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HOUSE BILL NO. 429

Offered January 15, 1998

A *BILL to amend and reenact §§ 18.2-346 and 18.2-350 of the Code of Virginia, relating to prostitution and related offenses; penalty.*

Patrons—McEachin, Baskerville and Drake

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That §§ 18.2-346 and 18.2-350 of the Code of Virginia are 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 to commit adultery, fornication or any act in violation of § 18.2-361 and thereafter does any substantial act in furtherance thereof, shall be guilty of being a prostitute, or prostitution, which shall be 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 above and thereafter does any substantial act in furtherance thereof shall be guilty of solicitation of prostitution and shall be guilty of a Class 1 misdemeanor.

§ 18.2-350. Confinement of convicted prostitutes and persons violating §§ 18.2-347 through 18.2-349.

Every person convicted of being a prostitute and every person convicted of violating any of the provisions of §§ 18.2-347 18.2-346 through 18.2-349 shall, for a first or second offense, be guilty of a Class 1 misdemeanor; provided, however, that. However, in any case in which a city or county farm or hospital is available for the confinement of persons so convicted, confinement may be in such farm or hospital, in the discretion of the court or judge. When it is alleged in the warrant, information or indictment on which the person is convicted, and admitted or found by the jury or judge before whom he is tried, that the person has before been convicted in the Commonwealth or in another jurisdiction for any such offense or an offense substantially similar to any such offense, whether punishable as a felony or as a misdemeanor, upon conviction for a second such offense, he shall be confined in jail for not less than thirty days nor more than twelve months and for a third offense, he shall be guilty of a Class 6 felony.

2. That the provisions of this act may result in a net increase in periods of imprisonment in state correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$250,000.

INTRODUCED

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