

section as it is phrased. Construction therein of “person” is covered by section 1 of title 1, U.S.C., 1940 ed., General Provisions, as amended. Last paragraph of said section relating to construction of this chapter was omitted as surplusage.

Words “Possession of the United States” were inserted in three places in view of mission of said section 403 of title 18, U.S.C., 1940 ed., and, reference in that section to the Canal Zone is covered by those words. This chapter applies to the Territory of Hawaii. (See *Sun Chong Lee v. United States*, C.C.A. Hawaii, 1942, 125 F. 2d 95.)

Section 404 of title 18, U.S.C., 1940 ed., containing the short title was omitted as not appropriate in a revision.

Reference to persons causing, procuring, aiding or assisting was deleted as unnecessary because such persons are made principals by section 2 of this title.

Words “and upon conviction thereof” were also deleted as surplusage since punishment cannot be imposed until a conviction is secured.

Words “deemed guilty of a felony” were deleted as unnecessary in view of the definition of a felony in section 1 of this title. (See reviser’s note under section 550 of this title.)

Minor changes were also made in translations and phraseology.

1949 ACT

This section [section 47] corrects a typographical error in section 2421 of title 18, U.S.C.

AMENDMENTS

1998—Pub. L. 105-314 inserted “or attempts to do so,” before “shall be fined” and substituted “10 years” for “five years”.

1986—Pub. L. 99-628 amended section generally. Prior to amendment, section read as follows:

“Whoever knowingly transports in interstate or foreign commerce, or in the District of Columbia or in any Territory or Possession of the United States, any woman or girl for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose to induce, entice, or compel such woman or girl to become a prostitute or to give herself up to debauchery, or to engage in any other immoral practice; or

“Whoever knowingly procures or obtains any ticket or tickets, or any form of transportation or evidence of the right thereto, to be used by any woman or girl in interstate or foreign commerce, or in the District of Columbia or any Territory or Possession of the United States, in going to any place for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent or purpose on the part of such person to induce, entice, or compel her to give herself up to the practice of prostitution, or to give herself up to debauchery, or any other immoral practice, whereby any such woman or girl shall be transported in interstate or foreign commerce, or in the District of Columbia or any Territory or Possession of the United States—

“Shall be fined not more than \$5,000 or imprisoned not more than five years, or both.”

1949—Act May 24, 1949, corrected spelling of “induce”.

§ 2422. Coercion and enticement

(a) Whoever knowingly persuades, induces, entices, or coerces any individual to travel in interstate or foreign commerce, or in any Territory or Possession of the United States, to engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both.

(b) Whoever, using the mail or any facility or means of interstate or foreign commerce, or

within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title and imprisoned not less than 10 years or for life.

(June 25, 1948, ch. 645, 62 Stat. 812; Pub. L. 99-628, § 5(b)(1), Nov. 7, 1986, 100 Stat. 3511; Pub. L. 100-690, title VII, § 7070, Nov. 18, 1988, 102 Stat. 4405; Pub. L. 104-104, title V, § 508, Feb. 8, 1996, 110 Stat. 137; Pub. L. 105-314, title I, § 102, Oct. 30, 1998, 112 Stat. 2975; Pub. L. 108-21, title I, § 103(a)(2)(A), (B), (b)(2)(A), Apr. 30, 2003, 117 Stat. 652, 653; Pub. L. 109-248, title II, § 203, July 27, 2006, 120 Stat. 613.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 399 (June 25, 1910, ch. 395, § 3, 36 Stat. 825).

Words “deemed guilty of a felony” were deleted as unnecessary in view of definition of felony in section 1 of this title. (See reviser’s note under section 550 of this title.)

Words “and on conviction thereof shall be” were deleted as surplusage since punishment cannot be imposed until a conviction is secured.

The references to persons causing, procuring, aiding or assisting were omitted as unnecessary as such persons are made principals by section 2 of this title.

Words “Possession of the United States” were inserted twice. (See reviser’s note under section 2421 of this title.)

Minor changes were made in phraseology.

AMENDMENTS

2006—Subsec. (b). Pub. L. 109-248 substituted “not less than 10 years or for life” for “not less than 5 years and not more than 30 years”.

2003—Subsec. (a). Pub. L. 108-21, § 103(a)(2)(A), substituted “20 years” for “10 years”.

Subsec. (b). Pub. L. 108-21, § 103(a)(2)(B), (b)(2)(A), substituted “and imprisoned not less than 5 years and” for “, imprisoned” and “30 years” for “15 years, or both”.

1998—Subsec. (a). Pub. L. 105-314, § 102(1), inserted “or attempts to do so,” before “shall be fined” and substituted “10 years” for “five years”.

Subsec. (b). Pub. L. 105-314, § 102(2), added subsec. (b) and struck out former subsec. (b) which read as follows: “Whoever, using any facility or means of interstate or foreign commerce, including the mail, or within the special maritime and territorial jurisdiction of the United States, knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years to engage in prostitution or any sexual act for which any person may be criminally prosecuted, or attempts to do so, shall be fined under this title or imprisoned not more than 10 years, or both.”

1996—Pub. L. 104-104 designated existing provisions as subsec. (a) and added subsec. (b).

1988—Pub. L. 100-690 substituted “or” for “of” before “foreign commerce”.

1986—Pub. L. 99-628 substituted “and enticement” for “or enticement of female” in section catchline and amended text generally. Prior to amendment, text read as follows: “Whoever knowingly persuades, induces, entices, or coerces any woman or girl to go from one place to another in interstate or foreign commerce, or in the District of Columbia or in any Territory or Possession of the United States, for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose on the part of such person that such woman or girl shall engage in the practice of prostitution or debauchery, or any other immoral practice, whether with or without her con-

sent, and thereby knowingly causes such woman or girl to go and to be carried or transported as a passenger upon the line or route of any common carrier or carriers in interstate or foreign commerce, or in the District of Columbia or in any Territory or Possession of the United States, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.”

§ 2423. Transportation of minors

(a) TRANSPORTATION WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.—A person who knowingly transports an individual who has not attained the age of 18 years in interstate or foreign commerce, or in any commonwealth, territory or possession of the United States, with intent that the individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, shall be fined under this title and imprisoned not less than 10 years or for life.

(b) TRAVEL WITH INTENT TO ENGAGE IN ILLICIT SEXUAL CONDUCT.—A person who travels in interstate commerce or travels into the United States, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, for the purpose of engaging in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

(c) ENGAGING IN ILLICIT SEXUAL CONDUCT IN FOREIGN PLACES.—Any United States citizen or alien admitted for permanent residence who travels in foreign commerce or resides, either temporarily or permanently, in a foreign country, and engages in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

(d) ANCILLARY OFFENSES.—Whoever, for the purpose of commercial advantage or private financial gain, arranges, induces, procures, or facilitates the travel of a person knowing that such a person is traveling in interstate commerce or foreign commerce for the purpose of engaging in illicit sexual conduct shall be fined under this title, imprisoned not more than 30 years, or both.

(e) ATTEMPT AND CONSPIRACY.—Whoever attempts or conspires to violate subsection (a), (b), (c), or (d) shall be punishable in the same manner as a completed violation of that subsection.

(f) DEFINITION.—As used in this section, the term “illicit sexual conduct” means (1) a sexual act (as defined in section 2246) with a person under 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States; or (2) any commercial sex act (as defined in section 1591) with a person under 18 years of age.

(g) DEFENSE.—In a prosecution under this section based on illicit sexual conduct as defined in subsection (f)(2), it is a defense, which the defendant must establish by a preponderance of the evidence, that the defendant reasonably believed that the person with whom the defendant engaged in the commercial sex act had attained the age of 18 years.

(June 25, 1948, ch. 645, 62 Stat. 812; Pub. L. 95–225, §3(a), Feb. 6, 1978, 92 Stat. 8; Pub. L. 99–628,

§5(b)(1), Nov. 7, 1986, 100 Stat. 3511; Pub. L. 103–322, title XVI, §160001(g), Sept. 13, 1994, 108 Stat. 2037; Pub. L. 104–71, §5, Dec. 23, 1995, 109 Stat. 774; Pub. L. 104–294, title VI, §§601(b)(4), 604(b)(33), Oct. 11, 1996, 110 Stat. 3499, 3508; Pub. L. 105–314, title I, §103, Oct. 30, 1998, 112 Stat. 2976; Pub. L. 107–273, div. B, title IV, §4002(c)(1), Nov. 2, 2002, 116 Stat. 1808; Pub. L. 108–21, title I, §§103(a)(2)(C), (b)(2)(B), 105, Apr. 30, 2003, 117 Stat. 652, 653; Pub. L. 109–248, title II, §204, July 27, 2006, 120 Stat. 613; Pub. L. 113–4, title XII, §1211(b), Mar. 7, 2013, 127 Stat. 142.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §400 (June 25, 1910, ch. 395, §4, 36 Stat. 826).

Words “deemed guilty of a felony” were deleted as unnecessary in view of definition of felony in section 1 of this title. (See reviser’s note under section 550 of this title.)

Words “and on conviction thereof shall be” were deleted as surplusage since punishment cannot be imposed until a conviction is secured.

Words “Possession of the United States” were inserted twice. (See reviser’s note under section 2421 of this title.)

Minor changes were made in phraseology.

AMENDMENTS

2013—Subsec. (c). Pub. L. 113–4 inserted “or resides, either temporarily or permanently, in a foreign country” after “commerce”.

2006—Subsec. (a). Pub. L. 109–248 substituted “10 years or for life” for “5 years and not more than 30 years”.

2003—Subsec. (a). Pub. L. 108–21, §105(b), struck out “or attempts to do so,” before “shall be fined”.

Pub. L. 108–21, §103(a)(2)(C), (b)(2)(B), substituted “and imprisoned not less than 5 years and” for “, imprisoned” and “30 years” for “15 years, or both”.

Subsec. (b) to (g). Pub. L. 108–21, §105(a), added subsections (b) to (g) and struck out former subsec. (b) which read as follows:

“(b) TRAVEL WITH INTENT TO ENGAGE IN SEXUAL ACT WITH A JUVENILE.—A person who travels in interstate commerce, or conspires to do so, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, or conspires to do so, for the purpose of engaging in any sexual act (as defined in section 2246) with a person under 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States shall be fined under this title, imprisoned not more than 15 years, or both.”

2002—Subsec. (b). Pub. L. 107–273 repealed Pub. L. 104–294, §601(b)(4). See 1996 Amendment note below.

1998—Subsec. (a). Pub. L. 105–314, §103(1), added subsection (a) and struck out former subsec. (a) which read as follows:

“(a) TRANSPORTATION WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.—A person who knowingly transports any individual under the age of 18 years in interstate or foreign commerce, or in any Territory or Possession of the United States, with intent that such individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, shall be fined under this title or imprisoned not more than ten years, or both.”

Subsec. (b). Pub. L. 105–314, §103(2), substituted “15 years” for “10 years”.

1996—Pub. L. 104–294, §604(b)(33), amended directory language of Pub. L. 103–322, §160001(g). See 1994 Amendment note below.

Subsec. (b). Pub. L. 104–294, §601(b)(4), which made amendment identical to that made by Pub. L. 104–71, was repealed by Pub. L. 107–273. See 1995 Amendment note below.

1995—Subsec. (b). Pub. L. 104–71 substituted “2246” for “2245”.