

(Added Pub. L. 114-22, title III, §303, May 29, 2015, 129 Stat. 255.)

PRIOR PROVISIONS

A prior section 2421, act June 25, 1948, ch. 645, 62 Stat. 812; May 24, 1949, ch. 139, §47, 63 Stat. 96; Pub. L. 99-628, §5(b)(1), Nov. 7, 1986, 100 Stat. 3511; Pub. L. 105-314, title I, §106, Oct. 30, 1998, 112 Stat. 2977, related to transportation of individuals generally, prior to repeal by Pub. L. 114-22, title III, §303, May 29, 2015, 129 Stat. 255.

§ 2421A. Promotion or facilitation of prostitution and reckless disregard of sex trafficking

(a) IN GENERAL.—Whoever, using a facility or means of interstate or foreign commerce or in or affecting interstate or foreign commerce, owns, manages, or operates an interactive computer service (as such term is defined in defined in¹ section 230(f) the Communications Act of 1934 (47 U.S.C. 230(f)), or conspires or attempts to do so, with the intent to promote or facilitate the prostitution of another person shall be fined under this title, imprisoned for not more than 10 years, or both.

(b) AGGRAVATED VIOLATION.—Whoever, using a facility or means of interstate or foreign commerce or in or affecting interstate or foreign commerce, owns, manages, or operates an interactive computer service (as such term is defined in defined in¹ section 230(f) the Communications Act of 1934 (47 U.S.C. 230(f))), or conspires or attempts to do so, with the intent to promote or facilitate the prostitution of another person and—

(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.)

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

¹ So in original.

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

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