

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

AS RE-REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 13, 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

1 punishable by a mandatory fine of \$300.

2 (2) Misdemeanor of the third degree when a second
3 offense, and is punishable by a mandatory fine of \$500 and by
4 a mandatory sentence of alternative punishment of 30 days.

5 (3) Misdemeanor of the third degree when a third
6 offense, and is punishable by a mandatory fine of \$1,000 and
7 by a mandatory sentence of alternative punishment of 90 days.

8 (4) Misdemeanor of the third degree when a fourth or
9 subsequent offense, and is punishable by a mandatory fine of
10 \$2,000 and by a mandatory sentence of alternative punishment
11 of six months.

12 (5) FELONY OF THE THIRD DEGREE WHEN THE PERSON CONVICTED <—
13 OF PROSTITUTION KNOWINGLY COMMITS PROSTITUTION WHILE HAVING A
14 COMMUNICABLE DISEASE AS DEFINED BY THE DEPARTMENT OF HEALTH.

15 ~~(5)~~ (6) When feasible under Department of Health <—
16 regulations and when acceptable to the medical facilities
17 involved, any sentence of alternative punishment required
18 hereunder shall be ordered to be served in a medical facility
19 or hospice unit specializing in the care or treatment of
20 sexually communicable diseases.

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

26 (1) owning, controlling, managing, supervising or
27 otherwise keeping, alone or in association with others, a
28 house of prostitution or a prostitution business;

29 (2) procuring an inmate for a house of prostitution or a
30 place in a house of prostitution for one who would be an

1 inmate;

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

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

5 (5) procuring a prostitute for a patron;

6 (6) transporting a person into or within this
7 Commonwealth with intent to promote the engaging in
8 prostitution by that person, or procuring or paying for
9 transportation with that intent;

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

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

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

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

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

24 (ii) the actor compels another to engage in or
25 promote prostitution;

26 (iii) the actor promotes prostitution of a child
27 under the age of 16 years, whether or not he is aware of
28 the age of the child; or

29 (iv) the actor promotes prostitution of his spouse,
30 child, ward or any person for whose care, protection or

1 support he is responsible.

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

4 [(d)] (e) Living off prostitutes.--A person, other than the
5 prostitute or the prostitute's minor child or other legal
6 dependent incapable of self-support, who is knowingly supported
7 in whole or substantial part by the proceeds of prostitution is
8 promoting prostitution in violation of subsection [(b)] (c) of
9 this section.

10 ~~[(e)] (f) Patronizing prostitutes. A person [commits a~~ <—

11 ~~[(E)] (F) PATRONIZING PROSTITUTES.--~~ <—

12 (1) A PERSON [COMMITTS A summary offense] is guilty of
13 patronizing prostitutes if he hires a prostitute who is
14 16 years of age or older to engage in sexual activity
15 with him, or if he enters or remains in a house of
16 prostitution for the purpose of engaging in sexual
17 activity. ~~A person commits a misdemeanor of the third~~ <—
18 ~~degree if the person~~

19 (2) A PERSON [COMMITTS A MISDEMEANOR OF THE THIRD DEGREE] <—
20 IS GUILTY OF PATRONIZING PROSTITUTES IF THE PERSON hires a
21 prostitute who is under 16 years of age, whether or not the
22 person is aware of the age of the child.

23 ~~(g) Grading of offenses under subsection (f). Patronizing~~ <—
24 ~~prostitutes constitutes a:~~

25 (G) GRADING OF OFFENSES UNDER SUBSECTION (F).-- <—

26 (1) PATRONIZING PROSTITUTES UNDER SUBSECTION (F)(1)
27 CONSTITUTES A:

28 ~~(1)~~ (I) Summary offense when a first offense, and is <—
29 punishable by a mandatory fine of \$300.

30 ~~(2)~~ (II) Misdemeanor of the third degree when a second <—

1 offense, and is punishable by a mandatory fine of \$500 and by
2 a mandatory sentence of alternative punishment of 30 days.

3 ~~(3)~~ (III) Misdemeanor of the third degree when a third <—
4 offense, and is punishable by a mandatory fine of \$1,000 and
5 by a mandatory sentence of alternative punishment of 90 days.

6 ~~(4)~~ (IV) Misdemeanor of the third degree when a fourth <—
7 or subsequent offense, and is punishable by a mandatory fine
8 of \$2,000 and by a mandatory sentence of alternative
9 punishment of six months.

10 (2) PATRONIZING PROSTITUTES UNDER SUBSECTION (F)(2) <—
11 CONSTITUTES A:

12 (I) SUMMARY OFFENSE WHEN A FIRST OFFENSE, AND IS
13 PUNISHABLE BY A MANDATORY FINE OF \$1,300.

14 (II) MISDEMEANOR OF THE THIRD DEGREE WHEN A SECOND
15 OFFENSE, AND IS PUNISHABLE BY A MANDATORY FINE OF \$1,500
16 AND BY A MANDATORY SENTENCE OF ALTERNATIVE PUNISHMENT OF
17 30 DAYS.

18 (III) MISDEMEANOR OF THE THIRD DEGREE WHEN A THIRD
19 OFFENSE, AND IS PUNISHABLE BY A MANDATORY FINE OF \$2,000
20 AND BY A MANDATORY SENTENCE OF ALTERNATIVE PUNISHMENT OF
21 90 DAYS.

22 (IV) MISDEMEANOR OF THE THIRD DEGREE WHEN A FOURTH
23 OR SUBSEQUENT OFFENSE, AND IS PUNISHABLE BY A MANDATORY
24 FINE OF \$3,000 AND BY A MANDATORY SENTENCE OF ALTERNATIVE
25 PUNISHMENT OF SIX MONTHS.

26 (H) MANDATORY TESTING.--THE SENTENCING COURT SHALL ORDER ANY
27 PERSON CONVICTED OF PROSTITUTION TO UNDERGO MANDATORY TESTING
28 FOR THE PRESENCE OF COMMUNICABLE DISEASES.

29 [(f)] ~~(h)~~ (I) Definitions.--As used in this section, the <—
30 following words and phrases shall have the meanings given to

1 them in this subsection:

2 "House of prostitution." Any place where prostitution or
3 promotion of prostitution is regularly carried on by one person
4 under the control, management or supervision of another.

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

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

9 "Sexual activity." Includes homosexual and other deviate
10 sexual relations.

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

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