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1   **HOUSE BILL NO. 236**

2   Offered January 10, 1996

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

4   ———————

5 Patrons—Drake, Albo, Behm, Bryant, Fisher, Heilig, Katzen, Landes, McDonnell, McEachin, O'Brien,

6   Purkey, Putney, Sherwood, Tata, Wardrup, Weatherholtz and Wilkins; Senator: Schrock

7   ———————

8   Referred to Committee for Courts of Justice

9   ———————

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

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

12   § 18.2-346. Being a prostitute or prostitution; penalties.

13   A. Any person who, for money or its equivalent, commits adultery, fornication or any act in

14 violation of § 18.2-361, or offers to commit adultery, fornication or any act in violation of § 18.2-361

15 and thereafter does any substantial act in furtherance thereof, shall be guilty of being a prostitute, or

16 prostitution, which shall be punishable as a Class ~~1~~ ~~misdemeanor~~ *6 felony. Any person convicted of a*

17 *second or subsequent offense under this section shall be incarcerated for a mandatory minimum period*

18 *of 1 year.*

19   B. Any person who offers money or its equivalent to another for the purpose of engaging in sexual

20 acts as enumerated above and thereafter does any substantial act in furtherance thereof shall be guilty of

21 solicitation of prostitution and shall be guilty of a Class 1 misdemeanor. *An individual convicted under*

22 *this subsection shall be confined in jail for a mandatory minimum period of 60 days and the court shall*

23 *suspend his driver's license for a period of 1 year.*

24   *C. Any person who violates this section after testing positive for infection with the human*

25 *immunodeficiency virus and receiving notice of that fact is guilty of a Class 5 felony.*

26 **2. That the provisions of this act may result in a net increase in periods of imprisonment in state**

27 **correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation**

28 **is $875,000.**