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**SENATE BILL NO. 131**

Offered January 13, 2016

Prefiled December 29, 2015

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

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Patron—Edwards

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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. Prostitution; commercial sexual conduct; commercial exploitation of a minor; penalties.**

A. Any person who, for money or its equivalent, (i) commits adultery, fornication, or any act in violation of § 18.2-361, performs cunnilingus, fellatio, or anilingus upon or by another person, or engages in anal intercourse or (ii) offers to commit adultery, fornication, or any act in violation of § 18.2-361, perform cunnilingus, fellatio, or anilingus upon or by another person, or engage in anal intercourse and thereafter does any substantial act in furtherance thereof is guilty of prostitution, which is punishable as a Class 1 misdemeanor. *It shall be an affirmative defense to prosecution under this subsection that the person 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 in subsection A and thereafter does any substantial act in furtherance thereof is guilty of solicitation of prostitution, which is punishable as a Class 1 misdemeanor. However, any person who solicits prostitution from a minor (i) 16 years of age or older is guilty of a Class 6 felony or (ii) younger than 16 years of age is guilty of a Class 5 felony.

INTRODUCED

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