

CHAPTER 117—TRANSPORTATION FOR ILLEGAL SEXUAL ACTIVITY AND RELATED CRIMES

Sec.	
2421.	Transportation generally.
2421A.	Promotion or facilitation of prostitution and reckless disregard of sex trafficking.
2422.	Coercion and enticement.
2423.	Transportation of minors.
2424.	Filing factual statement about alien individual.
2425.	Use of interstate facilities to transmit information about a minor.
2426.	Repeat offenders.
2427.	Inclusion of offenses relating to child pornography in definition of sexual activity for which any person can be charged with a criminal offense.
2428.	Forfeitures.
2429.	Mandatory restitution.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-392, §3(b), Dec. 21, 2018, 132 Stat. 5251, added item 2429.

Pub. L. 115-164, §3(b), Apr. 11, 2018, 132 Stat. 1254, added item 2421A.

2006—Pub. L. 109-164, title I, §103(d)(2), Jan. 10, 2006, 119 Stat. 3563, added item 2428.

1998—Pub. L. 105-314, title I, §§101(b), 104(b), 105(b), Oct. 30, 1998, 112 Stat. 2975-2977, added items 2425, 2426, and 2427.

1988—Pub. L. 100-690, title VII, §7071, Nov. 18, 1988, 102 Stat. 4405, substituted “individual” for “female” in item 2424.

1986—Pub. L. 99-628, §5(a)(1), (b)(2), Nov. 7, 1986, 100 Stat. 3511, substituted “TRANSPORTATION FOR ILLEGAL SEXUAL ACTIVITY AND RELATED CRIMES” for “WHITE SLAVE TRAFFIC” as chapter heading and substituted “and enticement” for “or enticement of female” in item 2422.

1978—Pub. L. 95-225, §3(b), Feb. 6, 1978, 92 Stat. 9, substituted “Transportation of minors” for “Coercion or enticement of minor female” in item 2423.

§ 2421. Transportation generally

(a) IN GENERAL.—Whoever knowingly transports any individual 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, or attempts to do so, shall be fined under this title or imprisoned not more than 10 years, or both.

(b) REQUESTS TO PROSECUTE VIOLATIONS BY STATE ATTORNEYS GENERAL.—

(1) IN GENERAL.—The Attorney General shall grant a request by a State attorney general that a State or local attorney be cross designated to prosecute a violation of this section unless the Attorney General determines that granting the request would undermine the administration of justice.

(2) REASON FOR DENIAL.—If the Attorney General denies a request under paragraph (1), the Attorney General shall submit to the State attorney general a detailed reason for the denial not later than 60 days after the date on which a request is received.

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

Editorial Notes

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 Terri-

¹ So in original.

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

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