

Area of Law	Criminal Provisions Addressing Demand
The Policy Point	Financial penalties for buyers of commercial sex acts with minors are sufficiently high to make it difficult for buyers to hide the crime.
The Legislative Solution	Meaningful fines, asset forfeiture, restitution, and vehicle impound fees serve as punishment and deterrence and reinforce the reality that purchasing sex acts with minors is a heinous crime. Significant financial penalties can also be used to provide domestic minor sex trafficking victims with funding for social and restorative programs and help pay for costly investigations.

Select Statute Highlights

The following states have significant fines and allow asset forfeiture.

Massachusetts

Pursuant to Mass. Gen. Laws ch. 272, § 53A(c), buyers convicted under Mass. Gen. Laws ch. 272, § 53A(c), criminalizing the purchase of commercial sex acts with a minor 18 and younger, are required to pay a fine not less than \$3,000 and not more than \$10,000. Additionally, pursuant to Mass. Gen. Laws ch. 265 § 55, “[a]ll monies furnished or intended to be furnished by any person in exchange for forced labor or services or sexual servitude, and all monies used or intended to be used to facilitate any violation of section 50 [Human trafficking – Sexual servitude] or 51 [Human trafficking – forced services] shall be subject to forfeiture. . .”

Washington

Wash. Rev. Code § 9.68A.105 (Additional fee assessment) states, “(1)(a) In addition to penalties set forth in RCW 9.68A.100 [Commercial sexual abuse of a minor]. . . 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 9.68A.100 [Commercial sexual abuse of a minor]. . . or a comparable county or municipal ordinance shall be assessed a five thousand dollar fee.” Also, Wash. Rev. Code § 9A.88.140(2) (Vehicle impoundment) provides that “[u]pon an arrest for a suspected violation of 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. . . (4)(a) Prior to redeem-

ing 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. The fine shall be deposited in the prostitution prevention and intervention account established under RCW 43.63A.740.”

Wash. Rev. Code § 10.105.010(1) (Seizure and forfeiture) states in part, “[t]he following are subject to seizure and forfeiture and no property right exists in them: All personal property, including, but not limited to, any item, object, tool, substance, device, weapon, machine, vehicle of any kind, money, security, or negotiable instrument, which has been or was actually employed as an instrumentality in the commission of, or in aiding or abetting in the commission of any felony, or which was furnished or was intended to be furnished by any person in the commission of, as a result of, or as compensation for the commission of, any felony, or which was acquired in whole or in part with proceeds traceable to the commission of a felony. No property may be forfeited under this section until after there has been a superior court conviction of the owner of the property for the felony in connection with which the property was employed, furnished, or acquired.” Wash. Rev. Code § 9.68A.120 (Seizure and forfeiture of property) applies specifically to “[a]ll visual or printed matter that depicts a minor engaged in sexually explicit conduct.” It also applies, with some exceptions to “[a]ll raw materials, equipment, and other tangible personal property of any kind used or intended to be used to manufacture or process any visual or printed matter that depicts a minor engaged in sexually explicit conduct, and all conveyances, including aircraft, vehicles, or vessels that are used or intended for use to transport, or in any manner to facilitate

the transportation of, visual or printed matter in violation of RCW 9.68A.050 or 9.68A.060.” It further applies to “[a]ll personal property, moneys, negotiable instruments, securities, or other tangible or intangible property furnished or intended to be furnished by any person in exchange for visual or printed matter depicting a minor engaged in sexually explicit conduct, or constituting proceeds traceable to any violation of this chapter.” Chapter 9.68A includes Wash. Rev. Code § 9.68A.100 (Commercial sexual abuse of a minor) bringing seizure and forfeiture of property to bear on this crime as well.

Wisconsin

Wis. Stat. § 973.075(1)(b)(1m)(a), (c) provides for the criminal forfeiture of vehicles used “[i]n the commission of a crime in violation of s. 944.30 [Prostitution], 944.31 [Patronizing prostitutes], 944.32 [Soliciting prostitutes], 944.33 [Pandering] or 944.34 [Keeping place of prostitution].” Pursuant to Wis. Stat. § 973.075(2) “A law enforcement officer may seize property subject to this section upon process issued by any court of record having jurisdiction over the property.” Wis. Stat. § 973.075(4) further states that, “[T]he agency seizing the property may sell the property that is not required by law to be destroyed or transferred to another agency. The agency may retain any vehicle for official use or sell the vehicle. The agency seizing the property may deduct 50% of the amount received for administrative expenses of seizure, maintenance of custody, advertising and court costs and the costs of investigation and prosecution reasonably incurred. The remainder shall be deposited in the school fund as the proceeds of the forfeiture. . . .” Additionally, buyers face a fine of up to \$100,000 if convicted under Wis. Stat. § 948.051 (Trafficking of a child), § 948.08 (Soliciting a child for prostitution), § 948.07 (Child enticement), § 948.02(2) (Sexual assault of a child in the second degree), or § 948.075 (Use of a computer to facilitate a child sex crime). Wis. Stat. §§ 948.051(1), 939.50(3)(c), 948.08, 948.05(2p)(a), 948.07, 948.02, 948.025, 948.075, 939.50(3)(c), (d).