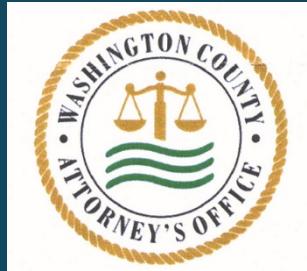


# Sex Trafficking: Sex, Sales, & The Superbowl



Christina Davenport, Winona County

Karen Kugler, Ramsey County

Imran Ali, Washington County

# Safe Harbor Model

- A minor involved in a commercial sex related crime cannot be prosecuted under Minn. Stat. 609.322
- An affirmative defense exists for adults involved in commercial sex if they are able to prove they are a sex trafficking victim
- Resources including placement provided for sexually exploited youth.

# Promotion/Solicitation/ Trafficking -The Law

# Key Statute

609.322      **Solicitation, Inducement and  
Promotion of Prostitution;  
Sex Trafficking**

# Promotes the Prostitution of an Individual

- **Solicits** or **procures** patrons for a prostitute
- Leases, owns, or otherwise **permits facilities to aid in the prostitution**
- **Admits a patron** to a place of prostitution to aid in the prostitution
- **Transports** a person to aid in the prostitution

# This is Nothing New.....

## 1989 Case of *State v. Montpetit*

- Defendant introduced his friend to woman posing as a prostitute
- Defendant suggested price

### Promotion of Prostitution Established

*No requirement Defendant make money from deal.*

*Doesn't matter that the Defendant had also retained the services of the woman*

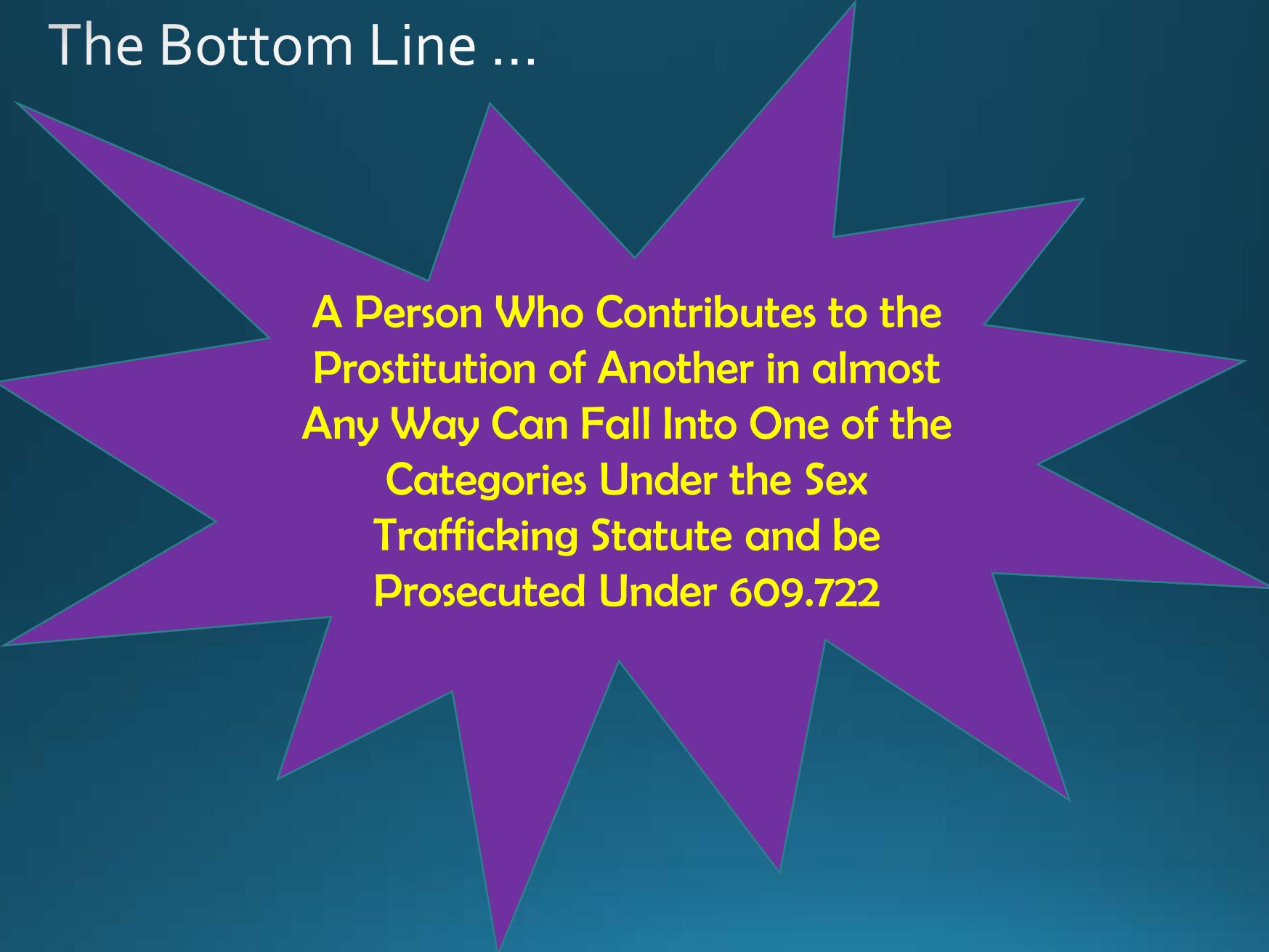
445 N.W.2d 571 (Minn. Ct. App. 1989)

# Sex Trafficking - Defined

Receiving, recruiting, enticing,  
harboring, providing, or  
obtaining by any means and  
individual to aid in the  
prostitution of the individual; or

Receiving profit or anything else of value knowing or having reason to know it is derived from prostitution.

# The Bottom Line ...



A Person Who Contributes to the  
Prostitution of Another in almost  
Any Way Can Fall Into One of the  
Categories Under the Sex  
Trafficking Statute and be  
Prosecuted Under 609.722

# Defenses You Can't Use

Mistake  
as to  
Age

No  
Completed  
Sex Act

Prior  
Prostitution

Consent

# What about the marital privilege?

- **Privilege:** Parties to a marriage cannot testify for or against each other without the other's consent. Includes confidential interspousal communications made during the marriage. Minn. Stat. § 595.02, subd. 1(a)

*Does not apply to conduct and communications prior to the marriage.*

- **Joint Participant Exception:** Marital Privilege does not apply to a defendant who engaged in joint criminal activity with his or her spouse. *State v. Gianakos*, 644 N.W.2d 409 (Minn. 2002)

# Penalties – 609.722

## 1<sup>st</sup> Degree

- 20 years/\$50K
- Level B  
(commit)
- Register as a  
sex offender

## Sex Trafficking 2<sup>nd</sup> Degree

15 years/40K  
Level C (commit)

## 1<sup>st</sup> & 2<sup>nd</sup> Degree

- Enhanceable to  
25 years/60K
- Additional 48  
months for  
multiple victims
- Permissive  
Consecutive
- Ripe for  
Aggravating  
Factors

## What About the “Johns”?

- **609.324 Engaging in, Hiring or Agreeing to Hire another for Prostitution**
- **609.352 Solicitation of a Child (15 years or younger)**
- **617.246 Possession Pornographic Work Involving a Minor**

# Consequences for “Johns”

- **Felony Charges**
- **Mandatory Penalty Assessment** – Violation of 609.324
  - Minor: \$750-\$1000
  - Adult: \$500-\$750
  - *May be reduced to \$100 if defendant is indigent or undue hardship on family*
- **Plus.....**

# In Addition to Time and Money...

- Registration as a Predatory Offender (243.166, subd. 1b(2))
  - 1<sup>st</sup> degree 609.322
  - Soliciting a child for prostitution under 13 – 609.324
  - Soliciting a child 15 or younger to engage in sexual conduct/Electronic Solicitation - 609.6352
  - Possessing pornographic work involving a minor - 617.246
  - Dissemination of Child Pornography - 617-247
- Conditional release
  - 5 years – 617.246 and 617.247



# Learn How to Identify It: Common Slang

- Bareback
- Bottom/"Bottom Bitch"
- Branding
- Caught a case
- Choosing up
- Circuit
- Cousin-in-law
- Daddy
- Date
- Exit Fee
- Family/Folks
- The Game/The Life
- \* Gorilla Pimp
- \* Green
- \* "John"
- \* Regular
- \* Renegade
- \* Seasoning
- \* Shards
- \* Square up
- \* Stable
- \* Trick
- \* Wifey

# Resources for Human Trafficking Victims

- Minnesota Department of Health – Regional Navigators
- Women's Resource Centers
- Shelters
- And so many more!

Learn about what specifically your community has to offer