

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 1524]  
5 Approved

6 Be it enacted by the General Assembly of Virginia:

7 1. That §§ 18.2-346, 18.2-348, and 18.2-356 of the Code of Virginia are amended and reenacted as  
8 follows:

9 § 18.2-346. Prostitution; commercial sexual conduct; commercial exploitation of a minor;  
10 penalties.

11 A. Any person who, for money or its equivalent, (i) commits adultery, fornication, or any act in  
12 violation of § 18.2-361; performs cunnilingus, fellatio, or anilingus upon or by another person; ~~or~~;  
13 engages in anal intercourse; *touches the unclothed genitals or anus of another person with the intent to*  
14 *sexually arouse or gratify; or allows another to touch his unclothed genitals or anus with the intent to*  
15 *sexually arouse or gratify* or (ii) offers to commit adultery, fornication, or any act in violation of  
16 § 18.2-361; perform cunnilingus, fellatio, or anilingus upon or by another person; ~~or~~; engage in anal  
17 intercourse; *touch the unclothed genitals or anus of another person with the intent to sexually arouse or*  
18 *gratify; or allow another to touch his unclothed genitals or anus with the intent to sexually arouse or*  
19 *gratify* and thereafter does any substantial act in furtherance thereof is guilty of prostitution, which is  
20 punishable as a Class 1 misdemeanor.

21 B. Any person who offers money or its equivalent to another for the purpose of engaging in sexual  
22 acts as enumerated in subsection A and thereafter does any substantial act in furtherance thereof is  
23 guilty of solicitation of prostitution, which is punishable as a Class 1 misdemeanor. However, any  
24 person who solicits prostitution from a minor (i) 16 years of age or older is guilty of a Class 6 felony  
25 or (ii) younger than 16 years of age is guilty of a Class 5 felony.

26 § 18.2-348. Aiding prostitution or illicit sexual intercourse, etc.; penalty.

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

38 § 18.2-356. Receiving money for procuring person; penalties.

39 Any person who receives any money or other valuable thing for or on account of (i) procuring for or  
40 placing in a house of prostitution or elsewhere any person for the purpose of causing such person to  
41 engage in unlawful sexual intercourse, anal intercourse, cunnilingus, fellatio, or anilingus or any act in  
42 violation of § 18.2-361, or *touching of the unclothed genitals or anus of another person with the intent*  
43 *to sexually arouse or gratify, or* (ii) causing any person to engage in forced labor or services,  
44 concubinage, prostitution, or the manufacture of any obscene material or child pornography is guilty of a  
45 Class 4 felony. Any person who violates clause (i) or (ii) with a person under the age of 18 is guilty of  
46 a Class 3 felony.

47 2. That the provisions of this act may result in a net increase in periods of imprisonment or  
48 commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the  
49 necessary appropriation cannot be determined for periods of imprisonment in state adult  
50 correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia  
51 Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to  
52 § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be  
53 determined for periods of commitment to the custody of the Department of Juvenile Justice.