

**Department of Planning and Budget
2016 Fiscal Impact Statement**

1. Bill Number: SB 144

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Edwards

3. Committee: Senate Courts of Justice

4. Title: Solicitation of prostitution

5. Summary:

Under current law, soliciting a prostitute is a Class 1 misdemeanor, which is punishable with a sentence of up to 12 months in jail.

For persons accused for the first time of soliciting a prostitute, the proposed legislation would authorize a court to defer proceedings against that person without a finding of guilt and place him on probation. As a term or condition of probation, the court would be directed to require the defendant to complete all treatment and education programs or services that the court feels best suited to the needs of the defendant. In addition, the court shall require the defendant to pay all or part of the costs of such programs. Finally, the legislation would require the imposition of the following terms of probation: (1) good behavior for at least two years, (2) submission to testing for HIV and hepatitis C, and (3) performance of up to 24 hours of community service. Upon completion of the terms and conditions of the probation, the court would discharge the person and dismiss the proceedings against him.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary. See Item 8 below.

8. Fiscal Implications:

The proposed legislation could result in an increase in the local community probation caseload. However, it is not expected that the increase would be significant and that it could be handled with existing resources.

Data from the General District Court Case Management System indicate that, for FY 2013 (the latest year available), there were 163 persons convicted of misdemeanor solicitation of prostitution. The majority (85.3 percent) of these convictions were not sentenced to an active term of incarceration. It is not known how many of these were placed on active probation supervision. This number likely understates the number of convictions because it does not include cases in which the clerks did not indicate that the offense involved solicitation. Nevertheless, the increase in probation cases is likely to be marginal in

comparison to the total FY 2015 community probation average daily caseload of 19,733 (*Comprehensive Community Corrections Act and Pretrial Services Act Report, July 1, 2014—June 30, 2015*, not yet published, Department of Criminal Justice Services).

9. Specific Agency or Political Subdivisions Affected:

General district courts
Local community probation programs

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 2/3/2016

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