

**U.S. Federal Law Regarding Child Sex Tourism
18 USC 2423**

Modified: April 30, 2003 with the passage of the PROTECT Act

SEC. 105. PENALTIES AGAINST SEX TOURISM.

(a) In General.--Section 2423 of title 18, United States Code, is amended by striking subsection (b) and inserting the following:

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``(b) Travel With Intent To Engage in Illicit Sexual Conduct.--A person who travels in interstate commerce or travels into the United States, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, for the purpose of engaging in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

``(c) Engaging in Illicit Sexual Conduct in Foreign Places.--Any United States citizen or alien admitted for permanent residence who travels in foreign commerce, and engages in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

``(d) Ancillary Offenses.--Whoever, for the purpose of commercial advantage or private financial gain, arranges, induces, procures, or facilitates the travel of a person knowing that such a person is traveling in interstate commerce or foreign commerce for the purpose of engaging in illicit sexual conduct shall be fined under this title, imprisoned not more than 30 years, or both.

``(e) Attempt and Conspiracy.--Whoever attempts or conspires to violate subsection (a), (b), (c), or (d) shall be punishable in the same manner as a completed violation of that subsection.

``(f) Definition.--As used in this section, the term 'illicit sexual conduct' means (1) a sexual act (as defined in section 2246) with a person under 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States; or (2) any commercial sex act (as defined in section 1591) with a person under 18 years of age.

``(g) Defense.--In a prosecution under this section based on illicit sexual conduct as defined in subsection (f)(2), it is a defense, which the defendant must establish by a preponderance of the evidence, 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."

(b) Conforming Amendment.--Section 2423(a) of title 18, United States Code, is amended by striking "or attempts to do so,".

SEC. 106. TWO STRIKES YOU'RE OUT.

(a) In General.--Section 3559 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(e) Mandatory Life Imprisonment for Repeated Sex Offenses Against Children.--

"(1) In general.--A person who is convicted of a Federal sex offense in which a minor is the victim shall be sentenced to life imprisonment if the person has a prior sex conviction in which a minor was the victim, unless the sentence of death is imposed.

"(2) Definitions.--For the purposes of this subsection--

"(A) the term 'Federal sex offense' means an offense under section 2241 (relating to aggravated sexual abuse), 2242 (relating to sexual abuse), 2244(a)(1) (relating to abusive sexual contact), 2245 (relating to sexual abuse resulting in death), 2251 (relating to sexual exploitation of children), 2251A (relating to selling or buying of children), 2422(b) (relating to coercion and enticement of a

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minor into prostitution), or 2423(a) (relating to transportation of minors);

"(B) the term 'State sex offense' means an offense under State law that is punishable by more than one year in prison and consists of conduct that would be a Federal sex offense if, to the extent or in the manner specified in the applicable provision of this title--

"(i) the offense involved interstate or foreign commerce, or the use of the mails; or

"(ii) the conduct occurred in any commonwealth, territory, or possession of the United States, within the special maritime and territorial jurisdiction of the United States, in a Federal prison, on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country (as defined in section

1151);

“(C) the term ‘prior sex conviction’ means a conviction for which the sentence was imposed before the conduct occurred constituting the subsequent Federal sex offense, and which was for a Federal sex offense or a State sex offense;

“(D) the term ‘minor’ means an individual who has not attained the age of 17 years; and

“(E) the term ‘State’ has the meaning given that term in subsection (c)(2).

“(3) Nonqualifying Felonies.--An offense described in section 2422(b) or 2423(a) shall not serve as a basis for sentencing under this subsection if the defendant establishes by clear and convincing evidence that--

“(A) the sexual act or activity was consensual and not for the purpose of commercial or pecuniary gain;

“(B) the sexual act or activity would not be punishable by more than one year in prison under the law of the State in which it occurred; or

“(C) no sexual act or activity occurred.”.

(b) Conforming Amendment.--Sections 2247(a) and 2426(a) of title 18, United States Code, are each amended by inserting “, unless section 3559(e) applies” before the final period.