

Sex Trafficking: Sex, Sales, & The Superbowl



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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**

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graph TD; A((Defenses You Can't Use)) --- B((Mistake as to Age)); A --- C((Consent)); A --- D((No Completed Sex Act)); A --- E((Prior Prostitution));
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Defenses You Can't Use

Mistake
as to
Age

Consent

No
Completed
Sex Act

Prior
Prostitution

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

1st Degree

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

Sex Trafficking 2nd Degree

15 years/40K
Level C (commit)

1st & 2nd 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))
 - 1st 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