information on End Slavery in Tennessee, visit [www.endslaverytn.org](http://www.endslaverytn.org)

### **Operation Broken Silence, Memphis**

Operation Broken Silence works with local organizations to protect Sudanese communities and empower emergency response operations on the ground in the country's Nuba Mountains. In order to achieve their goals, Operation Broken Silence operates a strong

advocacy network dedicated to informing local elected officials that the future of Sudan needs to be made a priority.

Because we live in a social media society, Operation Broken Silence creates films, photos and reports to introduce the community at large to the crises in Sudan. This inspires action to generate lasting change. Their media often features stories of individuals suffering underneath the crimes of the Sudanese government and then call viewers to mobilize for action. For more information, see <http://www.operationbrokensilence.org/>

### **A Bridge of Hope, Memphis**

A Bridge of Hope (ABOH) is committed to doing their part to end human trafficking in their lifetime by utilizing the gifts and talents within their organization, it's volunteers and the community at large. They believe that they are powerful and can bring forth awareness to end Modern-Day Slavery in this generation, by simply using our voices, socialized media, our resources, and our talents. ABOH provides training on: 1.) human trafficking prevention, 2.) victim identification, and 3.) awareness education across the country for first responders, churches, civic groups, and the community at large. ABOH provides direct services for clients that are referred to their organization, such as case management, counseling (peer and Christian), support groups, hygiene items, clothing, food, victim advocacy, referrals for outside services/programs, to aid clients towards recovery and a self-sufficient life. For more information, log on to the Bridge for Hope website: <http://abridgeofhope.org/>

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# Texas

## Penal Code – Solicitation

### **Title 9. Offenses Against Public Order and Decency**

#### **Chapter 43. Public Indecency**

##### **Subchapter A. Prostitution**

#### **§ 43.01. Definitions**

In this subchapter:

- (1) “Deviate sexual intercourse” means any contact between the genitals of one person and the mouth or anus of another person.
- (2) “Prostitution” means the offense defined in Section 43.02.
- (3) “Sexual contact” means any touching of the anus, breast, or any part of the genitals of another person with intent to arouse or gratify the sexual desire of any person.
- (4) “Sexual conduct” includes deviate sexual intercourse, sexual contact, and sexual intercourse.
- (5) “Sexual intercourse” means any penetration of the female sex organ by the male sex organ.

#### **§ 43.02. Prostitution**

- (a) A person commits an offense if, in return for receipt of a fee, the person knowingly:
  - (1) offers to engage, agrees to engage, or engages in sexual conduct for a fee; or
  - (2) solicits another in a public place to engage with the person in sexual conduct for hire.
- (b) A person commits an offense if, based on the payment of a fee by the actor or another person on behalf of the actor, the person knowingly:
  - (1) offers to engage, agrees to engage, or engages in sexual conduct; or
  - (2) solicits another in a public place to engage with the actor in sexual conduct for hire.
- (c) An offense under this section is a Class B misdemeanor, except that the offense is:
  - (1) a Class A misdemeanor if the actor has previously been convicted one or two times of an offense under this section;
  - (2) a state jail felony if the actor has previously been convicted three or more times of an offense under this section; or
  - (3) a felony of the second degree if the person solicited is younger than 18 years of age, regardless of whether the actor knows the age of the person solicited at the time the actor commits the offense.
- (d) It is a defense to prosecution under this section that the actor engaged in the conduct that constitutes the offense because the actor was the victim of conduct that constitutes an offense under Section 20A.02.
- (e) A conviction may be used for purposes of enhancement under this section or enhancement under Subchapter D, Chapter 12, but not under both this section and Subchapter D, Chapter 12. For purposes of enhancement of penalties under this section or Subchapter D, Chapter 12, a defendant is previously convicted of an offense under this section if the defendant was adjudged guilty of the offense or entered a plea of guilty or nolo contendere in return for a grant of deferred adjudication, regardless of whether the sentence for the offense was ever imposed or whether the sentence was probated and the defendant was subsequently discharged from community supervision.

### **§ 43.03. Promotion of Prostitution**

- (a) A person commits an offense if, acting other than as a prostitute receiving compensation for personally rendered prostitution services, he or she knowingly:
  - (1) receives money or other property pursuant to an agreement to participate in the proceeds of prostitution; or
  - (2) solicits another to engage in sexual conduct with another person for compensation.
- (b) An offense under this section is a Class A misdemeanor, except that the offense is:
  - (1) a state jail felony if the actor has been previously convicted of an offense under this section; or
  - (2) a felony of the second degree if the actor engages in conduct described by Subsection (a) (1) or (2) involving a person younger than 18 years of age engaging in prostitution, regardless of whether the actor knows the age of the person at the time the actor commits the offense.

## **Health and Safety Code**

### **Title 2. Health**

#### **Subtitle H. Public Health Provisions**

#### **Chapter 169. First Offender Prostitution Program**

### **§ 169.001. First Offender Prostitution Prevention Program; Procedures for Certain Defendants**

- (a) In this chapter, “first offender prostitution prevention program” means a program that has the following essential characteristics:
  - (1) the integration of services in the processing of cases in the judicial system;
  - (2) the use of a non-adversarial approach involving prosecutors and defense attorneys to promote public safety, to reduce the demand for the commercial sex trade and trafficking of persons by educating offenders, and to protect the due process rights of program participants;
  - (3) early identification and prompt placement of eligible participants in the program;
  - (4) access to information, counseling, and services relating to sex addiction, sexually transmitted diseases, mental health, and substance abuse;
  - (5) a coordinated strategy to govern program responses to participant compliance;
  - (6) monitoring and evaluation of program goals and effectiveness;
  - (7) continuing interdisciplinary education to promote effective program planning, implementation, and operations; and
  - (8) development of partnerships with public agencies and community organizations.
- (b) If a defendant successfully completes a first offender prostitution prevention program, regardless of whether the defendant was convicted of the offense for which the defendant entered the program or whether the court deferred further proceedings without entering an adjudication of guilt, after notice to the state and a hearing on whether the defendant is otherwise entitled to the petition, including whether the required time period has elapsed, and whether issuance of the order is in the best interest of justice, the court shall enter an order of nondisclosure under Section 411.081, Government Code, as if the defendant had received a discharge and dismissal under Section 5(c), Article 42.12, Code of Criminal Procedure, with respect to all records and files related to the defendant's arrest for the offense for which the defendant entered the program if the defendant:
  - (1) has not been previously convicted of a felony offense; and

- (2) is not convicted of any other felony offense before the second anniversary of the defendant's successful completion of the program.

### **§ 169.003. Program Powers and Duties**

- (a) A first offender prostitution prevention program established under this chapter must:
  - (1) ensure that a person eligible for the program is provided legal counsel before volunteering to proceed through the program and while participating in the program;
  - (2) allow any participant to withdraw from the program at any time before a trial on the merits has been initiated;
  - (3) provide each participant with information, counseling, and services relating to sex addiction, sexually transmitted diseases, mental health, and substance abuse; and
  - (4) provide each participant with classroom instruction related to the prevention of prostitution.
- (b) To provide each program participant with information, counseling, and services described by Subsection (a)(3), a program established under this chapter may employ a person or solicit a volunteer who is:
  - (1) a health care professional;
  - (2) a psychologist;
  - (3) a licensed social worker or counselor;
  - (4) a former prostitute;
  - (5) a family member of a person arrested for soliciting prostitution;
  - (6) a member of a neighborhood association or community that is adversely affected by the commercial sex trade or trafficking of persons; or
  - (7) an employee of a nongovernmental organization specializing in advocacy or laws related to sex trafficking or human trafficking or in providing services to victims of those offenses.
- (c) A program established under this chapter shall establish and publish local procedures to promote maximum participation of eligible defendants in programs established in the county or municipality in which the defendants reside.

### **§ 169.005. Fees**

- (a) A first offender prostitution prevention program established under this chapter may collect from a participant in the program a nonrefundable program fee in a reasonable amount not to exceed \$1,000, from which the following must be paid:
  - (1) a counseling and services fee in an amount necessary to cover the costs of the counseling and services provided by the program;
  - (2) a victim services fee in an amount equal to 10 percent of the amount paid under Subdivision (1), to be deposited to the credit of the general revenue fund to be appropriated only to cover costs associated with the grant program described by Section 531.383, Government Code; and
  - (3) a law enforcement training fee, in an amount equal to five percent of the total amount paid under Subdivision (1), to be deposited to the credit of the treasury of the county or municipality that established the program to cover costs associated with the provision of training to law enforcement personnel on domestic violence, prostitution, and the trafficking of persons.
- (b) Fees collected under this section may be paid on a periodic basis or on a deferred payment schedule at the discretion of the judge, magistrate, or program director administering the first



offender prostitution prevention program. The fees must be based on the participant's ability to pay.

**§ 169.006. Suspension or Dismissal of Community Service Requirement**

(a) To encourage participation in a first offender prostitution prevention program established under this chapter, the judge or magistrate administering the program may suspend any requirement that, as a condition of community supervision, a participant in the program work a specified number of hours at a community service project.

(b) On a participant's successful completion of a first offender prostitution prevention program, a judge or magistrate may excuse the participant from any condition of community supervision previously suspended under Subsection (a).

## **Penal Code – Human Trafficking**

### **Title 9. Offenses Against Public Order and Decency**

#### **Chapter 43. Public Indecency**

##### **Subchapter A. Prostitution**

#### **§ 43.05. Compelling Prostitution**

- (a) A person commits an offense if the person knowingly:
  - (1) causes another by force, threat, or fraud to commit prostitution; or
  - (2) causes by any means a child younger than 18 years to commit prostitution, regardless of whether the actor knows the age of the child at the time the actor commits the offense.
- (b) An offense under Subsection (a)(1) is a felony of the second degree. An offense under Subsection (a)(2) is a felony of the first degree.

### **Civil Practice and Remedies Code**

#### **Title 4. Liability in Tort**

##### **Chapter 98. Liability for Trafficking of Persons**

#### **§ 98.003. Damages**

- (a) A claimant who prevails in a suit under this chapter shall be awarded:
  - (1) actual damages, including damages for mental anguish even if an injury other than mental anguish is not shown;
  - (2) court costs; and
  - (3) reasonable attorney's fees.
- (b) In addition to an award under Subsection (a), a claimant who prevails in a suit under this chapter may recover exemplary damages.

##### **Chapter 98A. Liability for Compelled Prostitution**

#### **§ 98A.002. Liability**

- (a) A defendant is liable to a victim of compelled prostitution, as provided by this chapter, for damages arising from the compelled prostitution if the defendant:
  - (1) engages in compelling prostitution with respect to the victim;
  - (2) knowingly or intentionally engages in promotion of prostitution or aggravated promotion of prostitution that results in compelling prostitution with respect to the victim;
  - or
  - (3) purchases an advertisement that the defendant knows or reasonably should know constitutes promotion of prostitution or aggravated promotion of prostitution, and the publication of the advertisement results in compelling prostitution with respect to the victim.
- (b) It is not a defense to liability under this chapter that:
  - (1) the defendant:
    - (A) is related to the victim by affinity or consanguinity, has been in a consensual sexual relationship with the victim, or has resided with the victim in a household;
    - or
    - (B) has paid or otherwise compensated the victim for prostitution; or
  - (2) the victim:

- (A) voluntarily engaged in prostitution before or after the compelled prostitution occurred; or
- (B) did not attempt to escape, flee, or otherwise terminate contact with the defendant at the time the compelled prostitution allegedly occurred.

## **Title 5. Offenses Against the Person**

### **Chapter 20. Kidnapping, Unlawful Restraint, and Smuggling of Persons**

#### **§ 20.05. Smuggling of Persons**

- (a) A person commits an offense if the person intentionally uses a motor vehicle, aircraft, or watercraft to transport an individual with the intent to:
  - (1) conceal the individual from a peace officer or special investigator; or
  - (2) flee from a person the actor knows is a peace officer or special investigator attempting to lawfully arrest or detain the actor.
- (b) Except as provided by Subsection (c), an offense under this section is a state jail felony.
  - (1) for pecuniary benefit; or
  - (2) in a manner that creates a substantial likelihood that the transported individual will suffer serious bodily injury or death.
- (c) An offense under this section is a felony of the third degree if the actor commits the offense:
- (d) It is an affirmative defense to prosecution under this section that the actor is related to the transported individual within the second degree of consanguinity or, at the time of the offense, within the second degree of affinity.
- (e) If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or under both sections.

### **Chapter 20A. Trafficking of Persons**

#### **§ 20A.02. Trafficking of Persons**

- (a) A person commits an offense if the person knowingly:
  - (1) traffics another person with the intent that the trafficked person engage in forced labor or services;
  - (2) receives a benefit from participating in a venture that involves an activity described by Subdivision (1), including by receiving labor or services the person knows are forced labor or services;
  - (3) traffics another person and, through force, fraud, or coercion, causes the trafficked person to engage in conduct prohibited by:
    - (A) Section 43.02 (Prostitution);
    - (B) Section 43.03 (Promotion of Prostitution);
    - (C) Section 43.04 (Aggravated Promotion of Prostitution); or
    - (D) Section 43.05 (Compelling Prostitution);
  - (4) receives a benefit from participating in a venture that involves an activity described by Subdivision (3) or engages in sexual conduct with a person trafficked in the manner described in Subdivision (3);
  - (5) traffics a child with the intent that the trafficked child engage in forced labor or services;
  - (6) receives a benefit from participating in a venture that involves an activity described in Subdivision (5), including by receiving labor or services the person knows are forced labor or services;

(7) traffics a child and by any means causes the trafficked child to engage in, or become the victim of, conduct prohibited by:

(E) Section 43.02 (Prostitution);

(F) Section 43.03 (Promotion of Prostitution);

(G) Section 43.04 (Aggravated Promotion of Prostitution);

(H) Section 43.05 (Compelling Prostitution)

(b) Except as otherwise provided by this subsection, an offense under this section is a felony of the second degree. An offense under this section is a felony of the first degree if:

(1) the applicable conduct constitutes an offense under Subsection (a)(5), (6), (7), or (8), regardless of whether the actor knows the age of the child at the time the actor commits the offense; or

(2) the commission of the offense results in the death of the person who is trafficked.

(c) If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or under both sections.

### **§ 20A.03. Continuous Trafficking of Persons**

(a) A person commits an offense if, during a period that is 30 or more days in duration, the person engages two or more times in conduct that constitutes an offense under Section 20A.02.

(d) A defendant may not be charged with more than one count under Subsection (a) if all of the conduct that constitutes an offense under Section 20A.02 is alleged to have been committed against the same victim.

(e) An offense under this section is a felony of the first degree, punishable by imprisonment in the Texas Department of Criminal Justice for life or for any term of not more than 99 years or less than 25 years.

## Austin City Code

### **Title 9. Prohibited Activities**

#### **Chapter 9-4. Prohibited Activities**

#### **Article 2. Offenses Related to Prohibited Acts**

#### **§ 9-47-16. Manifesting the Purpose of Engaging in Prostitution Prohibited**

(A) In this section:

(1) KNOWN PROSTITUTE OR PANDERER means a person who has, within the knowledge of the arresting officer, been convicted of prostitution, promotion of prostitution, aggravated promotion of prostitution, or compelling prostitution within one year previous to the date of an arrest for a violation of this section.

(2) PROSTITUTION has the meaning provided in Section 43.01 (*Definitions*) of the Texas Penal Code.

(3) PUBLIC PLACE has the meaning provided in Section 1.07 (*Definitions*) of the Texas Penal Code.

(B) A person commits an offense if the person loiters in a public place in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting, or procuring another person to commit an act of prostitution.

(C) In making a determination that a person is in violation of this section, a peace officer may consider whether the person:

(1) is a known prostitute or panderer;

(2) repeatedly beckons to, stops or attempts to stop, or engages in conversation with persons passing by; or

(3) repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms, or any other bodily gesture.

(D) A peace officer may not arrest a person for a violation of this section unless the officer has given the person an opportunity to explain the person's conduct.

(E) It is an affirmative defense to prosecution under this section if the explanation given the arresting officer under Subsection (D) is true and discloses a lawful purpose.

## Bexar County Codified Ordinances

Bexar County's Codified Ordinance does not contain a provision on human trafficking or solicitation, thus the State Penal Code should be consulted in its stead.

# Dallas City Code

## **Volume II**

### **Chapter 31 Offenses - Miscellaneous**

#### **Article I. General.**

##### **§ 31-19. Solicitation for Sodomy - Not for Hire**

- (a) In this section SODOMY means any contact between the genitals of one person and the mouth or anus of another person.
- (b) A person commits an offense if he solicits another in a public place to engage with him in sodomy not for hire.
- (c) A person violating a provision of this section is guilty of an offense and, upon conviction, will be punished by a fine of not less than \$100 and not more than \$500.

##### **§ 31-27. Manifesting the Purpose of Engaging in Prostitution**

- (a) A person commits an offense if he loiters in a public place in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting, or procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether such purpose is manifested: that such person is a known prostitute or panderer, repeatedly beckons to, stops or attempts to stop motor vehicle operators by hailing, waiving of arms, or any other bodily gesture. No arrest shall be made for a violation of this subdivision if it appears at trial that the explanation given was true and disclosed a lawful purpose.

## **Chapter 10 Business**

### **Article III-Sexually Oriented business**

#### **Division 2-License**

##### **Sec. 10-120. - Issuance**

- (a) The county director of public works shall approve the issuance of a license to an applicant within 60 days after receipt of an application unless he finds one or more of the following to be true:

An applicant or an applicant's spouse has been convicted of a crime:

- a. Involving:

- 1. Any of the following offenses as described in V.T.C.A., Penal Code ch. 43:
  - i. Prostitution;
  - ii. Promotion of prostitution;
  - iii. Aggravated promotion of prostitution
  - iv. Compelling prostitution;
  - v. Obscenity;
  - vi. Sale, distribution or display of harmful material to minor;
  - vii. Sexual performance by a child;
  - viii. Possession of child pornography;

##### **§ 10-125- Revocation**

- (b) The county director of public works shall revoke a license if he determines that:
  - (3) A licensee or an employee has knowingly allowed prostitution on the premises.

## Harris County Codified Ordinances

Harris County Sheriff's Office County Code does not contain any ordinances regarding prostitution or human trafficking offenses, thus, they follow the Texas Penal Code in these cases.



# Houston Code of Ordinances

## **Chapter 28. Miscellaneous Offenses and Provisions**

### **Article I. In General**

#### **§ 28-15. Bringing persons together for purpose of lewdness, assignation or prostitution**

It shall be unlawful for any person to bring together, offer to bring together, or assist in bringing together, by automobile, telephone or in any other manner, directly or indirectly, two or more persons for the purpose of lewdness, assignation or prostitution.

#### **§ 28.16. Transporting persons for unlawful or immoral purposes**

It shall be unlawful for any person to transport, offer to transport, or aid, or assist in transport; directly or indirectly, any person in, upon, over or through the streets of the city, by means of an automobile or other vehicle, for purposes of lewdness, assignation or prostitution, or for any other unlawful or immoral purposes.

#### **§ 28.48. Manifesting the purpose of engaging in prostitution or solicitation of prostitution**

(a) A person commits an offense if he loiters in a public place with the intent to commit prostitution. This intent is evidenced by acting in a manner and under circumstances that openly demonstrate the purpose of inducing, enticing, soliciting, or procuring another to commit an act of prostitution. The circumstances that may be considered in determining whether a person loitered with the intent to commit prostitution include, among others, whether the person engaged in the conduct:

- (1) Is a known prostitute;
- (2) Repeatedly beckons to, stops or attempts to stop or engages other persons in conversation, or repeatedly stops or attempts to stop other persons by hailing, waving of arms, or use of any other bodily gesture; and
- (3) Is in a location frequented by persons who engage in prostitution or solicitation of prostitution.

No arrest shall be made for a violation of this section unless the arresting officer first affords the actor an opportunity to explain his conduct, and it is a defense to prosecution hereunder that the explanation given was true and disclosed a lawful purpose.

(c) The definitions of prostitution and related offenses in Chapter 43 of the Texas Penal Code shall apply to this section.

(d) The offense set forth in this section is a misdemeanor and shall, upon conviction, be punishable by a fine of not less than \$500.00 nor more than \$2,000.00. However, any conduct in violation of this section that also constitutes an offense under state law shall instead be punishable as provided in the applicable state law.

## McLennan County Code of Ordinances

The McLennan County Sheriff's Office's County Code does not contain provisions pertaining to solicitation or human trafficking. Thus, the individual city codes or the Texas Penal Code should be consulted regarding human trafficking and solicitation of a prostitute.

# San Antonio Code of Ordinances

## **Part II. Code**

### **Article I. In General**

#### **Chapter 21. Offenses and Miscellaneous Provisions**

##### **§ 21-25. Prostitution, loitering for prostitution prohibited**

(a) *Definitions.* For the purpose of this section, the words or phrases set out in this subsection (a) mean the following:

Known prostitute or panderer means a person who, within two (2) years previous to the date of arrest for violations of this section, has within the knowledge of the arresting officer been convicted of violating any law or ordinance prohibiting soliciting, committing, or offering to commit prostitution, promotion of prostitution, or aggravated promotion of prostitution.

(b) *Prostitution.* It is unlawful for any person to:

- (1) Commit or offer to commit "prostitution," "promotion of prostitution" or "aggravated promotion of prostitution," as those acts are defined in Texas Penal Law;
- (2) Knowingly transport a person into, or within, the city to promote that person's engaging in prostitution, or procuring or paying for transportation with that purpose;
- (3) Knowingly receive, offer or agree to receive another into any place, building or vehicle for the purpose of any person committing prostitution;
- (4) Knowingly permit another to remain there for such purpose, or to knowingly in any way aid, abet or participate in prostitution; or
- (5) Secure or offer to secure a person for the purpose of committing prostitution, promotion of prostitution or aggravated promotion of prostitution.

(c) *Loitering for prostitution.*

- (1) It is unlawful for any person to loiter in or near any street or place open to the public in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another to commit prostitution.
- (2) Among the circumstances, but not the only circumstances, which may be considered in determining whether such purpose is manifested are the following: that such person is a known prostitute or panderer, and repeatedly beckons to, or stops or attempts to stop, or engages any person passing by in conversation indicative of soliciting for prostitution, or repeatedly stops or attempts to stop a motor vehicle operator by hailing, waiving of arms or any other bodily gesture.
- (3) No arrest shall be made for a violation of this section unless the arresting officer first affords such person an opportunity to explain such conduct, and no person shall be convicted of violating this section if it appears that the explanation given was true, and additionally did disclose a lawful purpose.
- (4) Peace officers enforcing this section shall have the same amount of discretion as allowed under the Texas Penal Code.

(d) *Penalties.* All violations of this section shall be punished as a Class C misdemeanor.

## Spring Valley Municipal Code

Spring Valley's Municipal Code indicates that they follow the Texas Penal Code in prostitution and human trafficking offenses.

## Laws in Practice

### **Austin Police Department**

Cases of sex trafficking have been investigated in the city, and prostitution has been identified as a longstanding problem for certain neighborhoods. Prostitution-related homicides have also occurred in the city, such as a case in which a prostituted woman was killed by her john, and another in which a john was murdered by a pimp for refusing to pay for sex with a prostituted woman.

To help manage such problems, the Austin Police Department began conducting reverse stings in 1985. Several reverse stings occurring during a week-long crackdown that year produced the arrest of 40 sex buyers. Numerous reverse stings have been conducted over the subsequent 26+ years. In 2009, Austin Police Department created a vice unit to focus on more organized prostitution and sex trafficking rings, in addition to street-level prostitution. The city has considered using SOAP orders for both buyers and sellers of sex, but has not implemented them, to our knowledge.

In June 2014, media outlets reported that at least one john had been arrested as part of a web-based reverse sting in Austin. According to reports, “the Austin Police Department posted an online advertisement in the escort section of a website used to solicit prostitution services.” The john responded to the listing and arranged to meet an undercover female officer at a north Austin hotel and pay her \$60 for sex. When he arrived at the location, he was promptly arrested. The man’s name, profession, and mugshot were released to the public.

### **Dallas Police Department**

The Dallas Police Department has been conducting reverse stings since 1971. Police responses to prostitution are driven by complaints from residents and businesses. Hundreds of reverse stings have been conducted in Dallas, and they continue to occur with regularity. DPD conduct reverse stings about once per month, but this can vary depending on when other priorities emerge. Most operations are street-level reverse stings, but the city also conducts web-based reversals.

Tactics used to punish and deter sex buyers after they are arrested include shaming, the city also can seize the autos and suspend the drivers’ licenses of arrested johns. A john school program has been utilized.

#### *John Schools*

Dallas has had a john school program since 2005. The program as a one day class on Saturdays. Initially, the program was offered monthly and has had periods where it has been offered twice per month, once in English and once in Spanish. Johns are charged a \$200 fee for the class. The fee is considered part of their punishment in addition to court costs, etc. The Council uses the funds to run the program. The topics that are covered in the curriculum are:

- Program overview
- Overview of Texas penal code regarding prostitution and sex trafficking
- Substance Abuse Subtle Screening Inventory (SASSI)
- HIV testing
- Presentation on health risks and consequences, focusing on STIs
- Presentation on alcohol and drug use consequences

- Impact on survivors
- Pre-and post-class assessment

### **Houston Police Department**

Commercial sex sales continue to occur in a wide variety of venues, including streets, hotels, and nightclubs, and storefront brothels. In addition to known local problems with prostitution, human trafficking has become a growing concern as well, including sex trafficking. The Department of Justice estimates that one fourth of trafficking victims brought to the U.S. travels, at some point, through Houston.

#### *Reverse Stings, Shaming*

In response to residents' and businesses' complaints, the Houston Police Department has adopted a multi-pronged approach to deter offenders. In addition to traditional strategies targeting prostituted women, the HPD has attacked the demand portion of local commercial sex markets by conducting a series of successful reverse sting operations. The first reverse sting known to have occurred in Houston occurred in 1981. In that operation, four undercover decoys were deployed, along with support teams of uniformed and plainclothes officers. The operation resulted in the arrests of 52 johns. The decision to try attacking the demand for prostitution was attributed by a Houston Police Department vice division Capt. as resulting from the demonstrable effectiveness of arresting women engaged in prostitution, coupled with persistent complaints from the community to do something to reduce or eliminate commercial sex and the array of tangible problems associated with it. Captain Tom Shane said, "I just became sick and tired of getting complaints of prostitutes out there. We arrested an average of more hundred prostitutes among and nearly all are repeat offenders."

Some of the subsequent reverse stings were very large in scale; for example an operation in 1985 resulted in the arrests of 290 men. More recent reverse stings have yielded more typical numbers of arrests, such as reversals in 2005 and 2008 resulted in the arrests of eight to 23 johns. In some of the street operations, police arrest prostituted women and replace them with police decoys in order to arrest sex buyers.

Following most reverse stings in Houston, the names, races, and dates of birth of arrested sex buyers have been posted online in Police Department news releases, and carried by some local news outlets. In recent years, police have incorporated the use of web stings, resulting in the arrests of dozens of johns. A large operation that targeted both the buyers and sellers of sex in May, 2013 resulted in 100 total arrests.

#### *Neighborhood, NGOs, Collaborative Efforts to Combat Demand*

Neighborhood organizations, faith-based groups, and nonprofit advocacy groups are collaborating with government agencies to develop a john school. Among the community groups seeking to impact the demand for commercial sex is the Texas Sex Trafficking Obliteration Project (T-STOP). The mission of the T-STOP project is to rescue the victims of sex trafficking in the state of Texas by ending demand for commercial sex. Their premise is that victims are the result of the forces of supply and demand. Their position is that if demand is eliminated, traffickers would have no need to obtain a supply: "NO DEMAND –NO VICTIM." T-STOP is a contracted project of Concerned Women For America in partnership with Houston Rescue and Restore coalition. Their mission is to rescue and restore victims of sex

trafficking in the state of Texas by ending the demand for commercial sex. Their website is dedicated to a discussion on how to productively address demand.

### **San Antonio Police Department**

Prostitution and sex trafficking have been identified by community leaders and law enforcement agencies as substantial problems in the city. Among the efforts to address these problems are the use of tactics focusing on demand for commercial sex. Some of the operations are large in scale. In a 2012 reverse sting conducted by several collaborating agencies (including the San Antonio Police Department, Bexar County Sheriff's Office, and ICE from the Department of Homeland Security), 64 men were arrested in just nine hours for trying to by sex from three undercover policewomen. Police also impounded 47 vehicles used by the arrested men for soliciting sex. Another 2012 reverse sting resulted in the arrest of 40 johns. A more typical operation was conducted on the city's West Side, near North Zarzamora, in March 2013 that resulted in 10 arrests. Police said they were getting complaints from people living in the area about prostitution, providing the reason for the reverse sting.

Such tactics used by the SAPD include reverse stings, shaming, auto seizure, SOAP orders, letters to the public, and web stings.

### **Harris County Sheriff's Office**

The HCSO periodically conducts web stings targeting sex buyers. During these operations, HCSO deputies post decoy advertisements to websites known for commercial sex sales. Undercover female deputies then field phone calls from individuals as they respond to the listing, and set up a meeting with them at a prearranged location. To protect the sanctity of future operations, the HCSO rarely discloses these locations.

The HCSO occasionally conducts street-level reverse sting operations along major roadways in the county. For example, in September 2013, 15 johns were arrested after soliciting sex from female deputies posing as prostituted women along the I-45 North and Eastex Freeway frontage roads, just south of Beltway 8. Similarly, in August 2014, the HCSO reported it arrested 76 johns during a two-week reverse sting operation, the location of which was not disclosed. Sex buyers (as well as sex sellers) routinely have their identities –including their mug shot photos –were released to the news media.

In 2016, the HCSO participated in the 12<sup>th</sup> National Johns Suppression Initiative, in which 121 sex buyers were arrested throughout multiple sting operations. In 2017, the HCSO participated in the 13<sup>th</sup> National Johns Suppression Initiative, in which 178 sex buyers were arrested, including a high school principal, college professor, and fireman.

### **Harris County Constable (Precincts 1 and 4)**

The Harris County Constable (Precincts 1 & 4) participated in the National Johns Suppression Initiative's 12<sup>th</sup> sting operation in 2016. 19 johns were arrested. Of note, was the arrest of a Houston city employee who was pulled up in a city vehicle.

### **McLennan County Sheriff's Office**

The McLennan County Sheriff's Office has staged at least two reverse stings from undisclosed locations within the county. Both operations, conducted in March 2015 and February 2016, utilized decoy advertisements on websites known for prostitution. The February 2016 operation, however, targeted individuals offering acts of prostitution in addition to johns

attempting to purchase sex acts. Following their arrests, all of the individuals intercepted had their identities publicized in press.

In 2017, the McLennan County Sheriff's Department partnered with the Cook County Sheriff's Office and participated in the 13<sup>th</sup> National Johns Suppression Initiative sting operation. The Department arrested 44 sex buyers.



## Victim Services

### **Dallas County Sheriff's Department**

The Victim Services Unit advocates for the victims of juvenile crime, as well as providing these victims with a wide range of services to address their victimization. This unit coordinates victim/offender mediation sessions, conducts Victim Impact Panels, and strives to provide the emotional support so that these victims can have a voice in the judicial process.

### **Harris County Constable Precinct 7**

The Harris County Precinct 7 Victims' Services Unit is here to work with victims living and their families to ensure that all victims receive their rights as guaranteed by the Texas Crime Victims' Compensation Act, (Texas Code of Criminal Procedure, Chapter 56).

Provide:

- Emergency Assistance
- Guidance
- Support
- Referrals
- Compassion
- Understanding

Under the Texas Crime Victims Assistance Act and Regulations, victims injured as a result of certain crimes, immediate family members of an injured or deceased victim and some witnesses may be eligible for financial assistance or benefits, such as:

- Medical and dental care
- Funeral and burial expenses
- Loss of earnings
- Prescription drug expenses
- Counseling
- Crime scene cleaning
- Loss earning capacity
- Income support
- Transportation or travel expenses
- Vocational services
- Disability aids
- Homemaker, childcare, or personal care
- Home or vehicle modification and related expenses
- Repair or replacement of some damaged or destroyed personal property items
- Protective measures (such as changed locks or home security systems)
- Loss of parental guidance for a minor child

During this emotional and traumatic time of crisis, the last thing victims and or family members want to deal with are the financial burdens that have resulted from the crime. One is also not ready to handle the tasks of searching for counseling and legal services. Therefore, Harris County staff will provide the following:

- Referrals to victim support organizations
- Assistance with the Texas Crime Victims' Compensation Program
- Explanation of law enforcement and judicial procedures

- Prevention, awareness, and education of victimization
- Crisis Intervention
- Victim mediator

#### *Help for Victims of Domestic Abuse:*

Domestic violence can happen to anyone of any race, age, sexual orientation, religion, or gender. It can happen to couples who are married, living together, or who are dating. Domestic violence affects people of all socioeconomic backgrounds and education levels. If you are being abused or have a loved one who is being abused, get help. Do not ignore it. It will not go away. Keep in mind, you are not alone. The Harris County Precinct 7 Victims Services Unit is dedicated to providing assistance to victims of domestic abuse.

#### *Ending Violence Against Women:*

The Harris County Precinct 7 Victims Services Unit is dedicated to making sure that any female that has been victimized gets the help she needs. Please contact Precinct 7 Victims Services if you or someone you know has been a victim of any of the following:

- Dating Violence
- Domestic and Intimate Partner Violence
- Emotional and Verbal Abuse
- Human Trafficking
- Sexual Assault and Abuse
- Stalking

#### **Austin Police Department**

Created in 1981, the long held mission of the Victim Services Division of the Austin Police Department is to respond to crime victim's psychological and emotional needs. This is achieved through crisis intervention, counseling, advocacy, criminal justice support, assistance with Crime Victims & Rescue; Compensation, education, information and referrals for victims of crime and trauma, individuals with mental illness, and witnesses. In addition to these primary responsibilities, the Division provides assistance to criminal justice personnel, the community, and other non-crime situations.

In addition to providing domestic violence assistance, the police department also focuses on crime victims' compensation. They have created the Crime Victims' Compensation fund, administered by the Office of the Attorney General, to assist victims of violent crimes with expenses that are related to the crime. Types of crimes covered are sexual assault, family violence, kidnapping, aggravated robbery, assault, homicide, child abuse, and other crimes where the victim suffers physical or emotional harm or death. Motor vehicle crimes covered include DWI, manslaughter, criminally negligent homicide, aggravated assault and intoxication manslaughter. Crime Victims' Compensation may be able to assist with reimbursement of expenses.

#### **Dallas Police Department**

The Dallas Police Department's Victim Services was established in April 1996. The Dallas Police Department Victim Services serves a dual function of assisting victims of violent crimes and assisting detectives who investigate crimes. Our primary purpose is to alleviate the psychological and emotional trauma experienced as a result of violent crime. Our services provide information & referral, crisis counseling regarding normal reactions to trauma, and a

contact person for the victim or family survivor. Addressing these needs will in turn reduce the short term and long term effects of the trauma while helping to facilitate the victims' willingness and ability to cooperate with the Criminal Justice System in the investigation and prosecution of crimes. This office also assists victims and family survivors with the process of filing for Texas Crime Victims' Compensation funds to aid qualifying victims and their surviving families with expenses incurred as a result of a violent crime. Our goal is to assist people who are victimized by violent crimes in a professional, compassionate, and helpful manner.

### **Mosaic Family Services -Dallas**

Mosaic provides emergency shelter, case management, counseling, interpretation and translation, and legal assistance to victims of human trafficking. Mosaic's multicultural staff also assists victims in navigating the complex justice system and in interactions with federal and local law enforcement. Mosaic Family Services has served over 250 victims of human trafficking since the inception of the Services for Victims of Trafficking Program in 2001. Clients are referred by law enforcement, social and medical service providers, and individuals within the community. Mosaic also operates a 24 hour trafficking hot line.

In order to improve and coordinate the response to trafficking across the region and nation, Mosaic participates in groups and coalition that have been formed to combat trafficking and serve victims. Mosaic is a founding member of the North Texas Anti-Trafficking Task Force, a multidisciplinary team including federal and local law enforcement and social service providers. Mosaic is also a member of the Freedom Network, a nationwide coalition of agencies that provide services for trafficking survivors in the United States.

Mosaic also provides education, trainings, and multilingual informational materials to the immigrant communities at risk for trafficking as well as to law enforcement, other service providers, and community groups to increase awareness and understanding of this often invisible human rights abuse.

### **Houston Police Department**

The Victim Services Unit of the Houston Police Department is dedicated to positively impacting the quality of life for the citizens of Houston by assisting victims, survivors, families, neighbors and businesses experiencing crime or trauma.

A Victim Liaison can assist victims and/or their families and will provide referrals based on the specific needs of each situation. The Victim Services Unit works closely with various social service and legal agencies within the city of Houston and Harris County, and is familiar with a wide variety of resources available. Other Activities of the Victim Services Unit:

- Informing victims of their rights
- Notification and assistance in filing for Crime Victims' Compensation
- Information and referrals to area social service providers
- Community awareness and presentations
- Criminal Justice Support
- Assistance with property return
- Victim Advocacy

### **Houston Rescue & Restore Coalition: Victims of Human Trafficking**

HRRC exists to prevent and confront modern-day slavery by educating the public, training professionals and empowering the community to take action for the purpose of identifying, rescuing and restoring trafficking victims to freedom.

HRRC envisions individuals taking responsibility for the role they play in their own community, and mobilizes those individuals to work together to:

1. Identify the causes of human trafficking
2. Recognize the evidence of the evil being done in their cities and counties, and
3. Free the victims of this social injustice.

### **Front-line Professional Training Program**

Training is an essential aspect of how HRRC addresses the human trafficking problem. In order for victims to be rescued, more community professionals need to have a greater understanding of the issue and how to identify a potential victim. HRRC identifies key front-line professionals, such as law enforcement, health care providers, social workers, educators, and others who are in the best position to come into contact with a victim of human trafficking. HRRC, along with its coalition partners, have developed several training programs specifically designed for these professionals. Some examples of these programs are:

- **Health Care Training Program**

The Look Beneath the Surface and H.E.A.R Your Patient program is a three part series designed to educate health care professionals about human trafficking, how to identify a victim in a clinical setting, and what policies and procedures should be followed to connect that victim with appropriate services. The H.E.A.R program offers CME credits to health care participants and is in the process of also being able to offer CNE credits to nurse participants by the Fall of 2012.

- **Law Enforcement Training Program**

This program aims to inform law enforcement agents about the issue of human trafficking, the federal and state laws on trafficking, red flags, investigative techniques, resources available, and how to connect victims to appropriate services.

- **Domestic Minor Trafficking Training Program**

This program is intended to bring awareness to professionals who are most likely going to come into contact with a potential domestic minor trafficking victim such as school counselors/educators, child protective service employees, juvenile probation, etc. The program educates these professional on the issues of domestic minor trafficking both labor and sex trafficking. HRRC defines the issue of domestic minor trafficking, red flags to look for, and how to identify a potential victim. This program also debunks common myths and stereotypes about at risk youth and provides in-take tools for better assessment and resources of appropriate services that are needed for this victim population.

### *Prevention Programs*

HRRC believes that one of the way to address human trafficking is to prevent it from happening in the first place.

- **Girls Prevention Program**

HRRC has adopted the My Life My Choice program, a national model for effective sexual exploitation preventive education in a carefully selected number of schools, after-school programs, juvenile probation programs, juvenile detention, etc. The program targets middle and high school girls who demonstrate at risk behavior and educate them on the seriousness of sexual exploitation that can lead to victimization. The 10-session curriculum is aimed at keeping the most vulnerable victimization. The 10-session curriculum is aimed at keeping the most

vulnerable adolescent girls from sexual exploitation and prostitution. HRRC has also found it important to add the component of labor trafficking to the curriculum and discuss issue and vulnerability that may lead youth to labor exploitation as well. The curriculum embraces an empowerment approach and blends a variety of activities which foster self-reflection, understanding about the issue, and knowledge to help young women identify potentially exploitive situations. HRRC also provides an abridge version of the prevention program for those organizations that cannot accommodate all 10 sessions.

- **Prevention Program for Boys**

HRRC is currently in the process of developing a prevention program from young men with the hopes of launching the program in the Fall of 2012. Through a multi-faceted young men's curriculum, HRRC intends to engage young men on the dynamics of labor and sexual exploitation, root causes such as poverty and discrimination, and how it impacts their lives. The program seeks to create a safe space for young men to examine traditional masculinity and encourage gender-equitable attitudes and behaviors. Finally, HRRC hope to equip participants with knowledge to identify community resources and mobilize them to become allies in the fight against exploitation in our community.

#### *Community Awareness Activities*

One of HRRC's main objectives is to educate the public about the issue of human trafficking. We achieve this goal through our community awareness presentations to groups such as churches and rotary clubs. Through this program we provide the public with the fundamentals of human trafficking—the who, what, where, and red flags. Our community presentations are generally 30 –60 minutes in length and are available to any community group who would like to learn more about the issue and what it looks like in our community.

- **Human Trafficking Awareness Month**

This annual event, now it is sixth year, is officially proclaimed by the Mayor of Houston (as Human Trafficking Awareness Month) and takes place during the month of September each year. The month is a series of awareness events and trainings that are hosted by HRRC and its coalition partners for the purpose of raising awareness about human trafficking across the city.

- **Human Trafficking Technical Assistance and Resource Center**

HRRC provides resource materials and technical assistance to students, human trafficking organizations and other NGOs who are seeking advice and expertise on a variety of topics. Our expertise ranges from coalition building, outreach efforts, training programs and other specific human trafficking topics. Many of our outreach materials/resources are available in several languages. Our resource materials include fact sheets, brochures, films, ID cards, posters, etc.

- **The Look Beneath the Surface Traveling Art Exhibit**

The art exhibit was developed to promote awareness about human trafficking through the eyes of local professional and young artists who have artistically interpreted the stories and experiences of human trafficking survivors. The show has been on display across the state at such locations as the State Capital, Houston City Hall, St. Luke's United Methodist Church, Bering and James Art Gallery and many more.

- **Multilingual Media Campaign**

In an effort to raise general awareness about the issue of human trafficking, HRRC has developed a multilingual media campaign that has included over the years, the use of Highway Billboards, Community Billboards, Malls Signs, Airport Shuttle use of Highway Billboards, Community Billboards, Malls Signs, Airport Shuttle Signage, Taxi Cab Signage—all with the message of either “Stop Modern-day Slavery In Houston” or “No Human Life Should be For

Sale.” All signage includes the number of the national human trafficking hotline or the local Crime-stoppers number in order to report a potential trafficking situation. In addition, HRRC has also developed Spanish-language radio PSAs that are aired on several Univision radio stations and an English-language TV PSA that is airing on local Houston channel 55.

#### *Additional Activities of HRRC*

- **Human Trafficking Rescue Alliance (HTRA)**

HTRA is a task force with focus on human trafficking. HTRA takes a multi-disciplinary approach by bringing many different law enforcement agencies and NGO’s together to combat this horrible crime. HRRC is an active member on this task force.

- **Human Trafficking Prevention Task Force**

During the 81<sup>st</sup> Texas Legislative session, HB 4009 was passed and required the development of a state-wide task force on human trafficking. HRRC was appointed by the Attorney General of Texas to be one of 47 members to serve on a state-wide human trafficking task force. HRRC has taken an active role on the task force, especially in the areas of training and curriculum development.

#### **San Antonio Police Department**

The San Antonio Police Department provides Victims Advocacy Services to victims of crime through the Crisis Response Team, made up of police officers and caseworkers assigned to each SAPD substation. Services Include: Victims' Services, Violence Prevention, Crisis Intervention Counseling, Case Management, Child and Family Counseling, Support Groups, Information and Referrals.

Spring Valley Police Department's website did not include any specific services they provide to victims of crime. A search on their website for such services yielded no results.

#### **Texas Department of Public Safety/Texas State Troopers**

The Texas Department of Public Safety is dedicated to providing direct, personal services to victims and their families throughout Texas. Services include: criminal justice support, referral to assigned detective, status of case information, arrest notification, court accompaniment, information and referrals to local social service providers, notification and assistance in filing for Crime Victims' Compensation, assistance with evidence return, short-term counseling, personal advocacy, and crisis intervention.

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9. 2 Health and Safety Code § 169.006 (2012).
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28. San Antonio Mun. Code (Tex.) § 21-25 (2013).

Virginia



## Annotated Code – Solicitation

### **Title 18.2. Crimes and Offenses Generally**

#### **Chapter 8. Crimes Involving Morals and Decency**

#### **Article 3. Sexual Offenses, Prostitution, Etc.**

#### **§ 18.2-346. Prostitution; commercial sexual conduct; commercial exploitation of minor; penalties**

A. Any person who, for money or its equivalent, (i) commits adultery, fornication, or any act in violation of § 18.2-361, performs cunnilingus, fellatio, or anilingus upon or by another person, or engages in anal intercourse or (ii) offers to commit adultery, fornication, or any act in violation of § 18.2-361, perform cunnilingus, fellatio, or anilingus upon or by another person, or engage in anal intercourse and thereafter does any substantial act in furtherance thereof is guilty of prostitution, which is punishable as a Class 1 misdemeanor.

B. Any person who offers money or its equivalent to another for the purpose of engaging in sexual acts as enumerated in subsection A and thereafter does any substantial act in furtherance thereof is guilty of solicitation of prostitution, which is punishable as a Class 1 misdemeanor. However, any person who solicits prostitution from a minor (i) 16 years of age or older is guilty of a Class 6 felony or (ii) younger than 16 years of age is guilty of a Class 5 felony.

#### **§ 18.2-346.1. Testing of convicted prostitutes and injection drug users for infection with human immunodeficiency viruses and hepatitis C; limited disclosure**

A. As soon as practicable following conviction of any person for violation of §18.2-346 or 18.2-361, or any violation of Article 1 (§ 18.2-247 et seq.) or 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 involving the possession, sale, or use of a controlled substance in a form amenable to intravenous use; or the possession, sale, or use of hypodermic syringes, needles, or other objects designed or intended for use in parenterally injecting controlled substances into the human body, such person shall be required to submit to testing for infection with human immunodeficiency viruses and hepatitis C. The convicted person shall receive counseling from personnel of the Department of Health concerning (i) the meaning of the test, (ii) acquired immunodeficiency syndrome and hepatitis C, and (iii) the transmission and prevention of infection with human immunodeficiency viruses and hepatitis C.

B. Tests for human immunodeficiency viruses shall be conducted to confirm any initial positive test results before any test result shall be determined to be positive for infection. The results of such test shall be confidential as provided in § 32.1-36.1 and shall be disclosed to the person who is the subject of the test and to the Department of Health as required by § 32.1-36. The Department shall conduct surveillance and investigation in accordance with the requirements of § 32.1-39.

C. Upon receiving a report of a positive test for hepatitis C, the State Health Commissioner may share protected health information relating to such positive test with relevant sheriffs' offices, the state police, local police departments, adult or youth correctional facilities, salaried or volunteer firefighters, paramedics or emergency medical technicians, officers of the court, and regional or local jails (i) to the extent necessary to advise exposed individuals of the risk of infection and to enable exposed individuals to seek appropriate testing and treatment, and (ii) as may be needed to prevent and control disease and is deemed necessary to prevent serious harm and serious threats to the health and safety of individuals and the public.

The disclosed protected health information shall be held confidential; no person to whom such information is disclosed shall redisclose or otherwise reveal the protected health information without first obtaining the specific authorization from the individual who was the subject of the test for such redisclosure.

Such protected health information shall only be used to protect the health and safety of individuals and the public in conformance with the regulations concerning patient privacy promulgated by the federal Department of Health and Human Services, as such regulations may be amended.

D. The results of the tests shall not be admissible in any criminal proceeding related to prostitution or drug use.

The cost of the tests shall be paid by the Commonwealth and taxed as part of the cost of such criminal proceedings.

#### **§ 18.2-347. Keeping, residing in or frequenting a bawdy place; “bawdy place” defined**

It shall be unlawful for any person to keep any bawdy place, or to reside in or at or visit, for immoral purposes, any such bawdy place. Each and every day such bawdy place shall be kept, resided in or visited, shall constitute a separate offense. In a prosecution under this section the general reputation of the place may be proved.

As used in this Code, “*bawdy place*” shall mean any place within or without any building or structure which is used or is to be used for lewdness, assignation or prostitution.

#### **§ 18.2-348. Aiding prostitution or illicit sexual intercourse**

It is unlawful for any person or any officer, employee, or agent of any firm, association, or corporation, with knowledge of, or good reason to believe, the immoral purpose of such visit, to take or transport or assist in taking or transporting, or offer to take or transport on foot or in any way, any person to a place, whether within or without any building or structure, used or to be used for the purpose of lewdness, assignation, or prostitution within the Commonwealth, or to procure or assist in procuring for the purpose of illicit sexual intercourse, anal intercourse, cunnilingus, fellatio, or anilingus or any act violative of § 18.2-361, or to give any information or direction to any person with intent to enable such person to commit an act of prostitution.

#### **§ 18.2-349. Using vehicles to promote prostitution or unlawful sexual intercourse**

It shall be unlawful for any owner or chauffeur of any vehicle, with knowledge or reason to believe the same is to be used for such purpose, to use the same or to allow the same to be used for the purpose of prostitution or unlawful sexual intercourse, or to aid or promote such prostitution or unlawful sexual intercourse by the use of any such vehicle.

### **Title 19.2. Criminal Procedure**

#### **Chapter 22.2. Miscellaneous Forfeiture Provisions**

#### **§ 19.2-386.16. Forfeiture of motor vehicles used in commission of certain crimes**

A. Any vehicle knowingly used by the owner thereof or used by another with his knowledge of and during the commission of, or in an attempt to commit, a second or subsequent offense of § 18.2-346, 18.2-347, 18.2-348, 18.2-349, 18.2-355, 18.2-356 or 18.2-357 or of a similar ordinance of any county, city or town or knowingly used for the transportation of any stolen goods, chattels or other property, when the value of such stolen goods, chattels or other property is \$200 or more, or any stolen property obtained as a result of a robbery, without regard to the value of the property, shall be forfeited to the Commonwealth. The vehicle shall be seized by any law-

enforcement officer arresting the operator of such vehicle for the criminal offense, and delivered to the sheriff of the county or city in which the offense occurred. The officer shall take a receipt therefor.

B. Any vehicle knowingly used by the owner thereof or used by another with his knowledge of and during the commission of, or in an attempt to commit, a misdemeanor violation of subsection D of § 18.2-47 or a felony violation of (i) Article 3 (§ 18.2-47 et seq.) of Chapter 4 of Title 18.2 or (ii) § 18.2-357 where the prostitute is a minor, shall be forfeited to the Commonwealth. The vehicle shall be seized by any law-enforcement officer arresting the operator of such vehicle for the criminal offense, and delivered to the sheriff of the county or city in which the offense occurred. The officer shall take a receipt therefor.

C. Forfeiture of such vehicle shall be enforced as is provided in Chapter 22.1 (§ 19.2-386.1 et seq.).

## Annotated Code – Human Trafficking

### **Title 18.2. Crimes and Offenses Generally**

#### **Chapter 8. Crimes Involving Morals and Decency**

#### **Article 3. Sexual Offenses, Prostitution, Etc.**

#### **§ 18.2-355. Taking, detaining, etc., person for prostitution, etc., or consenting thereto**

Any person who:

- (1) For purposes of prostitution or unlawful sexual intercourse, takes any person into, or persuades, encourages or causes any person to enter, a bawdy place, or takes or causes such person to be taken to any place against his or her will for such purposes; or
- (2) Takes or detains a person against his or her will with the intent to compel such person, by force, threats, persuasions, menace or duress, to marry him or her or to marry any other person, or to be defiled; or
- (3) Being parent, guardian, legal custodian or one standing in loco parentis of a person, consents to such person being taken or detained by any person for the purpose of prostitution or unlawful sexual intercourse; or
- (4) For purposes of prostitution, takes any minor into, or persuades, encourages, or causes any minor to enter, a bawdy place, or takes or causes such person to be taken to any place for such purposes; is guilty of pandering.

A violation of subdivision (1), (2), or (3) is punishable as a Class 4 felony. A violation of subdivision (4) is punishable as a Class 3 felony.

#### **§ 18.2-356. Receiving money for procuring person**

Any person who receives any money or other valuable thing for or on account of (i) procuring for or placing in a house of prostitution or elsewhere any person for the purpose of causing such person to engage in unlawful sexual intercourse, anal intercourse, cunnilingus, fellatio, or anilingus or any act in violation of § 18.2-361 or (ii) causing any person to engage in forced labor or services, concubinage, prostitution, or the manufacture of any obscene material or child pornography is guilty of a Class 4 felony. Any person who violates clause (i) or (ii) with a person under the age of 18 is guilty of a Class 3 felony.

# Newport News Code of Ordinances

## **Chapter 28. Offenses - Miscellaneous**

### **§28-17. Prostitution generally**

Any person who, for money or its equivalent, commits adultery or fornication, or offers to commit adultery or fornication, or any act in violation of section 18.2-361, Code of Virginia, and thereafter does any substantial act in furtherance thereof, shall be guilty of being a prostitute, or prostitution, which shall be a misdemeanor.

### **§ 28-18. Bawdy places**

(a) It shall be unlawful for any person to keep any bawdy place, or to reside in or at or visit, for immoral purposes, any bawdy place. Each and every day such bawdy place shall be kept, resided in or visited shall constitute a separate offense. In a prosecution under this section, the general reputation of the place may be proved.

(b) As used in this section, the term "bawdy place" shall mean any place, within or without any building or structure, which is used or is to be used for lewdness, assignation or prostitution.

### **§ 28-19. Aiding prostitution or illicit sexual intercourse**

It shall be unlawful for any person or any officer, employee or agent of any firm, association or corporation, with knowledge of, or good reason to believe, the immoral purpose of such visit, to take or transport or assist in taking or transporting, or offer to take or transport, on foot or in any way, any person to a place, whether within or without any building or structure, used or to be used for the purpose of lewdness, assignation or prostitution, or to procure or assist in procuring, for the purpose of illicit sexual intercourse, or any act in violation of Section 18.2-361, Code of Virginia, or to give any information or direction to any person with intent to enable such person to commit an act of prostitution.

### **§ 28-20. Using vehicle to promote prostitution or unlawful sexual intercourse**

It shall be unlawful for any owner or chauffeur of any vehicle, with knowledge or reason to believe the same is to be used for such purpose, to use the same or to allow the same to be used for the purpose of prostitution or unlawful sexual intercourse, or to aid or promote such prostitution or unlawful sexual intercourse by use of any such vehicle.

## Laws in Practice

### **Newport News Police Department**

According to local police, the first known attempts to combat demand for commercial sex occurred in the mid-1980s, through reverse sting operations, shaming, neighborhood action, and SOAP orders. Reverse stings have occurred regularly since 1995. The Newport News Police Department (NNPD) posts press releases about reverse stings on its website, which include the names, ages, and communities of residence of the arrested sex buyers. For example, in July 2012, police charged 15 men during a reverse at the 6100 block of Jefferson Avenue. The names and ages of the arrestees were publicly released. The NNPD sometimes collaborates on reverse stings with police in the neighboring city of Hampton. The NNPD also participates in the National Johns Suppression Initiative (NJSI), which is a national sting coordinated by the Cook County Sheriff's Office in an effort to target and reduce sex trafficking. In February 2017, the NNPD arrested 7 sex buyers from January 18<sup>th</sup> – February 5<sup>th</sup>.

A john school program was launched in 2011, and since then the NNPD has been referring qualified arrestees to the program. The john school was developed by the Center for Child and Family Services, the NNPD, and the Newport News Commonwealth Attorney's Office and the Community Corrections Division. The john school is structured as a 12-hour counseling program occurring across eight weekly sessions, rather than the more common one-day class of four to eight hours. The total cost to complete the program is \$230.

## Victim Services

### **Newport News Commonwealth Attorney's Office**

The Victim Services Unit (VSU) helps ensure fair and compassionate treatment to crime victims whether or not an arrest has been made.

It is our goal to provide victims and witnesses with the information, resources, and support needed to get through the trauma of victimization. We are sensitive to the special needs that victims and witnesses may have, and we make every effort to insure that those needs are met. Our advocates are compassionate, competent, and caring individuals who work to make sure that victims and witnesses have the support and tools they need to get through the criminal justice process.

- Courtroom Services
  - Criminal justice process support and explanation
  - Courtroom tours
  - Confidentiality forms
  - Accompaniment to court
  - Trial preparation assistance
- Financial Assistance
  - Restitution
  - Criminal injuries compensation fund
  - Referrals to social services
- Victim input
  - Victim Impact Statement and Preparation
  - Parole Input
  - Right to Remain in Courtroom
- Special Services
  - Sexual assault victims
  - Domestic assault victims
  - Stalking victims

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# Washington

## Revised Code – Solicitation

### **Title 9A. Washington Criminal Code**

#### **Chapter 9A.88. Indecent Exposure - Prostitution**

##### **§ 9A.88.010. Indecent exposure**

(1) A person is guilty of indecent exposure if he or she intentionally makes any open and obscene exposure of his or her person or the person of another knowing that such conduct is likely to cause reasonable affront or alarm. The act of breastfeeding or expressing breast milk is not indecent exposure.

(2) (a) Except as provided in (b) and (c) of this subsection, indecent exposure is a misdemeanor.

(b) Indecent exposure is a gross misdemeanor on the first offense if the person exposes himself or herself to a person under the age of fourteen years.

(c) Indecent exposure is a class C felony if the person has previously been convicted under this section or of a sex offense as defined in RCW 9.94A.030.

##### **§ 9A.88.060. Promoting prostitution - Definitions**

The following definitions are applicable in RCW 9A.88.070 through 9A.88.090:

(1) “Advances prostitution.” A person “advances prostitution” if, acting other than as a prostitute or as a customer thereof, he or she causes or aids a person to commit or engage in prostitution, procures or solicits customers for prostitution, provides persons or premises for prostitution purposes, operates or assists in the operation of a house of prostitution or a prostitution enterprise, or engages in any other conduct designed to institute, aid, or facilitate an act or enterprise of prostitution.

(2) “Profits from prostitution.” A person “profits from prostitution” if, acting other than as a prostitute receiving compensation for personally rendered prostitution services, he or she accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he or she participates or is to participate in the proceeds of prostitution activity.

##### **§ 9A.88.070. Promoting prostitution in the first degree**

(1) A person is guilty of promoting prostitution in the first degree if he or she knowingly advances prostitution:

(a) By compelling a person by threat or force to engage in prostitution or profits from prostitution which results from such threat or force; or

(b) By compelling a person with a mental incapacity or developmental disability that renders the person incapable of consent to engage in prostitution or profits from prostitution that results from such compulsion.

(2) Promoting prostitution in the first degree is a class B felony.

##### **§ 9A.88.080. Promoting prostitution in the second degree**

(1) A person is guilty of promoting prostitution in the second degree if he or she knowingly:

(a) Profits from prostitution; or

(b) Advances prostitution.

(2) Promoting prostitution in the second degree is a class C felony.

##### **§ 9A.88.085. Promoting travel for prostitution**

- (1) A person commits the offense of promoting travel for prostitution if the person knowingly sells or offers to sell travel services that include or facilitate travel for the purpose of engaging in what would be patronizing a prostitute or promoting prostitution, if occurring in the state.
- (2) For purposes of this section, “travel services” has the same meaning as defined in RCW 19.138.021.

#### **§ 9A.88.110. Patronizing a prostitute**

- (1) A person is guilty of patronizing a prostitute if:
  - (a) Pursuant to a prior understanding, he or she pays a fee to another person as compensation for such person or a third person having engaged in sexual conduct with him or her; or
  - (b) He or she pays or agrees to pay a fee to another person pursuant to an understanding that in return therefor such person will engage in sexual conduct with him or her; or
  - (c) He or she solicits or requests another person to engage in sexual conduct with him or her in return for a fee.
- (2) For purposes of this section, “sexual conduct” has the meaning given in RCW 9A.88.030.
- (3) Patronizing a prostitute is a misdemeanor.

#### **§ 9A.88.120. Additional fee assessments**

- (1) (a) In addition to penalties set forth in RCW 9A.88.010 and 9A.88.030, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9A.88.010, 9A.88.030, or comparable county or municipal ordinances shall be assessed a fifty dollar fee.
  - (c) In addition to penalties set forth in RCW 9A.88.110, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9A.88.110 or a comparable county or municipal ordinance shall be assessed a fee in the amount of:
    - (i) One thousand five hundred dollars if the defendant has no prior convictions, deferred sentences, deferred prosecutions, or statutory or nonstatutory diversion agreements for this offense;
    - (ii) Two thousand five hundred dollars if the defendant has one prior conviction, deferred sentence, deferred prosecution, or statutory or nonstatutory diversion agreement for this offense; and
    - (iii) Five thousand dollars if the defendant has two or more prior convictions, deferred sentences, deferred prosecutions, or statutory or nonstatutory diversion agreements for this offense.
  - (d) In addition to penalties set forth in RCW 9A.88.070 and 9A.88.080, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9A.88.070, 9A.88.080, or comparable county or municipal ordinances shall be assessed a fee in the amount of:
    - (i) Three thousand dollars if the defendant has no prior convictions, deferred sentences, deferred prosecutions, or statutory or nonstatutory diversion agreements for this offense;

- (ii) Six thousand dollars if the defendant has one prior conviction, deferred sentence, deferred prosecution, or statutory or nonstatutory diversion agreement for this offense; and
  - (iii) Ten thousand dollars if the defendant has two or more prior convictions, deferred sentences, deferred prosecutions, or statutory or nonstatutory diversion agreements for this offense.
- (3) The court shall not reduce, waive, or suspend payment of all or part of the assessed fee in this section unless it finds, on the record, that the offender does not have the ability to pay the fee in which case it may reduce the fee by an amount up to two-thirds of the maximum allowable fee.
  - (a) A superior court may, as described in RCW 9.94A.760, set a sum that the offender is required to pay on a monthly basis towards satisfying the fee imposed in this section.
  - (b) A district or municipal court may enter into a payment plan with the defendant, in which the fee assessed in this section is paid through scheduled periodic payments. The court may assess the defendant a reasonable fee for administrative services related to the operation of the payment plan.
- (4) Fees assessed under this section shall be collected by the clerk of the court and remitted to the treasurer of the county where the offense occurred for deposit in the county general fund, except in cases in which the offense occurred in a city or town that provides for its own law enforcement, in which case these amounts shall be remitted to the treasurer of the city or town for deposit in the general fund of the city or town. Revenue from the fees must be used for local efforts to reduce the commercial sale of sex including, but not limited to, increasing enforcement of commercial sex laws.
  - (a) At least fifty percent of the revenue from fees imposed under this section must be spent on prevention, including education programs for offenders, such as john school, and rehabilitative services for victims, such as mental health and substance abuse counseling, parenting skills, training, housing relief, education, vocational training, drop-in centers, and employment counseling.
  - (b) Two percent of the revenue from fees imposed under this section shall be remitted quarterly to the department of commerce, together with a report detailing the fees assessed, the revenue received, and how that revenue was spent.
  - (c) Revenues from these fees are not subject to the distribution requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or 35.20.220.

#### **§ 9A.88.130. Additional requirements**

- (1) When sentencing or imposing conditions on a person convicted of, or receiving a deferred sentence or deferred prosecution for, violating RCW 9A.88.110 or 9.68A.100, the court must impose a requirement that the offender:
  - (a) Not be subsequently arrested for patronizing a prostitute or commercial sexual abuse of a minor;
  - (b) Remain outside the geographical area, prescribed by the court, in which the person was arrested for violating RCW 9A.88.110 or 9.68A.100, unless such a requirement would interfere with the person's legitimate employment or residence or otherwise be infeasible; and
  - (c) Fulfill the terms of a program, if a first-time offender, designated by the sentencing court, designed to educate offenders about the negative costs of prostitution.

(2) This requirement is in addition to the penalties set forth in RCW 9A.88.110, 9A.88.120, and 9.68A.100.

**§ 9A.88.140. Vehicle impoundment - Fees - Fines**

(1) (a) Upon an arrest for a suspected violation of patronizing a prostitute, promoting prostitution in the first degree, promoting prostitution in the second degree, promoting travel for prostitution, the arresting law enforcement officer may impound the person's vehicle if (i) the motor vehicle was used in the commission of the crime; (ii) the person arrested is the owner of the vehicle or the vehicle is a rental car as defined in RCW 46.04.465; and (iii) either (A) the person arrested has previously been convicted of one of the offenses listed in this subsection or (B) the offense was committed within an area designated under (b) of this subsection.

(b) A local governing authority may designate areas within which vehicles are subject to impoundment under this section regardless of whether the person arrested has previously been convicted of any of the offenses listed in (a) of this subsection.

(i) The designation must be based on evidence indicating that the area has a disproportionately higher number of arrests for the offenses listed in (a) of this subsection as compared to other areas within the same jurisdiction.

(ii) The local governing authority shall post signs at the boundaries of the designated area to indicate that the area has been designated under this subsection.

(2) Upon an arrest for a suspected violation of commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, or promoting travel for commercial sexual abuse of a minor, the arresting law enforcement officer shall impound the person's vehicle if (a) the motor vehicle was used in the commission of the crime; and (b) the person arrested is the owner of the vehicle or the vehicle is a rental car as defined in RCW 46.04.465.

(3) Impoundments performed under this section shall be in accordance with chapter 46.55 RCW and the impoundment order must clearly state "prostitution hold."

(4) (a) Prior to redeeming the impounded vehicle, and in addition to all applicable impoundment, towing, and storage fees paid to the towing company under chapter 46.55 RCW, the owner of the impounded vehicle must pay a fine to the impounding agency. The fine shall be five hundred dollars for the offenses specified in subsection (1) of this section, or two thousand five hundred dollars for the offenses specified in subsection (2) of this section.

(b) Upon receipt of the fine paid under (a) of this subsection, the impounding agency shall issue a written receipt to the owner of the impounded vehicle.

(c) Fines assessed under this section shall be collected by the clerk of the court and remitted to the treasurer of the county where the offense occurred for deposit in the county general fund, except in cases in which the offense occurred in a city or town that provides for its own law enforcement, in which case these amounts shall be remitted to the treasurer of the city or town for deposit in the general fund of the city or town. Revenue from the fines must be used for local efforts to reduce the commercial sale of sex including, but not limited to, increasing enforcement of commercial sex laws.

(i) At least fifty percent of the revenue from fines imposed under this section must be spent on prevention, including education programs for offenders, such as john school, and rehabilitative services for victims, such as mental health and substance abuse counseling, parenting skills, training, housing relief, education, vocational training, drop-in centers, and employment counseling.

- (ii) Two percent of the revenue from fines imposed under this section shall be remitted quarterly to the department of commerce, together with a report detailing the fees assessed, the revenue received, and how that revenue was spent.
  - (iii) Revenues from these fees are not subject to the distribution requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or 35.20.220.
- (5) (a) In order to redeem a vehicle impounded under this section, the owner must provide the towing company with the written receipt issued under subsection (4)(b) of this section.
- (b) The written receipt issued under subsection (4)(b) of this section authorizes the towing company to release the impounded vehicle upon payment of all impoundment, towing, and storage fees.
  - (c) A towing company that relies on a forged receipt to release a vehicle impounded under this section is not liable to the impounding authority for any unpaid fine under subsection (4)(a) of this section.

#### **§ 9A.88.150. Seizure and forfeiture**

- (1) The following are subject to seizure and forfeiture and no property right exists in them:
  - (a) Any property or other interest acquired or maintained in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070 to the extent of the investment of funds, and any appreciation or income attributable to the investment, from a violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070;
  - (b) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, in any manner to facilitate a violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070, except that:
    - (i) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070;
    - (ii) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge or consent;
    - (iii) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and
    - (iv) When the owner of a conveyance has been arrested for a violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070, the conveyance in which the person is arrested may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest;
  - (c) Any property, contractual right, or claim against property used to influence any enterprise that a person has established, operated, controlled, conducted, or participated in the conduct of, in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070;
  - (d) All proceeds traceable to or derived from an offense defined in RCW 9.68A.100, 9.68A.101, or 9A.88.070 and all moneys, negotiable instruments, securities, and other things of value significantly used or intended to be used significantly to facilitate commission of the offense;
  - (e) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070;

(f) All moneys, negotiable instruments, securities, or other tangible or intangible property of value furnished or intended to be furnished by any person in exchange for a violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070, all tangible or intangible personal property, proceeds, or assets acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070. A forfeiture of money, negotiable instruments, securities, or other tangible or intangible property encumbered by a bona fide security interest is subject to the interest of the secured party if, at the time the security interest was created, the secured party neither had knowledge of nor consented to the act or omission. No personal property may be forfeited under this subsection (1)(f), to the extent of the interest of an owner, by reason of any act or omission, which that owner establishes was committed or omitted without the owner's knowledge or consent; and

(g) All real property, including any right, title, and interest in the whole of any lot or tract of land, and any appurtenances or improvements which are being used with the knowledge of the owner for a violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070, or which have been acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070, if a substantial nexus exists between the violation and the real property. However:

- (i) No property may be forfeited pursuant to this subsection (1)(g), to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's knowledge or consent;
- (ii) A forfeiture of real property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party, at the time the security interest was created, neither had knowledge of nor consented to the act or omission.

(2) Real or personal property subject to forfeiture under this section may be seized by any law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure of real property shall include the filing of a lis pendens by the seizing agency. Real property seized under this section shall not be transferred or otherwise conveyed until ninety days after seizure or until a judgment of forfeiture is entered, whichever is later: PROVIDED, That real property seized under this section may be transferred or conveyed to any person or entity who acquires title by foreclosure or deed in lieu of foreclosure of a security interest. Seizure of personal property without process may be made if:

- (a) The seizure is incident to an arrest or a search under a search warrant;
- (b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding; or
- (c) The law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070.

(3) In the event of seizure pursuant to subsection (2) of this section, proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Service of notice of seizure of real property shall be

made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. Notice of seizure in the case of property subject to a security interest that has been perfected by filing a financing statement, or a certificate of title, shall be made by service upon the secured party or the secured party's assignee at the address shown on the financing statement or the certificate of title. The notice of seizure in other cases may be served by any method authorized by law or court rule including, but not limited to, service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(4) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (1) of this section within forty-five days of the service of notice from the seizing agency in the case of personal property and ninety days in the case of real property, the item seized shall be deemed forfeited. The community property interest in real property of a person whose spouse or domestic partner committed a violation giving rise to seizure of the real property may not be forfeited if the person did not participate in the violation.

(5) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (1) of this section within forty-five days of the service of notice from the seizing agency in the case of personal property and ninety days in the case of real property, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The notice of claim may be served by any method authorized by law or court rule including, but not limited to, service by first-class mail. Service by mail shall be deemed complete upon mailing within the forty-five day period following service of the notice of seizure in the case of personal property and within the ninety day period following service of the notice of seizure in the case of real property. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction. Removal of any matter involving personal property may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking removal has notified the seizing law enforcement agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed shall be the district court when the aggregate value of personal property is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In all cases, the burden of proof is upon the law enforcement agency to establish, by a preponderance of the evidence, that the property is subject to forfeiture. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (1) of this section.



- (6) In any proceeding to forfeit property under this title, where the claimant substantially prevails, the claimant is entitled to reasonable attorneys' fees reasonably incurred by the claimant. In addition, in a court hearing between two or more claimants to the article or articles involved, the prevailing party is entitled to a judgment for costs and reasonable attorneys' fees.
- (7) When property is forfeited under this chapter, the seizing law enforcement agency may
- (a) Retain it for official use or upon application by any law enforcement agency of this state release the property to that agency for the exclusive use of enforcing this chapter of chapter 9.68A RCW;
  - (b) Sell that which is not required to be destroyed by law and which is not harmful to the public; or
  - (c) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with the law.
- (8) (a) When property is forfeited, the seizing agency shall keep a record indicating the identity of the prior owner, if known, a description of the property, the disposition of the property, the value of the property at the time of seizure, and the amount of proceeds realized from disposition of the property.
- (b) Each seizing agency shall retain records of forfeited property for at least seven years.
  - (c) Each seizing agency shall file a report including a copy of the records of forfeited property with the state treasurer each calendar quarter.
  - (d) The quarterly report need not include a record of forfeited property that is still being held for use as evidence during the investigation or prosecution of a case or during the appeal from a conviction.
- (9) (a) By January 31st of each year, each seizing agency shall remit to the state treasurer the net proceeds of any property forfeited during the preceding calendar year. Money remitted shall be deposited in the prostitution prevention and intervention account under RCW 43.63A.740.
- (b) The net proceeds of forfeited property is the value of the forfeitable interest in the property after deducting the cost of satisfying any bona fide security interest to which the property is subject at the time of seizure; and in the case of sold property, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents, and the cost of any valid landlord's claim for damages under subsection (11) of this section.
  - (c) The value of sold forfeited property is the sale price. The value of destroyed property and retained firearms or illegal property is zero.
- (10) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the assessor of the county in which the property is located. Orders for the forfeiture of real property shall be entered by the superior court, subject to court rules. Such an order shall be filed by the seizing agency in the county auditor's records in the county in which the real property is located.
- (11) A landlord may assert a claim against proceeds from the sale of assets seized and forfeited under subsection (9) of this section, only if:
- (a) A law enforcement officer, while acting in his or her official capacity, directly caused damage to the complaining landlord's property while executing a search of a tenant's residence;
  - (b) The landlord has applied any funds remaining in the tenant's deposit, to which the landlord has a right under chapter 59.18 RCW, to cover the damage directly caused by a law enforcement officer prior to asserting a claim under the provisions of this section:

- (i) Only if the funds applied under (b) of this subsection are insufficient to satisfy the damage directly caused by a law enforcement officer, may the landlord seek compensation for the damage by filing a claim against the governmental entity under whose authority the law enforcement agency operates within thirty days after the search;
  - (ii) Only if the governmental entity denies or fails to respond to the landlord's claim within sixty days of the date of filing, may the landlord collect damages under this subsection by filing within thirty days of denial or the expiration of the sixty day period, whichever occurs first, a claim with the seizing law enforcement agency. The seizing law enforcement agency must notify the landlord of the status of the claim by the end of the thirty day period. Nothing in this section requires the claim to be paid by the end of the sixty day or thirty day period; and
- (c) For any claim filed under (b) of this subsection, the law enforcement agency shall pay the claim unless the agency provides substantial proof that the landlord either:
  - (i) Knew or consented to actions of the tenant in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070; or
  - (ii) Failed to respond to a notification of the illegal activity, provided by a law enforcement agency under RCW 59.18.075, within seven days of receipt of notification of the illegal activity.
- (12) The landlord's claim for damages under subsection (11) of this section may not include a claim for loss of business and is limited to:
  - (a) Damage to tangible property and clean-up costs;
  - (b) The lesser of the cost of repair or fair market value of the damage directly caused by a law enforcement officer;
  - (c) The proceeds from the sale of the specific tenant's property seized and forfeited under subsection (9) of this section; and
  - (d) The proceeds available after the seizing law enforcement agency satisfies any bona fide security interest in the tenant's property and costs related to sale of the tenant's property as provided by subsection (11) of this section.
- (13) Subsections (11) and (12) of this section do not limit any other rights a landlord may have against a tenant to collect for damages. However, if a law enforcement agency satisfies a landlord's claim under subsection (11) of this section, the rights the landlord has against the tenant for damages directly caused by a law enforcement officer under the terms of the landlord and tenant's contract are subrogated to the law enforcement agency.

## Revised Code – Human Trafficking

### **Title 9A. Washington Criminal Code**

#### **Chapter 9A.40. Kidnapping, Unlawful Imprisonment, and Custodial Interference.**

##### **§9A.40.100. Trafficking**

(1) (a) A person is guilty of trafficking in the first degree when:

(i) Such person:

(A) 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 as defined in RCW 9A.36.070 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 has not attained the age of eighteen years and is caused to engage in a sexually explicit act or a commercial sex act; or

(b) Trafficking in the first degree is a class A felony.

(2) (a) A person is guilty of trafficking in the second degree when such person:

(i) 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 as defined in RCW 9A.36.070 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 has not attained the age of eighteen years and is caused to engaged in a sexually explicit act or a commercial sex act; or

(b) Trafficking in the second degree is a class A felony carrying a ten thousand dollar fee.

(i) At least fifty percent of the revenue from fees imposed under this section must be spent on prevention, including education programs for offenders, such as john school, and rehabilitative services, such as mental health and substance abuse counseling, parenting skills, training, housing relief, education, vocational training, drop-in centers, and employment counseling.

# Seattle Municipal Code

## **Title 12A. Criminal Code**

### **Subtitle I. Criminal Code**

#### **Chapter 12A.10. Offenses Against Public Morals**

##### **§ 12A.10.010. Prostitution Loitering**

B. A person is guilty of prostitution loitering if he or she remains in a public place and intentionally solicits, induces, entices, or procures another to commit prostitution.

C. Among the circumstances which may be considered in determining whether the actor intends such prohibited conduct are that he or she:

3. Circles an area in a motor vehicle and repeatedly beckons to, contacts, or attempts to stop pedestrians; or
4. Is a known prostitute or procurer;

##### **§ 12A.10.20. Prostitution**

A. A person is guilty of prostitution if he or she engages or agrees or offers to engage in sexual conduct with another person in return for a fee.

B. It is an affirmative defense in any prosecution under this section that:

2. the defendant committed the offense as a result of being a victim of trafficking, RCW 9A.40.100, promoting prostitution in the first degree, RCW 9A.88.070, or trafficking in persons under the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq. Documentation that the defendant is named as a current victim in an information or the investigative records upon which a conviction is obtained for trafficking, promoting prostitution in the first degree, or trafficking in persons shall create a presumption that the defendant's participation in prostitution was a result of having been a victim of trafficking, promoting prostitution in the first degree, or trafficking in persons.

C. Prostitution is a misdemeanor.

##### **§ 12A.10.040. Patronizing a prostitute**

A. A person is guilty of patronizing a prostitute if:

1. Pursuant to a prior understanding, he or she pays a fee to another person as compensation for such person or a third person having engaged in sexual conduct with him or her; or
2. He or she pays or agrees to pay a fee to another person pursuant to an understanding that in return therefor such person will engage in sexual conduct with him or her; or
3. He or she solicits or requests another person to engage in sexual conduct with him or her in return for a fee.

B. Patronizing a prostitute is a misdemeanor. Every person convicted of patronizing a prostitute shall have a biological sample collected for purposes of DNA identification analysis, as provided in RCW 43.43.754, and shall pay a fee of One Hundred Dollars (\$100.00), as provided in RCW 43.43.7541. When sentencing or imposing conditions on a person convicted of or given a deferred sentence or a deferred prosecution for patronizing a prostitute, the court must require that the person:

1. not be subsequently arrested for patronizing a prostitute or commercial sexual abuse of a minor;

2. remain outside the geographical area, prescribed by the court, in which the person was arrested for this crime, unless this requirement would interfere with the person's legitimate employment or residence or otherwise be infeasible; and
3. fulfill the terms of a program, if a first-time offender, designated by the court, designed to educate offenders about the negative costs of prostitution.

These requirements are in addition to the penalties set forth in Section 12A.10.070.

**§ 12A.10.050. Prostitution and patronizing a prostitute - No defense**

In any prosecution for prostitution or patronizing a prostitute, the sex of the two (2) parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, and it is no defense that:

- A. Such persons were of the same sex; or
- B. The person who received, agreed to receive or solicited a fee was male and the person who paid or agreed or offered to pay such fee was female.

**§ 12A.10.060. Permitting prostitution**

A. A person is guilty of permitting prostitution if, having possession or control of premises which he or she knows are being used for prostitution purposes, he or she fails to make reasonable effort to halt or abate such use.

B. Permitting prostitution is a misdemeanor.

**§ 12.10.070. Mandatory fee for defendant convicted of or entering into a diversion agreement or deferred prosecution for a prostitution-related offense or indecent exposure; forfeiture of funds used as part of prostitution-related offenses**

A. 1. In addition to penalties set forth in Section 12A.10.020 and 12A.10.130, a person who is either convicted or given a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating Section 12A.10.020 or 12A.10.130 shall be assessed a fee of Fifty Dollars (\$50.00).

2. In addition to penalties set forth in Section 12A.10.040, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating Section 12A.10.040 shall be assessed a fee in the amount of One Thousand Five Hundred Dollars (\$1500.00) if the person has no prior convictions, deferred sentences, deferred prosecutions or statutory or nonstatutory diversion agreements for this offense, Two Thousand Five Hundred Dollars (\$2500.00) if the person has one (1) prior conviction, deferred sentence, deferred prosecution or statutory or nonstatutory diversion agreement for this offense and Five Thousand Dollars (\$5000.00) if the person has two (2) or more prior convictions, deferred sentences, deferred prosecutions or statutory or nonstatutory diversion agreements for this offense.

3. In addition to penalties set forth in Section 12A.10.060, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating Section 12A.10.060 shall be assessed a fee in the amount of One Thousand Five Hundred Dollars (\$1500.00) if the person has no prior convictions, deferred sentences, deferred prosecutions or statutory or nonstatutory diversion agreements for this offense, Two Thousand Five Hundred Dollars (\$2500.00) if the person has one (1) prior conviction, deferred sentence, deferred prosecution or statutory or nonstatutory diversion agreement

for this offense and Five Thousand Dollars (\$5000.00) if the person has two (2) or more prior convictions, deferred sentences, deferred prosecutions or statutory or nonstatutory diversion agreements for this offense.

B. A person who is charged with a violation of Section 12A.10.040 or 12A.10.060 and who enters into a statutory or nonstatutory diversion agreement shall be assessed, as a part that agreement, a fee of One Thousand Dollars (\$1000.00).

D. Any defendant who is convicted of, or enters into a statutory or nonstatutory diversion agreement for, a prostitution-related offense shall forfeit any monies tendered as part of the offense.

F. For the purposes of this section and Section 12A.10.115

1. "Statutory or nonstatutory diversion agreement" means any written agreement between a person accused of an offense listed in subsection A of this section and a court, or city prosecutor, or designee thereof, whereby the person agrees to fulfill certain conditions in lieu of prosecution.

2. "Deferred sentence" means a sentence that will not be carried out if the defendant meets certain requirements, such as complying with the conditions of probation.

#### **§ 12A.10.110. Convicted persons-Mandatory counseling and costs for certain offenses**

A. The Human Services Department shall cause to be conducted counseling for all persons convicted of, or entering a non-conviction disposition for, prostitution or patronizing a prostitute under this chapter. Such counseling shall be based on best practices for peer counseling for individuals charged with prostitution and prostitution awareness for those charged with patronizing a prostitute. Counseling will at a minimum provide education about the risks from prostitution of sexually transmitted diseases, including HIV, the risks of victimization amongst prostitutes, and the consequences of drug injection.

B. Such counseling shall be conducted and successfully completed as soon as possible after disposition, and shall be so ordered by the sentencing judge or judge approving the non-conviction disposition.

C. All persons ordered to complete such counseling as a result of a conviction or non-conviction disposition of patronizing a prostitute charge shall also be responsible for the cost of the counseling. Effective in 2009, the amount of the charge is set at \$150.00. This charge is based upon the anticipated cost of the counseling program and the number of individuals who are likely to receive and pay for the counseling in each calendar year. This base fee will increase annually beginning in 2010 consistent with the rate of increase in the Seattle-Tacoma CPI, rounded to the nearest \$.50.

#### **§ 12A.10.115. Impoundment of vehicle used in patronizing a prostitute**

A. An officer arresting a person for patronizing a prostitute may impound the arrested person's motor vehicle if:

1. The motor vehicle was used in the commission of the crime; and

2. The arrested person is a registered owner of the motor vehicle or it is a rental vehicle as defined in RCW 46.04.465.

C. In order to redeem an impounded vehicle, the owner must pay, in addition to all applicable impoundment, towing and storage fees to the towing company, a fee of Five Hundred dollars (\$500.00) to the police department, which shall deposit this fee in the prostitution prevention and intervention account established under RCW 43.63A.740 and issue to the owner of the vehicle a written receipt, and a fee of Five Hundred dollars (\$500.00) to the police department, which shall

deposit this fee in the Sex Industry Victims' Fund and issue to the owner a written receipt. The towing company shall release the impounded vehicle to the owner upon presentation of these receipts and payment of all applicable impoundment, towing and storage charges.

**§ 12A.10.140. Communicating with a minor for immoral purposes**

- A. A person is guilty of communicating with a minor for immoral purposes if the person communicates with a minor or someone the person believes to be a minor for immoral purposes.
- B. For purposes of this section, "minor" means any person under eighteen (18) years of age.
- C. In a prosecution under this section, it is not a defense that the defendant did not know the alleged victim's age. It is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense, the defendant made a reasonable bona fide attempt to ascertain the true age of the minor by requiring production of a driver's license, marriage license, birth certificate, or other governmental or educational identification card or paper and did not rely solely on the oral allegations or apparent age of the minor.

## Laws in Practice

### **Seattle Police Department**

Seattle's reputation as an international seaport, as well its proximity to the Canadian border, are often cited by law enforcement as major factors driving the city's prostitution and sex trafficking networks. The city is also noted by federal and local law enforcement to be a prominent stop on domestic pimping and human trafficking circuits, facilitated by the city's geographic placement and the major interstate highways, I-5 and I-90. Have street vice as well as high risk victims/youth sex trafficking units.

#### *Reverse Stings, Vehicle Seizure, SOAP Orders, Shaming*

The Seattle Police Department employs several tactics to identify and apprehend local sex buyers. The SPD was among the first departments in the nation to use street-level reverse stings, beginning in 1974. Operations are now conducted on a routine basis, using one or more undercover women officers as decoys. Once arrested, johns may be served with SOAP (Stay Out of Areas of Prostitution) orders, barring them from areas of the city known for commercial sex sales. Depending upon the circumstances of the arrest, the men may have their vehicles impounded and be charged an additional \$1,000 retrieval fee. Police may also release the names of arrestees to the local media, although the publication of their identities remains at the discretion of news outlets.

As an increasing number of the city's sex sales now begin online, SPD vice detectives also utilize web stings to intercept johns attempting to solicit sex on the web. One such operation, conducted in 2006, placed decoy advertisements with photos of undercover female officers selling sex to Craigslist. As men responded to the listings and arranged to meet the officer at a local hotel, they were arrested by police.

#### *John School*

In February 2009, mayor Nickels and city council members, in conjunction with the City of Seattle Human Services Department and the city's municipal court system, established a mandatory counseling program for those charged with prostitution-related offenses. The john school, modeled after San Francisco's First Offender Prostitution Program (FOPP), offers men without prior convictions the opportunity to expunge the charge from their record. To do so, johns must pay a \$150 enrollment fee and complete the seven-hour seminar. The course, which includes lectures from health professionals and former prostituted women, also addresses the growing presence of trafficking networks in the region. By discussing the long-term impacts of sex trafficking and child sexual exploitation on victims and their families, the program hopes to educate johns about the potential consequences of purchasing commercial sex.

#### *Public Education, Community Action*

As of the end of 2012, an NGO, the Businesses Ending Slavery & Trafficking (BEST) alliance, was engaged in launching a program designed to engage businesses in addressing demand for commercial sex as a means of combating sex trafficking. Their "Inhospitable to Trafficking Project" is designed to raise awareness about the harms of prostitution. As of the end of 2012, the same person who will be leading part of BEST's training of hotel employees leads the Seattle john school classes. He's been working with survivors and buyers for over 20 years and for the BEST program will be using some of the same training material he uses in the john school, aimed at convincing men not to buy sex or to condone or facilitate commercial sex. The



Project will raise awareness about the penalties for buying sex in Washington—which have increased substantially. The Project is also intended to clearly communicate that facilitating prostitution is a crime—and they will urge hotel managers who participate in the training to create and implement "in-house" penalties for employees who are caught facilitating prostitution. An assumption of the program is that most of the hotel-based facilitation of prostitution involves hotel employees helping buyers find prostituted persons. The training will address an audience in which a large majority may have spent their careers seeing and overlooking prostitution, and may view prostitution as a victimless crime. It is also intended to impact employees in hotels who themselves are buyers.

## Victim Services

### **Seattle Police Department**

The Seattle Police Department's Domestic Violence Victim Support Team (VST) program is a unique partnership between community members and police to address and prevent domestic violence. The program is designed to address the gap in services to domestic violence victims that exists between the time patrol officers respond to a 9-1-1 call and take a report, to the time advocates, detectives and prosecutors make contact with the victim for follow up.

The mission of the Victim Support Team is to create a rewarding and sustainable partnership between community volunteers and police, to address and prevent domestic violence. The Victim Support Team is committed to providing comprehensive, culturally relevant, and supportive services to domestic violence victims and their children.

### **Seattle Against Slavery**

Seattle Against Slavery is almost a completely volunteer run organization. SAS offers community education and advocacy, and victim services. Together with Washington Anti-Trafficking Response Network (WARN) they provide direct assistance to victims of trafficking including:

- Immediate access to food and safe housing
- Immigration advocacy and legal assistance
- Physical and mental health treatment
- Interpretation services
- Education and job readiness training
- Outreach and public education

Since 2010, in partnership with Washington Anti-Trafficking Response Network (WARN), Washington Advisory Committee on Trafficking (WashACT), Seattle Police Department, WA Attorney General's Office, and King County Prosecuting Attorney's Office, SAS has been running the "No One Should Be Forced" Campaign which aims to enable human trafficking victims to identify themselves in order to access services. SAS reports that since the launch of the program calls from Washington to the National Hotline have dramatically increased.

SAS is a huge voice for change in advocating for laws that better protect trafficking victims, provide adequate services for survivors, prosecute perpetrators, and prevent human trafficking and slavery. From their work they have discovered that ordinary citizens can make a big difference when engaged in the political process. One of their primary roles is encouraging state and federal lawmakers to pass bills that address domestic and foreign nationals, sex and labor trafficking. Since 2012, SAS has advocated for 12 bills that became law in Washington. For more information, visit: [www.seattleagainstsavery.org](http://www.seattleagainstsavery.org)

### **The Organization for Prostitution Survivors (OPS)**

OPS is a social service agency providing victims of prostitution with a plethora of services, whether they have decided to leave the life or not. OPS realized the need for first programs and currently runs a support group for survivors and drop-in center for women still in the life that can use basic amenities like food, clothes, bedding, personal care items, and advocates.

OPS also educates men on the importance of their accountability through their Men's Accountability Program. In this way the underlying issue of why so many men believe they are entitled to pay for sex in the first place can be addressed. Part of the nature of prostitution is that the buyer is paying to not hear about the reality of the prostituted person. If he is paying, he cannot be sure that there is consent to whatever sexual activity he is seeking. Survivors know that prostituted people do not want to have sex with buyers. That is why they are called "tricks." Women and children are prostituted for many reasons. Rarely is prostitution "freely chosen" by those who are prostituted. Men, however, possess the power and privilege to choose whether they engage in prostitution or not. OPS encourages men to be allies to women and children and to reject identifying with systems of dominance.

Because Human Trafficking will only be abolished with community education and involvement, OPS also conducts community education, holding eight seminars in 2013 alone.

### **Real Escape from the Sex Trade (REST)**

Founded in 2009, REST is operated by a group of men and women who wish to end the commercial sexual exploitation of girls and young women in Seattle. They work to provide a path to freedom, safety and hope for victims of sex trafficking and people involved in the sex trade. As a result, REST relies on the following teams to achieve their goals:

#### *Direct Outreach Teams*

In Seattle women are lured or forced into prostitution on the streets, through the internet, in strip clubs, massage parlors, or bikini barista stands. REST direct outreach teams go into a variety of these venues to offer help and hope to women and girls who may be victims of sex trafficking. A consistent presence and a visible opportunity for help in areas of sex trafficking are crucial to building relationships and providing a way of escape.

#### *Prevention*

The Jail Outreach Team meets at the Juvenile detention center one night a week with girls who are under 18 years old. These girls are certainly at-risk for entering prostitution, though many of them have already been sexually exploited. This team offers to connect the girls with mentors who commit to stay involved in their lives, help them experience healthy relationships, and access resources that will contribute to their success.

#### *Mentors*

The presence and support of a mentor can make a significant difference in a young woman's life. REST mentors commit to spending time with and offering guidance to girls who are in the process of leaving the sex trade. Mentors will receive thorough training and be matched with a girl who is connected to one of the direct outreach teams and is requesting a mentor. This program is a partnership with Seattle's Union Gospel Mission.

#### *Restorative Housing*

The **REST House** is a transitional living program for girls, ages 18-24, who are escaping a life of sexual exploitation and want to pursue a new life and accomplish their dreams. In our family environment, each girl will receive counseling, wraparound services, opportunity for education and job training, and life skills classes. Young women can stay for up to two years.

#### *Demand Reduction*

It is estimated that 10-15% of men have purchased a sex act, with some men soliciting prostitution daily. The John Intercession Model (JIM) has been developed to help men stop buying sex from women and children. The Demand Reduction team connects with men who buy sex in places where prostitution is frequently solicited and offers help and counseling.

#### *Prayer Partners*

Interceding on behalf of everyone involved in the sex industry is a very important part of how we serve. Prayer partners are those who commit to pray regularly for girls, women, and men in the sex-trade. We also have a prayer team that meets nearly every Friday night to pray together.

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3. 9A West's RCWA § 9A.88.070 (2013).
4. 9A West's RCWA § 9A.88.080 (2013).
5. 9A West's RCWA § 9A.88.085 (2013).
6. 9A West's RCWA § 9A.88.100 (2013).
7. 9A West's RCWA § 9A.88.110 (2013).
8. 9A West's RCWA § 9A.88.120 (2013).
9. 9A West's RCWA § 9A.88.130 (2013).
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