

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 15

Session of
1991

INTRODUCED BY CALTAGIRONE, GIGLIOTTI, DALEY, KOSINSKI, STABACK,
KRUSZEWSKI, LaGROTTA AND HERMAN, JANUARY 15, 1991

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 15, 1991

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for the grading of
3 the offense of prostitution.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 5902 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 5902. Prostitution and related offenses.

9 (a) Prostitution.--A person is guilty of prostitution[; a
10 misdemeanor of the third degree,] if he or she:

11 (1) is an inmate of a house of prostitution or otherwise
12 engages in sexual activity as a business; or

13 (2) loiters in or within view of any public place for
14 the purpose of being hired to engage in sexual activity.

15 (b) Grading of offenses under subsection.--Prostitution
16 constitutes a:

17 (1) Summary offense when a first offense, and is
18 punishable by a mandatory fine of not less than \$100 nor more

1 than \$300 and by a term of imprisonment of not more than 30
2 days.

3 (2) Misdemeanor of the third degree when a second
4 offense, and is punishable by a mandatory fine of not less
5 than \$300 nor more than \$1,000 and by a mandatory term of
6 imprisonment of not less than 60 days nor more than three
7 months.

8 (3) Misdemeanor of the third degree when a third or
9 subsequent offense, and is punishable by a mandatory fine of
10 not less than \$1,000 nor more than \$3,000 and by a mandatory
11 term of imprisonment of not less than six months nor more
12 than one year.

13 [(b)] (c) Promoting prostitution.--A person who knowingly
14 promotes prostitution of another commits a misdemeanor or felony
15 as provided in subsection [(c)] (d) of this section. The
16 following acts shall, without limitation of the foregoing,
17 constitute promoting prostitution:

18 (1) owning, controlling, managing, supervising or
19 otherwise keeping, alone or in association with others, a
20 house of prostitution or a prostitution business;

21 (2) procuring an inmate for a house of prostitution or a
22 place in a house of prostitution for one who would be an
23 inmate;

24 (3) encouraging, inducing, or otherwise intentionally
25 causing another to become or remain a prostitute;

26 (4) soliciting a person to patronize a prostitute;

27 (5) procuring a prostitute for a patron;

28 (6) transporting a person into or within this
29 Commonwealth with intent to promote the engaging in
30 prostitution by that person, or procuring or paying for

1 transportation with that intent;

2 (7) leasing or otherwise permitting a place controlled
3 by the actor, alone or in association with others, to be
4 regularly used for prostitution or the promotion of
5 prostitution, or failure to make reasonable effort to abate
6 such use by ejecting the tenant, notifying law enforcement
7 authorities, or other legally available means; or

8 (8) soliciting, receiving, or agreeing to receive any
9 benefit for doing or agreeing to do anything forbidden by
10 this subsection.

11 [(c)] (d) Grading of offenses under subsection [(b)] (c).--

12 (1) An offense under subsection [(b)] (c) constitutes a
13 felony of the third degree if:

14 (i) the offense falls within [paragraphs (b)(1),
15 (b)(2) or (b)(3)] subsection (c)(1), (2) or (3);

16 (ii) the actor compels another to engage in or
17 promote prostitution;

18 (iii) the actor promotes prostitution of a child
19 under the age of 16 years, whether or not he is aware of
20 the age of the child; or

21 (iv) the actor promotes prostitution of his spouse,
22 child, ward or any person for whose care, protection or
23 support he is responsible.

24 (2) Otherwise the offense is a misdemeanor of the second
25 degree.

26 [(d)] (e) Living off prostitutes.--A person, other than the
27 prostitute or the prostitute's minor child or other legal
28 dependent incapable of self-support, who is knowingly supported
29 in whole or substantial part by the proceeds of prostitution is
30 promoting prostitution in violation of subsection [(b)] (c) of

1 this section.

2 [(e)] (f) Patronizing prostitutes.--A person [commits a
3 summary offense] is guilty of patronizing prostitutes if he
4 hires a prostitute who is 16 years of age or older to engage in
5 sexual activity with him, or if he enters or remains in a house
6 of prostitution for the purpose of engaging in sexual activity.
7 A person commits a misdemeanor of the third degree if the person
8 hires a prostitute who is under 16 years of age, whether or not
9 the person is aware of the age of the child.

10 (g) Grading of offenses under subsection (f).--Patronizing
11 prostitutes constitutes a:

12 (1) Summary offense when a first offense, and is
13 punishable by a mandatory fine of not less than \$100 nor more
14 than \$300 and by a term of imprisonment of not more than 30
15 days.

16 (2) Misdemeanor of the third degree when a second
17 offense, and is punishable by a mandatory fine of not less
18 than \$300 nor more than \$1,000 and by a mandatory term of
19 imprisonment of not less than 60 days nor more than three
20 months.

21 (3) Misdemeanor of the third degree when a third or
22 subsequent offense, and is punishable by a mandatory fine of
23 not less than \$1,000 nor more than \$3,000 and by a mandatory
24 term of imprisonment of not less than six months nor more
25 than one year.

26 [(f)] (h) Definitions.--As used in this section, the
27 following words and phrases shall have the meanings given to
28 them in this subsection:

29 "House of prostitution." Any place where prostitution or
30 promotion of prostitution is regularly carried on by one person

1 under the control, management or supervision of another.

2 "Inmate." A person who engages in prostitution in or through
3 the agency of a house of prostitution.

4 "Public place." Any place to which the public or any
5 substantial group thereof has access.

6 "Sexual activity." Includes homosexual and other deviate
7 sexual relations.

8 Section 2. This act shall apply to persons convicted of
9 violating 18 Pa.C.S. § 5902 (relating to prostitution and
10 related offenses) on or after the effective date of this act.

11 Section 3. This act shall take effect in 60 days.