

**2009 -- H 5044 SUBSTITUTE A AS AMENDED**

=====  
LC00032/SUB A/6  
=====

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2009**

-----  
A N A C T

RELATING TO CRIMINAL OFFENSES - PROSTITUTION AND LEWDNESS

Introduced By: Representatives Giannini, E Coderre, Melo, Gemma, and Fellela

Date Introduced: January 08, 2009

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Chapter 11-34 of the General Laws entitled "Prostitution and Lewdness" is  
2 hereby amended by adding thereto the following sections:

3           **11-34-1.1. Definitions.** – For purposes of this section:

4           (1) "Sexual conduct" means sexual intercourse, cunnilingus, fellatio, anal intercourse,  
5 any digital intrusion or intrusion by any object into the genital opening or anal opening of another  
6 person's body, or the stimulation by hand of another's genitals for the purposes of arousing or  
7 gratifying the sexual desire of either person.

8           (2) "Fee" means anything of monetary value, including but not limited to money, given  
9 as consideration for sexual conduct.

10          **11-34-12. Prostitution.** -- (a) A person is guilty of prostitution when such person  
11 engages or agrees or offers to engage in sexual conduct with another person in return for a fee.  
12 Any person found guilty under this section shall be deemed guilty of a misdemeanor and shall be  
13 subject to imprisonment for a term not exceeding six (6) months, or to a fine of not less than two  
14 hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000), or both.

15          (b) Any person found guilty of a subsequent offense under this section shall be subject to  
16 imprisonment for a term of not more than one year, or a fine of not less than five hundred dollars  
17 (\$500) nor more than one thousand dollars (\$1,000), or both.

18          (c) Any proceeds derived directly from a violation of this section are subject to seizure  
19 and forfeiture and further proceedings shall be had for their forfeiture as is prescribed by law in

1 chapter 21 of title 12.

2 (d) In any prosecution for a violation under this section it shall be an affirmative defense  
3 if the accused was forced to commit a commercial sexual activity by:

4 (1) Being threatened or, subjected to physical harm;

5 (2) Being physically restrained or threatened to be physically restrained;

6 (3) Being subject to threats of abuse of law or legal process;

7 (4) Being subject to destruction, concealment, removal or confiscation, of any passport or  
8 other immigration document, or any other actual or purported governmental identification  
9 document; or

10 (5) Being subject to intimidation in which the accused's physical well being was  
11 perceived as threatened.

12 **11-34-13. Procurement of sexual conduct for a fee.** -- (a) A person is guilty of  
13 procuring or attempting to procure sexual conduct for the payment of a fee if they engage or seek  
14 to engage in sexual conduct for any type of fee and/or pay or agree to pay any type of fee for  
15 sexual conduct, regardless of the time, place or location of the procurement, attempted  
16 procurement, payment, attempted payment or conduct. Any person found guilty under this section  
17 shall be deemed guilty of a misdemeanor and shall be subject to imprisonment for a term not  
18 exceeding six (6) months, or to a fine of not less than two hundred fifty dollars (\$250) nor more  
19 than one thousand dollars (\$1,000), or both.

20 (b) Any person found guilty of a subsequent offense under this section shall be subject to  
21 imprisonment for a term not exceeding one year, or a fine of not less than five hundred dollars  
22 (\$500) nor more than one thousand dollars (\$1,000), or both.

23 SECTION 2. This act shall take effect upon passage.

=====  
LC00032/SUB A/6  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO CRIMINAL OFFENSES - PROSTITUTION AND LEWDNESS

\*\*\*

- 1           This act would define the crime of prostitution to include any location, would create
- 2           punishments for individuals who would attempt to procure the services of a prostitute.
- 3           This act would take effect upon passage.

=====  
LC00032/SUB A/6  
=====