

Underage Sex, Child Pornography, and the Consequences*

UNDERAGE SEX

(Adapted from https://southcoastcollege.edu/media/survival_guide.pdf)

The law says that anyone under the age of ____ is incapable of giving consent.

But having sex with anyone under the age of ____ — even if it is with your consenting ____-year-old girlfriend or boyfriend—is against the law. It would only be legal if the two of you were married. Otherwise, at age 18, you could be charged with statutory rape.

Depending on the circumstances, you could be in serious trouble.

However, if either participant is under the age of 18, traveling across state lines is illegal under federal law as explained below.

What could happen if I'm charged with statutory rape (unlawful sex with a minor)?

It depends on your jurisdiction and the age difference between the two participants. You could be required to register as a sex offender for life.

CHILD PORNOGRAPHY

Key takeaways:

- Child pornography is “any visual depiction of sexually explicit conduct involving a minor.”
- Possessing child pornography is illegal under federal law, even if it is undeveloped film or video or electronically stored.
- It is a federal crime to carry or mail child pornography across state lines.
- A first-time offender convicted of producing child pornography could spend 15–30 years in federal prison, in addition to fines and prosecution by the state where the crime took place.

Read more:

www.justice.gov/criminal-ceos/child-pornography

www.justice.gov/criminal-ceos/citizens-guide-us-federal-law-child-pornography

“Child pornography is a form of child sexual exploitation. Federal law defines child pornography as any visual depiction of sexually explicit conduct involving a minor (persons less than 18 years old). Images of

child pornography are also referred to as child sexual abuse images.

“Federal law prohibits the production, distribution, importation, reception, or possession of any image of child pornography. A violation of federal child pornography is a serious crime and convicted offenders face fines and severe statutory penalties.”

(From www.justice.gov/criminal-ceos/child-pornography)

“Visual depictions include photographs, videos, digital, or computer-generated images indistinguishable from an actual minor and images created, adapted, or modified, but appear to depict an identifiable, actual minor. Undeveloped film, undeveloped videotape, and electronically stored data that can be converted into a visual image of child pornography are also deemed illegal visual depictions under federal law.

“Notably, the legal definition of sexually explicit conduct does not require that an image depict a child engaging in sexual activity. A picture of a naked child may constitute illegal child pornography if it is sufficiently sexually suggestive. Additionally, the age of consent for sexual activity in a given state is irrelevant; any depiction of a minor under 18 years of age engaging in sexually explicit conduct is illegal.”

(From www.justice.gov/criminal-ceos/citizens-guide-us-federal-law-child-pornography)



*It is recommended that the Inn edit this document to include laws specific to its state.

CHILD SEX TRAFFICKING

Key takeaways:

- It is a federal crime to “knowingly recruit, entice, harbor, transport, provide, obtain, or maintain a minor” to engage in a commercial sex act.
- A “commercial sex act” is any sexual activity performed in exchange for something valuable (e.g., money, favors, goods, etc.).
- “Trafficking” in this case doesn’t need to involve transporting the minor across state or international borders. In fact, no evidence of so-called “trafficking” is required.
- At minimum, an offender faces 10 years in federal prison, but the maximum penalty is life imprisonment.

“Child Sex Trafficking is prohibited by 18 U.S.C. § 1591. This statute makes it a federal offense to knowingly recruit, entice, harbor, transport, provide, obtain, or maintain a minor (defined as someone under 18 years of age) knowing or in reckless disregard of the fact that the victim is a minor and would be caused to engage in a commercial sex act. ‘Commercial sex act’ is defined very broadly to include ‘any sex act, on account of which anything of value is given to or received by any person.’ In other words, it is illegal both to offer and to obtain a

child and cause that child to engage in any kind of sexual activity in exchange for anything of value, whether it be money, goods, personal benefit, in-kind favors, or some other kind of benefit. Section 1591 also makes it a crime for individuals to participate in a business venture that obtains minors and causes them to engage in commercial sex acts.

“Section 1591 is called ‘Sex trafficking of children or by force, fraud, or coercion.’ Most people think of ‘trafficking’ as involving movement across state or international borders. However, Section 1591 does not require proof that either the defendant or victim crossed state or international lines.

“If the victim was under the age of 14 or if force, fraud, or coercion were used, the penalty is not less than 15 years in prison up to life. If the victim was aged 14–17, the penalty shall not be less than 10 years in prison up to life. Anyone who obstructs or attempts to obstruct the enforcement of this statute faces as many as 20 years imprisonment. Defendants who are convicted under this statute are also required to pay restitution to their victims for any losses they caused.”

(From www.justice.gov/criminal-ceos/citizens-guide-us-federal-law-child-sex-trafficking)



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