

United States Code Annotated

Title 18. Crimes and Criminal Procedure (Refs & Annos)

Part I. Crimes (Refs & Annos)

Chapter 110. Sexual Exploitation and Other Abuse of Children (Refs & Annos)

18 U.S.C.A. § 2251

§ 2251. Sexual exploitation of children

Effective: October 13, 2008

Currentness

(a) Any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in or affecting interstate or foreign commerce, or in any Territory or Possession of the United States, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct, shall be punished as provided under subsection (e), if such person knows or has reason to know that such visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, if that visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed.

(b) Any parent, legal guardian, or person having custody or control of a minor who knowingly permits such minor to engage in, or to assist any other person to engage in, sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct shall be punished as provided under subsection (e) of this section, if such parent, legal guardian, or person knows or has reason to know that such visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, if that

visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed.

(c)(1) Any person who, in a circumstance described in paragraph (2), employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, any sexually explicit conduct outside of the United States, its territories or possessions, for the purpose of producing any visual depiction of such conduct, shall be punished as provided under subsection (e).

(2) The circumstance referred to in paragraph (1) is that--

(A) the person intends such visual depiction to be transported to the United States, its territories or possessions, by any means, including by using any means or facility of interstate or foreign commerce or mail; or

(B) the person transports such visual depiction to the United States, its territories or possessions, by any means, including by using any means or facility of interstate or foreign commerce or mail.

(d)(1) Any person who, in a circumstance described in paragraph (2), knowingly makes, prints, or publishes, or causes to be made, printed, or published, any notice or advertisement seeking or offering--

(A) to receive, exchange, buy, produce, display, distribute, or reproduce, any visual depiction, if the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct; or

(B) participation in any act of sexually explicit conduct by or with any minor for the purpose of producing a visual depiction of such conduct;

shall be punished as provided under subsection (e).

(2) The circumstance referred to in paragraph (1) is that--

(A) such person knows or has reason to know that such notice or advertisement will be transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means including by computer or mailed; or

(B) such notice or advertisement is transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means including by computer or mailed.

(e) Any individual who violates, or attempts or conspires to violate, this section shall be fined under this title and imprisoned not less than 15 years nor more than 30 years, but if such person has one prior conviction under this chapter, [section 1591](#), chapter 71, chapter 109A, or chapter 117, or under [section 920 of title 10 \(article 120 of the Uniform Code of Military Justice\)](#), or under the laws of any State relating to aggravated sexual abuse, sexual abuse, abusive sexual contact involving a minor or ward, or sex trafficking of children, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, such person shall be fined under this title and imprisoned for not less than 25 years nor more than 50 years, but if such person has 2 or more prior convictions under this chapter, chapter 71, chapter 109A, or chapter 117, or under [section 920 of title 10 \(article 120 of the Uniform Code of Military Justice\)](#), or under the laws of any State relating to the sexual exploitation of children, such person shall be fined under this title and imprisoned not less than 35 years nor more than life. Any organization that violates, or attempts or conspires to violate, this section shall be fined under this title. Whoever, in the course of an offense under this section, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for not less than 30 years or for life.

CREDIT(S)

(Added [Pub.L. 95-225](#), § 2(a), Feb. 6, 1978, 92 Stat. 7; amended [Pub.L. 98-292](#), § 3, May 21, 1984, 98 Stat. 204; [Pub.L. 99-500, Title I, § 101\(b\)](#) [Title VII, § 704(a)], Oct. 18, 1986, 100 Stat. 1783-39, 1783-75; [Pub.L. 99-591, Title I, § 101\(b\)](#) [Title VII, § 704(a)], Oct. 30, 1986, 100 Stat. 3341-75; [Pub.L. 99-628](#), §§ 2, 3, Nov. 7, 1986, 100 Stat. 3510; [Pub.L. 100-690, Title VII, § 7511\(a\)](#), Nov. 18, 1988, 102 Stat. 4485; [Pub.L. 101-647, Title XXXV, § 3563](#), Nov. 29, 1990, 104 Stat. 4928; [Pub.L. 103-322, Title VI, § 60011, Title XVI, § 160001\(b\)\(2\), \(c\), \(e\), Title XXXIII, § 330016\(1\)\(S\) to \(U\)](#), Sept. 13, 1994, 108 Stat. 1973, 2037, 2148; [Pub.L. 104-208, Div. A, Title I, § 101\(a\)](#) [Title I, § 121[4]], Sept. 30, 1996, 110 Stat. 3009, 3009-26, 3009-30; [Pub.L. 105-314, Title II, § 201](#), Oct. 30, 1998, 112 Stat. 2977; [Pub.L. 108-21, Title I, § 103\(a\)\(1\)\(A\), \(b\)\(1\)\(A\)](#), Title V, §§ 506, 507, Apr. 30, 2003, 117 Stat. 652, 653, 683; [Pub.L. 109-248, Title II, § 206\(b\)\(1\)](#), July 27, 2006, 120 Stat. 614; [Pub.L. 110-358, Title I, § 103\(a\)\(1\), \(b\)](#), Oct. 8, 2008, 122 Stat. 4002, 4003; [Pub.L. 110-401, Title III, § 301](#), Oct. 13, 2008, 122 Stat. 4242.)

Notes of Decisions (364)

18 U.S.C.A. § 2251, 18 USCA § 2251

Current through P.L. 117-102.

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