

16104904D

SENATE BILL NO. 180

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 3, 2016)

(Patron Prior to Substitute—Senator Edwards)

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

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.

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.

C. *In any delinquency proceeding under subsection A involving a juvenile where the juvenile expresses a willingness to participate in specialized services for those engaged in commercial sexual conduct, the court may continue the case and provide notice of the charge and the time and place for the next hearing to the local department of social services. A child in need of services petition may be filed on the juvenile's behalf pursuant to § 16.1-260. If a child in need of services petition is filed and the court finds that the juvenile is willing to participate in specialized services for those engaged in commercial sexual conduct, the court may proceed pursuant to § 16.1-278.4 and order specialized services for the juvenile. Such specialized services may include, but are not limited to, specialized housing, case management, integrated mental health and chemical dependency treatment, educational assistance, and any other available programs or services that, in the opinion of the court, may be best suited to the needs of the juvenile. In any instance where the court proceeds on a child in need of services petition, the court shall dismiss the delinquency petition.*