

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”.

PURPOSE

Pub. L. 114-22, title I, §108(c), May 29, 2015, 129 Stat. 239, provided that: “The purpose of the amendments made by this section [amending this section and section 7102 of Title 22, Foreign Relations and Intercourse] is to clarify the range of conduct punished as sex trafficking.”

SENSE OF CONGRESS

Pub. L. 114-22, title I, §109, May 29, 2015, 129 Stat. 239, provided that: “It is the sense of Congress that—

“(1) section 1591 of title 18, United States Code, defines a sex trafficker as a person who ‘knowingly. . .recruits, entices, harbors, transports, provides, obtains, or maintains by any means a person. . .knowing, or in reckless disregard of the fact, that means of force, threats of force, fraud, coercion. . .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’;

“(2) while use of the word ‘obtains’ in section 1591 [of title 18], United States Code, has been interpreted, prior to the date of enactment of this Act [May 29, 2015], to encompass those who purchase illicit sexual acts from trafficking victims, some confusion persists;

“(3) in *United States vs. Jungers*, 702 F.3d 1066 (8th Cir. 2013), the United States Court of Appeals for the Eighth Circuit ruled that section 1591 of title 18, United States Code, applied to persons who purchase illicit sexual acts with trafficking victims after the United States District Court for the District of South Dakota erroneously granted motions to acquit these buyers in two separate cases; and

“(4) section 108 of this title [title I of Pub. L. 114-22] amends section 1591 of title 18, United States Code, to add the words ‘solicits or patronizes’ to the sex trafficking statute making absolutely clear for judges, juries, prosecutors, and law enforcement officials that criminals who purchase sexual acts from human trafficking victims may be arrested, prosecuted, and convicted as sex trafficking offenders when this is merited by the facts of a particular case.”

§ 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.

(d) The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States—

(1) such person's interest in any property, real or personal, that was involved in, used, or intended to be used to commit or to facilitate the commission of such violation, and any property traceable to such property; and

(2) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation, or any property traceable to such property.

(e)(1) The following shall be subject to forfeiture to the United States and no property right shall exist in them:

(A) Any property, real or personal, involved in, used, or intended to be used to commit or to facilitate the commission of any violation of this chapter, and any property traceable to such property.

(B) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this chapter.

(2) The provisions of chapter 46 of this title relating to civil forfeitures shall extend to any seizure or civil forfeiture under this subsection.

(f) TRANSFER OF FORFEITED ASSETS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Attorney General shall transfer assets forfeited pursuant to this section, or the proceeds derived from the sale thereof, to satisfy victim restitution orders arising from violations of this chapter.

(2) PRIORITY.—Transfers pursuant to paragraph (1) shall have priority over any other claims to the assets or their proceeds.

(3) USE OF NONFORFEITED ASSETS.—Transfers pursuant to paragraph (1) shall not reduce or otherwise mitigate the obligation of a person convicted of a violation of this chapter to satisfy the full amount of a restitution order through the use of non-forfeited assets or to reimburse the Attorney General for the value of assets or proceeds transferred under this subsection through the use of nonforfeited assets.

(g) WITNESS PROTECTION.—Any violation of this chapter shall be considered an organized criminal activity or other serious offense for the purposes of application of chapter 224 (relating to witness protection).

(Added Pub. L. 106-386, div. A, §112(a)(2), Oct. 28, 2000, 114 Stat. 1489; amended Pub. L. 110-457, title II, §222(c), Dec. 23, 2008, 122 Stat. 5070; Pub. L. 114-22, title I, §105(a), May 29, 2015, 129 Stat. 236.)

AMENDMENTS

2015—Subsec. (d)(1). Pub. L. 114-22, §105(a)(1)(A), substituted “that was involved in, used, or” for “that was used or” and inserted “, and any property traceable to such property” after “such violation”.

Subsec. (d)(2). Pub. L. 114-22, §105(a)(1)(B), inserted “, or any property traceable to such property” after “such violation”.

Subsec. (e)(1)(A). Pub. L. 114-22, §105(a)(2), substituted “involved in, used, or” for “used or” and inserted “, and any property traceable to such property” after “any violation of this chapter”.

Subsecs. (f), (g). Pub. L. 114-22, §105(a)(3), (4), added subsec. (f) and redesignated former subsec. (f) as (g).

2008—Subsecs. (b) to (f). Pub. L. 110-457 added subsecs. (b) and (c) and redesignated former subsecs. (b) to (d) as (d) to (f), respectively.

§ 1595. Civil remedy

(a) An individual who is a victim of a violation of this chapter may bring a civil action against the perpetrator (or whoever knowingly benefits, financially or by receiving anything of value from participation in a venture which that person knew or should have known has engaged in an act in violation of this chapter) in an appropriate district court of the United States and may recover damages and reasonable attorneys fees.

(b)(1) Any civil action filed under this section shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim.

(2) In this subsection, a “criminal action” includes investigation and prosecution and is pending until final adjudication in the trial court.

(c) No action may be maintained under this section unless it is commenced not later than the later of—

(1) 10 years after the cause of action arose; or

(2) 10 years after the victim reaches 18 years of age, if the victim was a minor at the time of the alleged offense.