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HOUSE BILL NO. 1524

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator DeSteph
on March 2, 2020)

(Patron Prior to Substitute—Delegate Delaney)

A BILL to amend and reenact §§ 18.2-346, 18.2-348, and 18.2-356 of the Code of Virginia, relating to prostitution; touching the unclothed genitals or anus of another; penalty.

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-346, 18.2-348, and 18.2-356 of the Code of Virginia are 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; *touches the unclothed genitals or anus of another person with the intent to sexually arouse or gratify; or allows another to touch his unclothed genitals or anus with the intent to sexually arouse or gratify* 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; *touch the unclothed genitals or anus of another person with the intent to sexually arouse or gratify; or allow another to touch his unclothed genitals or anus with the intent to sexually arouse or gratify* 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.

§ 18.2-348. Aiding prostitution or illicit sexual intercourse, etc.; penalty.

It is unlawful for any person or any officer, employee, or agent of any firm, association, or corporation with knowledge of, or good reason to believe, the immoral purpose of such visit, to take or transport or assist in taking or transporting, or offer to take or transport on foot or in any way, any person to a place, whether within or outside any building or structure, used or to be used for the purpose of lewdness, assignation, or prostitution within the Commonwealth or to procure or assist in procuring for the purpose of illicit sexual intercourse, anal intercourse, cunnilingus, fellatio, or anilingus or any act violative of § 18.2-361, or *touching of the unclothed genitals or anus of another person with the intent to sexually arouse or gratify, or to give any information or direction to any person with intent to enable such person to commit an act of prostitution*. A violation of this section is a Class 1 misdemeanor. However, any adult who violates this section with a person under the age of 18 is guilty of a Class 6 felony.

§ 18.2-356. Receiving money for procuring person; penalties.

Any person who receives any money or other valuable thing for or on account of (i) procuring for or placing in a house of prostitution or elsewhere any person for the purpose of causing such person to engage in unlawful sexual intercourse, anal intercourse, cunnilingus, fellatio, or anilingus or any act in violation of § 18.2-361, or *touching of the unclothed genitals or anus of another person with the intent to sexually arouse or gratify, or* (ii) causing any person to engage in forced labor or services, concubinage, prostitution, or the manufacture of any obscene material or child pornography is guilty of a Class 4 felony. Any person who violates clause (i) or (ii) with a person under the age of 18 is guilty of a Class 3 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 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.