

(1) promotes or facilitates the prostitution of 5 or more persons; or

(2) acts in reckless disregard of the fact that such conduct contributed to sex trafficking, in violation of² 1591(a),

shall be fined under this title, imprisoned for not more than 25 years, or both.

(c) CIVIL RECOVERY.—Any person injured by reason of a violation of section 2421A(b) may recover damages and reasonable attorneys' fees in an action before any appropriate United States district court.

(d) MANDATORY RESTITUTION.—Notwithstanding sections³ 3663 or 3663A and in addition to any other civil or criminal penalties authorized by law, the court shall order restitution for any violation of subsection (b)(2). The scope and nature of such restitution shall be consistent with section 2327(b).

(e) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a charge of violating subsection (a), or subsection (b)(1) where the defendant proves, by a preponderance of the evidence, that the promotion or facilitation of prostitution is legal in the jurisdiction where the promotion or facilitation was targeted.

(Added Pub. L. 115-164, §3(a), Apr. 11, 2018, 132 Stat. 1253.)

§ 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.)

² So in original. Probably should be followed by “section”.

³ So in original. Probably should be “section”.

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 consent, 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, with a

motivating 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 with a motivating 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;

(2) any commercial sex act (as defined in section 1591) with a person under 18 years of age; or

(3) production of child pornography (as defined in section 2256(8)).

(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 clear and convincing 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; Pub. L. 114-22, title I, §111, May 29, 2015, 129 Stat. 240; Pub. L. 115-392, §14, Dec. 21, 2018, 132 Stat. 5256.)

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

2018—Subsec. (b). Pub. L. 115-392, §14(1), substituted “with a motivating purpose” for “for the purpose”.

Subsec. (d). Pub. L. 115-392, §14(2), substituted “with a motivating purpose of engaging” for “for the purpose of engaging”.

2015—Subsec. (f). Pub. L. 114-22, §111(a), inserted a dash after “means”, designated existing provisions containing designations (1) and (2) as pars. (1) and (2), and added par. (3).

Subsec. (g). Pub. L. 114-22, §111(b), substituted “clear and convincing evidence” for “a preponderance of the evidence”.

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 subsecs. (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 subsec. (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”.

1994—Pub. L. 103-322, as amended by Pub. L. 104-294, §604(b)(33), added subsec. (b) and substituted “(a) **TRANSPORTATION WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.**—A person who” for “Whoever”.

1986—Pub. L. 99-628 amended section generally, revising and restating as one paragraph provisions formerly contained in subsec. (a) and striking out subsec. (b) which provided definitions.

1978—Pub. L. 95-225 substituted “Transportation of minors” for “Coercion or enticement of minor female”

in section catchline, designated existing provision as subsec. (a), substituted provisions relating to conduct prohibiting the transportation of minors for provisions relating to conduct prohibiting the coercion or enticement of a minor female, and added subsec. (b).

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-273, div. B, title IV, §4002(c)(1), Nov. 2, 2002, 116 Stat. 1808, provided that the amendment made by section 4002(c)(1) is effective Oct. 11, 1996.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by section 604(b)(33) of Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

§ 2424. Filing factual statement about alien individual

(a) Whoever keeps, maintains, controls, supports, or harbors in any house or place for the purpose of prostitution, or for any other immoral purpose, any individual, knowing or in reckless disregard of the fact that the individual is an alien, shall file with the Commissioner of Immigration and Naturalization a statement in writing setting forth the name of such individual, the place at which that individual is kept, and all facts as to the date of that individual's entry into the United States, the port through which that individual entered, that individual's age, nationality, and parentage, and concerning that individual's procurement to come to this country within the knowledge of such person; and

Whoever fails within five business days after commencing to keep, maintain, control, support, or harbor in any house or place for the purpose of prostitution, or for any other immoral purpose, any alien individual to file such statement concerning such alien individual with the Commissioner of Immigration and Naturalization; or

Whoever knowingly and willfully states falsely or fails to disclose in such statement any fact within that person's knowledge or belief with reference to the age, nationality, or parentage of any such alien individual, or concerning that individual's procurement to come to this country—

Shall be fined under this title or imprisoned not more than 10 years, or both.

(b) In any prosecution brought under this section, if it appears that any such statement required is not on file in the office of the Commissioner of Immigration and Naturalization, the person whose duty it is to file such statement shall be presumed to have failed to file said statement, unless such person or persons shall prove otherwise. No person shall be excused from furnishing the statement, as required by this section, on the ground or for the reason that the statement so required by that person, or the information therein contained, might tend to criminate that person or subject that person to a penalty or forfeiture, but no information contained in the statement or any evidence which is directly or indirectly derived from such information may be used against any person making such statement in any criminal case, except a prosecution for perjury, giving a false statement or otherwise failing to comply with this section.

(June 25, 1948, ch. 645, 62 Stat. 813; Pub. L. 91-452, title II, §226, Oct. 15, 1970, 84 Stat. 930; Pub. L. 99-628, §5(c), Nov. 7, 1986, 100 Stat. 3511; Pub. L. 103-322, title XXXIII, §330016(1)(I), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104-208, div. C, title III, §325, Sept. 30, 1996, 110 Stat. 3009-629.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §402(2), (3) (June 25, 1910, ch. 395, §6, 36 Stat. 826).

First paragraph of section 402 of title 18, U.S.C., 1940 ed., was omitted from this section and recommended for transfer to Title 8, Aliens and Nationality.

Words "shall be deemed guilty of a misdemeanor" were omitted as unnecessary in view of the definition of a misdemeanor in section 1 of this title. (See reviser's note under section 212 of this title.)

Minor changes were made in phraseology.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-208, §325(1), in first par. substituted "individual, knowing or in reckless disregard of the fact that the individual is an alien" for "alien individual within three years after that individual has entered the United States from any country, party to the arrangement adopted July 25, 1902, for the suppression of the white-slave traffic" and struck out "alien" after "the name of such".

Pub. L. 104-208, §325(2), in second par. substituted "five business" for "thirty" and struck out "within three years after that individual has entered the United States from any country, party to the said arrangement for the suppression of the white-slave traffic," after "any alien individual".

Pub. L. 104-208, §325(3), substituted "10" for "two" in last par.

1994—Subsec. (a). Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$2,000" in last par.

1986—Pub. L. 99-628, §5(c)(1), substituted "individual" for "female" in section catchline.

Subsec. (a). Pub. L. 99-628, §5(c)(2)-(4), (6), substituted "individual" for "woman or girl", "that individual" for "she", "that individual's" for "her", and "that person's" for "his" wherever appearing.

Subsec. (b). Pub. L. 99-628, §5(c)(5), substituted "that person" for "him" wherever appearing.

1970—Subsec. (b). Pub. L. 91-452 substituted provisions that no information contained in the statement or any evidence directly or indirectly derived from such information be used against any person making such statement in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with this section, for provisions that no person be prosecuted or subjected to any penalty or forfeiture under any law of the United States for or on account of any transaction, etc., truthfully reported in his statement.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-452 effective on sixtieth day following Oct. 15, 1970, and not to affect any immunity to which any individual is entitled under this section by reason of any testimony given before sixtieth day following Oct. 15, 1970, see section 260 of Pub. L. 91-452, set out as an Effective Date; Savings Provision note under section 6001 of this title.

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

§ 2425. Use of interstate facilities to transmit information about a minor

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