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**HOUSE BILL NO. 1074**

Offered January 11, 2012

Prefiled January 11, 2012

A *BILL to amend and reenact § 18.2-346 of the Code of Virginia, relating to solicitation of a minor for prostitution; affirmative defense; penalty.*

Patrons—Hugo, Comstock and Rust; Senator: Garrett

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-346 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-346. Being a prostitute or prostitution.

A. Any person who, for money or its equivalent, commits adultery, fornication or any act in violation of § 18.2-361, or offers, *for money or its equivalent*, to commit adultery, fornication or any act in violation of § 18.2-361 and thereafter does any substantial act in furtherance thereof, ~~shall be~~ *is* guilty of ~~being a prostitute, or~~ prostitution, which ~~shall be~~ *is* punishable as a Class 1 misdemeanor. *It is an affirmative defense to prosecution under this subsection that the person arrested or charged was induced by another through the use of force, threat, intimidation, coercion or deception to engage in prostitution.*

B. Any person who offers money or its equivalent to another for the purpose of engaging in sexual acts as enumerated ~~above~~ *in subsection A* and thereafter does any substantial act in furtherance thereof ~~shall be~~ *is* guilty of solicitation of prostitution ~~and shall be guilty of~~ , which is punishable as a Class 1 misdemeanor. *However, any person who solicits prostitution from a minor (i) 16 years of age or older and less than 18 years of age is guilty of a Class 6 felony or (ii) less than 16 years of age is guilty of a Class 5 felony.*

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 890 of the Acts of Assembly of 2011 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

INTRODUCED

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