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# Trafficking and Sex Tourism FAQs

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# Trafficking and Sex Tourism FAQs

**Q. If I travel abroad and have sex with a minor, is that a crime? What if I don't know that the girl is a minor?**

**A.** Yes, it is a crime for a United States citizen or permanent resident to travel abroad for the purpose of having sex with a minor and it is a crime for a United States citizen or permanent resident to actually have sex with a minor while abroad. If the sexual activity with a minor is a commercial sex act, then the defendant may establish the defense that the defendant reasonably believed that the person with whom the defendant engaged in the commercial sex act had attained the age of 18 years.

**Q. What if an American citizen or national travels overseas on an ordinary trip, not intending to engage in sex with minors, but at some point during the trip engages in sex with a minor?**

**A.** In this case, the American citizen or national may be subject to prosecution under 18 U.S.C. § 2423(c). Even if the person did not have the intent to engage in sex with a minor at the time he or she left the United States, such intent at the time of travel is not necessary. For example, an American citizen or national who travels to a foreign country without any such intent, but who engages in a commercial sex act with a person under 18 at some point during his stay in that foreign country, may be subject to prosecution.

**Q. Does there have to be interstate travel or communications before child prostitution can be prosecuted at the federal level? I thought prostitution was generally handled by state and local authorities?**

**A.** Federal authorities work in tandem with local authorities in the investigation and prosecution of many crimes, including child prostitution. 18 U.S.C. § 1591, which specifically covers child prostitution, does not require interstate travel or communications. Accordingly, even if the criminal conduct was within one state, federal prosecution may be appropriate. In order for federal jurisdiction to apply, however, there must be an effect on interstate commerce.

**Q. I am a travel agent. Do I have criminal liability if one of my client's goes overseas on a sex tourism trip?**

**A.** It is a criminal activity to knowingly arrange, induce, procure or facilitate for profit the travel of a person when you know that the person is traveling for the purpose of engaging in illicit sexual conduct with minors.