



POLICY GOAL 1.1

State child sex trafficking laws should expressly apply to buyers of commercial sex with any minor under 18.

DEMAND FOR COMMERCIAL SEX WITH A CHILD IS A SIGNIFICANT DRIVER OF CHILD SEX TRAFFICKING. Despite this reality, many states fail to recognize buyers as sex trafficking offenders and, as such, fail to impose meaningful penalties to deter demand. Resultantly, individuals who purchase sex with minors are often not criminally sanctioned or face reduced charges.¹ States that do not explicitly penalize buyers as sex trafficking offenders also face challenges in prosecuting trafficking cases because buyers are often the primary—if not the only—offender involved, particularly in cases where a minor does not have, or cannot identify, a third-party controller.²

Some states, in line with federal statutory language predating the Justice for Victims of Trafficking Act (the “JVTA”), use broad terms such as “obtains” to address buyer conduct. However, this term has resulted in few buyers being charged with trafficking offenses, making laws that clearly and unambiguously target buyer conduct critical to effectively addressing demand.³ Specifically, in response to the JVTA’s explicit inclusion of buyers as sex trafficking offenders, some states have strengthened their statutes by adding terms such as “patronizes,” “purchases,” and/or “hires” to the definition of sex trafficking.

Further, explicitly including buyer conduct in child sex trafficking laws can lessen the burden placed on survivors to prove their legal status as trafficking victims.⁴ Under the federal trafficking law, prosecutors need only prove that a buyer solicited a minor for sex acts in exchange for money or something else of value.⁵ By contrast, some state laws require proof that the child was under the control of a trafficker or third party, significantly narrowing the cases that can be prosecuted under the governing child sex trafficking statute.

Eliminating the requirement to prove third-party control is essential to securing justice for a broader range of trafficking survivors, including some of the most vulnerable and under-identified communities such as boys and male-identifying youth, youth experiencing homelessness or housing instability, and LGBTQ2IA+ youth.⁶ These populations are disproportionately at risk of engaging in a form of commercial sex known as transactional or survival sex to meet basic needs—often without the involvement of a third party controller.⁷ Buyer-specific child sex trafficking laws allow criminal justice actors to address one of the drivers of exploitation—demand—while better protecting commercially sexually exploited children.

Further, criminal accountability for buyers may be directly connected to a survivors’ ability to access justice, and many survivors view such accountability as an important element of a victim-centered response to sex trafficking.⁸ The opportunity to bring a case against a buyer may be the first form of legal justice in which a survivor is ready to engage as many still struggle with complicated relationships with their traffickers due to trauma bonding or fear.⁹

Moreover, buyer accountability directly correlates with survivor-identification. Removing third-party control requirements increases the number of children and youth who are rightfully identified as trafficking victims, enabling access to specialized protections, services, and legal remedies available to child and youth trafficking survivors.

DRAFTING CONSIDERATIONS:

TO ACCOMPLISH THIS POLICY GOAL, STATE LAW SHOULD...

- ▶ Explicitly identify buyers who provide something of value in exchange for commercial sex with a child as sex trafficking offenders by adding language such as “purchasing,” “patronizing,” or “soliciting” as prohibited conduct under the sex trafficking law.
- ▶ Define “anything of value” to address the exchange of non-monetary things of value, including, but not limited to, shelter, food, transportation, hormone replacement therapy medication, medical care, gang membership, and illicit substances.
- ▶ Ensure all minors under the age of 18 are protected under the child sex trafficking law, avoiding differentiations in offenses and baseline penalties for buying younger children versus older children.

-
- 1 See Daniel Michael Criswell, *Mens Rea Reform as a Demand-Side Solution to the Problem of Sex Trafficking*, 51 CASE W. RES. J. INT'L L. 327, 339 (2019) (noting how few sex trafficking cases have been brought against buyers since 2013); Ann Wagner & Rachel Wagley McCann, *Prostitutes or Prey: The Evolution of Congressional Intent in Combating Sex Trafficking*, 54 HARV. J ON LEGIS. 17, 66-67, 95 (2017) (discussing a lack of prioritization of prosecuting buyers and how the JVTa explicitly stated that buyers should be prosecuted as sex traffickers; describing how some states penalizes adults sexually abusing minors outside of the commercial sex industry more harshly than adults who pay to have sex with children).
 - 2 Christine M. Raino, *Criminalizing Buyers under Child Sex-Trafficking Laws as a Critical Protection for Child Victims*, 52 WAKE FOREST L. REV. 435, 443-44 (2017); DEMANDING JUSTICE REPORT, SHARED HOPE INT'L 4-5 (2014).
 - 3 DEMANDING JUSTICE REPORT, *supra* note 2 at 15.
 - 4 Raino, *supra* note 2 at 435, 438, 447-48.
 - 5 *Id.*
 - 6 See *id.* at 443-44.
 - 7 LAURA T. MURPHY, LABOR AND SEX TRAFFICKING AMONG HOMELESS YOUTH 8 (2016).
 - 8 *How Do We Reduce Demand?*, DEMAND ABOLITION, <https://www.demandabolition.org/cease/how-do-we-reduce-demand/> (last visited Jan. 1, 2026).
 - 9 Chitra Raghavan, Ph.D. & Kendra Doychak, B.A., *Trauma-Coerced Bonding and Victims of Sex Trafficking: Where Do We Go From Here?*, 17 INT'L J. OF EMERGENCY MENTAL HEALTH & HUM. RESILIENCE 583-87 (2015).