

Defining Domestic Minor Sex Trafficking

Under the federal Trafficking Victim Protection Act, domestic minor sex trafficking is the recruitment, harboring, transportation, provision, or obtaining of a U.S. citizen(s) or legal permanent resident(s) under the age of 18 for the purpose of prostitution, pornography or erotic dancing/stripping. However, children who are not legal residents may also be trafficked for the purposes of labor or sex.

Under federal and Connecticut law, children under the age of 18 are considered victims of human trafficking, not criminals. There is no need to prove fraud, force or coercion.

Sources for Legal Definitions:

- The Federal Trafficking Victim Protection Act of 2000 (reauthorized in 2008)
- Gen. Stat. §53a-82: A person must be 16 or older to be guilty of prostitution. If the person is between 16 and 18, there is a presumption that the actor was coerced into committing such offense by another person.

Who should you contact if you think you've come across a trafficking case?

Sex trafficking of children and holding someone in involuntary servitude are federal crimes. In addition, traffickers may have violated other federal criminal laws, including child pornography, tax laws and racketeering. If you believe a child has been trafficked across state lines to participate in the sex trade, **contact the FBI, at 203-777-6311 or the United States Attorney's Office at 203-821-3700.**

Connecticut law (Public Act 11-180) requires that DCF is notified every time a child is arrested for prostitution. Children under the age of 16 **cannot be prosecuted** for prostitution. Children between the age of 16-18 are **presumptively treated as coerced**. If you have reason to suspect that a child has been trafficked for the purposes of sex work, **contact the DCF Careline at 800-842-2288.**

DOMESTIC MINOR SEX TRAFFICKING & THE LAW

Connecticut
Department of
Children and
Families



DCF Careline
1-800-842-2288
TDD: 1-800-624-5518

505 Hudson Street
Hartford, CT 06106

<http://www.ct.gov/dcf/>

Domestic Minor Sex Trafficking and Criminal Law

Federal Statutes

- 18 U.S.C. § 1591: Knowingly benefiting financially, or by receiving anything of value, from the sex trafficking of children under the age of 18 is a crime punishable with a mandatory minimum sentence of 15 years (if the child is under the age of 14) or 10 years (if the child is between the ages of 14 and 18). Obstruction, or attempted obstruction, is punishable by up to 20 years in prison.
- 18 U.S.C. § 1584: Knowingly and willfully holding or selling someone into involuntary servitude a crime punishable by up to 20 years in prison. If the crime also includes kidnapping or aggravated sexual abuse (or an attempt at either), the maximum sentence is life in prison. Obstruction, or attempted obstruction, is punishable by the same terms.

Connecticut Statutes

- Gen. Stat. §53a-192a: Using coercion (see definition below) to compel or induce people to engage in prostitution or to provide labor or other services is a class B felony, punishable by 1 to 10 years in prison or a fine of up to \$20,000.
- Gen. Stat. §53a-192: Coercion is defined as compelling or inducing someone “by means of instilling in such other person a fear that, if the demand is not complied with, the actor or another will: (1) Commit any criminal offense; or (2) accuse any person of a criminal offense; or (3) expose any secret tending to subject any person to hatred, contempt or ridicule, or to impair any person's credit or business repute; or (4) take or withhold action as an official, or cause an official to take or withhold action.” Coercion is a separate class A felony, punishable by 1 to 20 years in prison or a fine of up to \$20,000.
- Gen Stat. §53a-86: Knowingly “compelling a person by force or intimidation to engage in prostitution, or profit[ing] from coercive conduct by another” or “advanc[ing] or profit[ing] from the prostitution of a person” under the age of 18 is a class B felony, punishable by 1 to 10 years in prison or a fine of up to \$20,000. If a person is found guilty of promoting prostitution of a child under the age of 18, there is a mandatory, non-suspendable, 9 month sentence of a prison term.
- Gen. Stat. §53a-83 and Gen. Stat. 53a-83a: Paying, agreeing to pay, or soliciting someone in exchange for a sex act from either that person or a third party is a class A misdemeanor, punishable by up to 1 year in prison.
- Gen. Stat. § 54-36p: Authorizes the forfeiture of all money and property used, or intended for use in violation of the trafficking and child pornography laws, as well as the proceeds or any of the fruits of the proceeds of those violations.

Other Federal and State Criminal Laws

- Physical/sexual assault
- Assault with a deadly weapon
- Kidnapping
- Sexual abuse of a minor
- Money laundering
- Tax evasion
- False or fraudulent identities
- Racketeering
- Child pornography
- Falsifying business records
- Writing fraudulent checks



REMEMBER:
Any minor who is under the age of 18 and is involved in a commercial sex act is a victim of human trafficking.

It is not a defense for promoting prostitution or patronizing a prostitute “that the person engaging or agreeing to engage in sexual conduct” cannot be prosecuted on account of their age.