

---

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

---

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, NOVEMBER 14, 2000

---

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 OR SHE WAS <—  
13 human immunodeficiency virus (HIV) positive or ~~infected with~~ <—  
14 ~~the~~ MANIFESTING acquired immune deficiency syndrome (AIDS) <—  
15 virus. <—

16 \* \* \*

17 (e) Patronizing prostitutes.--

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

24 **[(2)]** A person commits ~~a~~ misdemeanor of the third <—  
25 degree] ~~the offense of patronizing prostitutes~~ if, after <—  
26 being sentenced under paragraph (1), he or she hires a  
27 prostitute or any other person to engage in sexual activity  
28 with him or her or if that person enters or remains in a  
29 house of prostitution for the purpose of engaging in sexual  
30 activity. Upon conviction under this paragraph, a defendant

1 shall be sentenced to pay a fine of not less than \$300 nor  
2 more than \$2,500, plus court costs, and to community service  
3 of not less than 75 hours. A court imposing a sentence under  
4 this paragraph shall publish the sentencing order in a  
5 newspaper of general circulation in the judicial district in  
6 which the court sits. As used in this paragraph, court costs  
7 include the cost of publishing the sentencing order.] <—

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

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

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

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

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

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

30 \* \* \*

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