

death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse, or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

(b) Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be subject to the penalties under subsection (a).

(Added Pub. L. 106-386, div. A, § 112(a)(2), Oct. 28, 2000, 114 Stat. 1487; amended Pub. L. 110-457, title II, § 222(b)(4), Dec. 23, 2008, 122 Stat. 5069.)

AMENDMENTS

2008—Pub. L. 110-457 designated existing provisions as subsec. (a) and added subsec. (b).

§ 1591. Sex trafficking of children or by force, fraud, or coercion

(a) Whoever knowingly—

(1) in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, recruits, entices, harbors, transports, provides, obtains, or maintains by any means a person; or

(2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1),

knowing, or in reckless disregard of the fact, that means of force, threats of force, fraud, coercion described in subsection (e)(2), or any combination of such means will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).

(b) The punishment for an offense under subsection (a) is—

(1) if the offense was effected by means of force, threats of force, fraud, or coercion described in subsection (e)(2), or by any combination of such means, or if the person recruited, enticed, harbored, transported, provided, or obtained had not attained the age of 14 years at the time of such offense, by a fine under this title and imprisonment for any term of years not less than 15 or for life; or

(2) if the offense was not so effected, and the person recruited, enticed, harbored, transported, provided, or obtained had attained the age of 14 years but had not attained the age of 18 years at the time of such offense, by a fine under this title and imprisonment for not less than 10 years or for life.

(c) In a prosecution under subsection (a)(1) in which the defendant had a reasonable opportunity to observe the person so recruited, enticed, harbored, transported, provided, obtained or maintained, the Government need not prove that the defendant knew that the person had not attained the age of 18 years.

(d) Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be fined under this title, imprisoned for a term not to exceed 20 years, or both.

(e) In this section:

(1) The term “abuse or threatened abuse of law or legal process” means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.

(2) The term “coercion” means—

(A) threats of serious harm to or physical restraint against any person;

(B) 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; or

(C) the abuse or threatened abuse of law or the legal process.

(3) The term “commercial sex act” means any sex act, on account of which anything of value is given to or received by any person.

(4) The term “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 commercial sexual activity in order to avoid incurring that harm.

(5) The term “venture” means any group of two or more individuals associated in fact, whether or not a legal entity.

(Added Pub. L. 106-386, div. A, § 112(a)(2), Oct. 28, 2000, 114 Stat. 1487; amended Pub. L. 108-21, title I, § 103(a)(3), Apr. 30, 2003, 117 Stat. 653; Pub. L. 108-193, § 5(a), Dec. 19, 2003, 117 Stat. 2879; Pub. L. 109-248, title II, § 208, July 27, 2006, 120 Stat. 615; Pub. L. 110-457, title II, § 222(b)(5), Dec. 23, 2008, 122 Stat. 5069.)

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-457, § 222(b)(5)(A)(ii), substituted “, or in reckless disregard of the fact, that means of force, threats of force, fraud, coercion described in subsection (e)(2), or any combination of such means” for “that force, fraud, or coercion described in subsection (c)(2)” in concluding provisions.

Subsec. (a)(1). Pub. L. 110-457, § 222(b)(5)(A)(i), substituted “obtains, or maintains” for “or obtains”.

Subsec. (b)(1). Pub. L. 110-457, § 222(b)(5)(C), substituted “means of force, threats of force, fraud, or coercion described in subsection (e)(2), or by any combination of such means,” for “force, fraud, or coercion”.

Subsecs. (c), (d). Pub. L. 110-457, § 222(b)(5)(D), added subsecs. (c) and (d). Former subsec. (c) redesignated (e).

Subsec. (e). Pub. L. 110-457, § 222(b)(5)(B), (E), redesignated subsec. (c) as (e), added pars. (1) and (4), and redesignated former pars. (1) and (3) as (3) and (5), respectively.

2006—Subsec. (b)(1). Pub. L. 109-248, § 208(1), substituted “and imprisonment for any term of years not less than 15 or for life” for “or imprisonment for any term of years or for life, or both”.

Subsec. (b)(2). Pub. L. 109-248, § 208(2)(B), which directed amendment of subsec. (b)(2) by striking out “, or both”, could not be executed because that language did not appear in text subsequent to amendment by Pub. L. 109-248, § 208(2)(A). See below.

Pub. L. 109-248, § 208(2)(A), substituted “and imprisonment for not less than 10 years or for life” for “or imprisonment for not more than 40 years, or both”.

2003—Pub. L. 108-193, §5(a)(1), inserted comma after “fraud” in section catchline.

Subsec. (a)(1). Pub. L. 108-193, §5(a)(2), substituted “in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States” for “in or affecting interstate commerce”.

Subsec. (b). Pub. L. 108-193, §5(a)(3), substituted “the person recruited, enticed, harbored, transported, provided, or obtained” for “the person transported” in pars. (1) and (2).

Subsec. (b)(2). Pub. L. 108-21 substituted “40” for “20”.

§ 1592. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor

(a) Whoever 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 1581, 1583, 1584, 1589, 1590, 1591, or 1594(a);

(2) with intent to violate section 1581, 1583, 1584, 1589, 1590, or 1591; or

(3) to prevent or restrict or to attempt to prevent or restrict, without lawful authority, the 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 severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000,

shall be fined under this title or imprisoned for not more than 5 years, or both.

(b) Subsection (a) does not apply to the conduct of a person who is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, if that conduct is caused by, or incident to, that trafficking.

(c) Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be subject to the penalties described in subsection (a).

(Added Pub. L. 106-386, div. A, §112(a)(2), Oct. 28, 2000, 114 Stat. 1488; amended Pub. L. 110-457, title II, §222(b)(6), Dec. 23, 2008, 122 Stat. 5070.)

REFERENCES IN TEXT

Section 103 of the Trafficking Victims Protection Act of 2000, referred to in subsecs. (a)(3) and (b), is classified to section 7102 of Title 22, Foreign Relations and Intercourse.

AMENDMENTS

2008—Subsec. (c). Pub. L. 110-457 added subsec. (c).

§ 1593. Mandatory restitution

(a) Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalties authorized by law, the court shall order restitution for any offense under this chapter.

(b)(1) The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim’s losses, as determined by the court under paragraph (3) of this subsection.

(2) An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

(3) As used in this subsection, the term “full amount of the victim’s losses” has the same meaning as provided in section 2259(b)(3) and shall in addition include the greater of the gross income or value to the defendant of the victim’s services or labor or the value of the victim’s labor as guaranteed under the minimum wage and overtime guarantees of the Fair Labor Standards Act (29 U.S.C. 201 et seq.).

(4) The forfeiture of property under this subsection shall be governed by the provisions of section 413 (other than subsection (d) of such section) of the Controlled Substances Act (21 U.S.C. 853).

(c) As used in this section, the term “victim” means the individual harmed as a result of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or a representative of the victim’s estate, or another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named such representative or guardian.

(Added Pub. L. 106-386, div. A, §112(a)(2), Oct. 28, 2000, 114 Stat. 1488; amended Pub. L. 110-457, title II, §221(1), Dec. 23, 2008, 122 Stat. 5067.)

REFERENCES IN TEXT

The Fair Labor Standards Act, referred to in subsec. (b)(3), probably means the Fair Labor Standards Act of 1938, act June 25, 1938, ch. 676, 52 Stat. 1060, as amended, which is classified generally to chapter 8 (§201 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see section 201 of Title 29 and Tables.

AMENDMENTS

2008—Subsec. (b)(4). Pub. L. 110-457 added par. (4).

§ 1593A. Benefitting financially from peonage, slavery, and trafficking in persons

Whoever knowingly benefits, financially or by receiving anything of value, from participation in a venture which has engaged in any act in violation of section 1581(a), 1592, or 1595(a), knowing or in reckless disregard of the fact that the venture has engaged in such violation, shall be fined under this title or imprisoned in the same manner as a completed violation of such section.

(Added Pub. L. 110-457, title II, §222(d)(1), Dec. 23, 2008, 122 Stat. 5070.)

§ 1594. General provisions

(a) Whoever attempts to violate section 1581, 1583, 1584, 1589, 1590, or 1591 shall be punishable in the same manner as a completed violation of that section.

(b) Whoever conspires with another to violate section 1581, 1583, 1589, 1590, or 1592 shall be punished in the same manner as a completed violation of such section.

(c) Whoever conspires with another to violate section 1591 shall be fined under this title, imprisoned for any term of years or for life, or both.