

Department of Planning and Budget 2020 Fiscal Impact Statement

1. **Bill Number:** HB1524ER

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

2. **Patron:** Delaney, K. K.

3. **Committee:** Passed both houses

4. **Title:** Prostitution; touching the unclothed genitals or anus of another; penalty.

5. **Summary:** The bill expands current offenses related to prostitution as defined in §18.2-346, §18.2-348, and §18.2-56 and provides that the touching of the unclothed genitals or anus of another person with the intent to sexually arouse or gratify or allowing another person to touch one's own unclothed genitals or anus with the intent to sexually arouse or gratify to the list of conduct that, when done for money or its equivalent, constitutes prostitution.

6. **Budget Amendment Necessary:** Yes, Item 402

7. **Fiscal Impact Estimates:** Final (see Item 8 below).

8. **Fiscal Implications:** Currently, prostitution and the solicitation of prostitution are Class 1 misdemeanors (§ 18.2-346). However, it is a Class 6 felony to solicit prostitution from a minor 16 years of age or older and a Class 5 felony to solicit prostitution from a minor under the age of 16. Aiding in prostitution or illicit sexual intercourse (§ 18.2-348) is also a Class 1 misdemeanor; however, if an adult aids or assists in procuring a person under the age of 18 for prostitution, it is a Class 6 felony. Receiving money for procuring a person for prostitution or a sex act (§ 18.2-356) is a Class 4 felony or, if the violation involves a minor under the age of 18, a Class 3 felony.

By expanding § 18.2-346 to cover additional behaviors, the proposal potentially expands the applicability of felony offenses defined in § 18.2-357.1 (commercial sex trafficking), which is based on the definition of prostitution in § 18.2-346. Violation of § 18.2-357.1 is punishable as a Class 5 felony or, if the offender uses force, intimidation or deception, a Class 4 felony; if the offense involves a minor under the age of 18, it is a Class 3 felony.

The proposal could also result in additional convictions for commercial sex trafficking. However, the number of offenders who may be affected by the proposal cannot be determined. Therefore, pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the 2019 Acts of Assembly requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

The impact on the Department of Juvenile Justice cannot be determined at this time.

9. Specific Agency or Political Subdivisions Affected: Courts, Commonwealth's Attorneys, Department of Corrections, local correctional facilities.

10. Technical Amendment Necessary: No

11. Other Comments: None