

§ 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, advertises, maintains, patronizes, or solicits 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, except where the act constituting the violation of paragraph (1) is advertising, 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, obtained, advertised, patronized, or solicited 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, obtained, advertised, patronized, or solicited 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, maintained, patronized, or solicited, the Government need not prove that the defendant knew, or recklessly disregarded the fact, 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 25 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 “participation in a venture” means knowingly assisting, supporting, or facilitating a violation of subsection (a)(1).

(5) 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.

(6) 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; Pub. L. 114-22, title I, §§108(a), 118(b), May 29, 2015, 129 Stat. 238, 247; Pub. L. 115-164, §5, Apr. 11, 2018, 132 Stat. 1255; Pub. L. 115-392, §11(1)(C), Dec. 21, 2018, 132 Stat. 5255.)

Editorial Notes

AMENDMENTS

2018—Subsec. (d). Pub. L. 115-392 substituted “25 years” for “20 years”.

Subsec. (e)(4) to (6). Pub. L. 115-164 added par. (4) and redesignated former pars. (4) and (5) as (5) and (6), respectively.

2015—Subsec. (a). Pub. L. 114-22, §118(b)(2), inserted “, except where the act constituting the violation of paragraph (1) is advertising,” after “knowing, or” in concluding provisions.

Subsec. (a)(1). Pub. L. 114-22, §118(b)(1), inserted “advertises,” after “obtains.”

Pub. L. 114-22, §108(a)(1), substituted “maintains, patronizes, or solicits” for “or maintains”.

Subsec. (b)(1). Pub. L. 114-22, §118(b)(3)(A), inserted “advertised,” after “obtained.”

Pub. L. 114-22, §108(a)(2)(A), substituted “obtained, patronized, or solicited” for “or obtained”.

Subsec. (b)(2). Pub. L. 114-22, §118(b)(3)(B), inserted “advertised,” after “obtained.”

Pub. L. 114-22, §108(a)(2)(B), substituted “obtained, patronized, or solicited” for “or obtained”.

Subsec. (c). Pub. L. 114-22, §108(a)(3), substituted “, maintained, patronized, or solicited” for “or maintained” and “knew, or recklessly disregarded the fact, that the person” for “knew that the person”.

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 com-

bination 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”.

Statutory Notes and Related Subsidiaries

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.)

Editorial Notes

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(c)(2) and