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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 609

Session of  
1999

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INTRODUCED BY J. TAYLOR, THOMAS, STURLA, FARGO, SATHER, MARSICO,  
KELLER, BAKER, FICHTER, RUBLEY, HENNESSEY, LEDERER,  
E. Z. TAYLOR, KENNEY, TRELLO, TRUE, STERN, DeLUCA, RAMOS,  
SEYFERT, COLAFELLA, BROWNE, HARHAI, CIVERA, MICOZZIE,  
M. COHEN, STETLER AND ROSS, FEBRUARY 17, 1999

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SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED, MAY 2, 2000

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AN ACT

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

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

6 Section 1. Section 5902(a), (a.1), (e) and (e.1) of Title 18  
7 of the Pennsylvania Consolidated Statutes are amended AND THE <—  
8 SECTION IS AMENDED BY ADDING A SUBSECTION to read:

9 § 5902. Prostitution and related offenses.

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

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

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

16 (a.1) Grading of offenses under subsection (a).--An offense

1 under subsection (a) constitutes a [felony of the third degree  
2 if the person who committed the offense was knowingly human  
3 immunodeficiency virus (HIV) positive or infected with the  
4 acquired immune deficiency syndrome (AIDS) virus.]:

5 (1) Misdemeanor of the third degree when the offense is  
6 a first or second offense.

7 (2) Misdemeanor of the second degree when the offense is  
8 a third offense.

9 (3) Misdemeanor of the first degree when the offense is  
10 a fourth or subsequent offense.

11 (4) Felony of the third degree if the person who  
12 committed the offense ~~was knowingly~~ KNEW THAT HE WAS human <—  
13 immunodeficiency virus (HIV) positive or ~~infected with the~~ <—  
14 MANIFESTING acquired immune deficiency syndrome (AIDS) ~~virus.~~ <—

15 \* \* \*

16 (e) Patronizing prostitutes.--

17 **[(1)]** A person commits [a misdemeanor of the third <—  
18 degree] the offense of patronizing prostitutes if that person  
19 hires a prostitute or any other person to engage in sexual  
20 activity with him or her or if that person enters or remains  
21 in a house of prostitution for the purpose of engaging in  
22 sexual activity.

23 **[(2)]** A person commits [a misdemeanor of the third <—  
24 degree] the offense of patronizing prostitutes if, after  
25 being sentenced under paragraph (1), he or she hires a  
26 prostitute or any other person to engage in sexual activity  
27 with him or her or if that person enters or remains in a  
28 house of prostitution for the purpose of engaging in sexual  
29 activity. Upon conviction under this paragraph, a defendant  
30 shall be sentenced to pay a fine of not less than \$300 nor

more than \$2,500, plus court costs, and to community service of not less than 75 hours. A court imposing a sentence under this paragraph shall publish the sentencing order in a newspaper of general circulation in the judicial district in which the court sits. As used in this paragraph, court costs include the cost of publishing the sentencing order.] <—

(e.1) Grading of offenses under subsection (e).--An offense under subsection (e) constitutes a [felony of the third degree if the person who committed the offense was knowingly human immunodeficiency virus (HIV) positive or infected with acquired immune deficiency syndrome (AIDS) virus.]:

(1) Misdemeanor of the third degree when the offense is a first or second offense.

(2) Misdemeanor of the second degree when the offense is a third offense.

(3) Misdemeanor of the first degree when the offense is a fourth or subsequent offense.

(4) Felony of the third degree if the person who committed the offense ~~was knowingly~~ KNEW THAT HE WAS human immunodeficiency virus (HIV) positive or ~~infected with the~~ MANIFESTING acquired immune deficiency syndrome (AIDS) virus. <—

(E.2) PUBLICATION OF SENTENCING ORDER.--A COURT IMPOSING A SENTENCE FOR A SECOND OR SUBSEQUENT OFFENSE COMMITTED UNDER SUBSECTION (E) SHALL PUBLISH THE SENTENCING ORDER IN A NEWSPAPER OF GENERAL CIRCULATION IN THE JUDICIAL DISTRICT IN WHICH THE COURT SITS AND THE COURT COSTS IMPOSED ON THE PERSON SENTENCED SHALL INCLUDE THE COST OF PUBLISHING THE SENTENCING ORDER. <—

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Section 2. This act shall take effect in 60 days.