

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 609 Session of
1999

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

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 17, 1999

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 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 (a.1) Grading of offenses under subsection (a).--An offense
16 under subsection (a) constitutes a [felony of the third degree
17 if the person who committed the offense was knowingly human

immunodeficiency virus (HIV) positive or infected with the
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 human immunodeficiency
virus (HIV) positive or infected with the acquired immune
deficiency syndrome (AIDS) virus.

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(e) Patronizing prostitutes.--

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

(2) A person commits [a misdemeanor of the third degree]
the offense of patronizing prostitutes if, after being
sentenced under paragraph (1), he or she hires a prostitute
or any other person to engage in sexual activity with him or
her or if that person enters or remains in a house of
prostitution for the purpose of engaging in sexual activity.
Upon conviction under this paragraph, a defendant 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 human immunodeficiency virus (HIV) positive or infected with the acquired immune deficiency syndrome (AIDS) virus.

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