

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO CRIMINAL OFFENSES -- COMMERCIAL SEXUAL ACTIVITY

Introduced By: Representatives Ajello, Knight, Kazarian, Handy, Cortvriend, Cruz, and
Speakman

Date Introduced: March 08, 2023

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-34.1-2 of the General Laws in Chapter 11-34.1 entitled
2 "Commercial Sexual Activity" is hereby amended to read as follows:

3 **11-34.1-2. Prostitution.**

4 (a) A person is guilty of prostitution when such person engages, or agrees, or offers to
5 engage in sexual conduct with another person in return for a fee. Any person found guilty under
6 this section shall be deemed guilty of a misdemeanor and shall be subject to imprisonment for a
7 term not exceeding six (6) months, or to a fine of not less than two hundred fifty dollars (\$250) nor
8 more than one thousand dollars (\$1,000), or both.

9 (b) Any person found guilty of a subsequent offense under this section shall be subject to
10 imprisonment for a term of not more than one year, or a fine of not less than five hundred dollars
11 (\$500) nor more than one thousand dollars (\$1,000), or both.

12 (c) In any prosecution for a violation under this section [where the immunity provided by §](#)
13 [11-34.1-15\(a\) is not applicable](#), it shall be an affirmative defense if the accused was forced to
14 commit a commercial sexual activity by:

15 (1) Being threatened or subjected to physical harm;

16 (2) Being physically restrained or threatened to be physically restrained;

17 (3) Being subject to threats of abuse of law or legal process;

18 (4) Being subject to destruction, concealment, removal, or confiscation, of any passport or
19 other immigration document or any other actual or purported governmental identification

1 document; or

2 (5) Being subject to intimidation in which the accused's physical well being was perceived
3 as threatened.

4 SECTION 2. Chapter 11-34.1 of the General Laws entitled "Commercial Sexual Activity"
5 is hereby amended by adding thereto the following section:

6 **11-34.1-15. Immunity from citation, arrest, or prosecution.**

7 (a) A person shall not be cited, arrested, or prosecuted for a violation of §§ 11-34.1-2, 11-
8 34.1-3, 11-34.1-4 or 11-34.1-6 if:

9 (1) The person witnessed or was a victim of a crime or becomes aware that another person
10 was a victim of a crime, and reports it to law enforcement in good faith, seeks or receives health
11 care services as a result of the crime, or assists or attempts to assist in the investigation or
12 prosecution of the crime; and

13 (2) The commission or attempted commission of the crime occurred at or around the time
14 of, or was related to, the conduct prohibited by those sections of the general laws cited above.

15 (b) If the victim or witness later withdraws their cooperation due to safety concerns,
16 physical or emotional health, or any other reason, the victim or witness shall not be charged under
17 those sections of the general laws cited above. It is not necessary that a reported crime be prosecuted
18 or result in a conviction in order for the protection provided by subsection (a) of this section to be
19 applicable.

20 (c) A law enforcement officer shall not be immune from civil liability for citing or arresting
21 a person for a violation of §§ 11-34.1-2, 11-34.1-3, 11-34.1-4 or 11-34.1-6 when the officer knows
22 or should know that the person qualifies for protection under this section.

23 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL OFFENSES -- COMMERCIAL SEXUAL ACTIVITY

1 This act would under certain circumstances, provide immunity from arrest and prosecution
2 for prostitution, procurement of sexual conduct for a fee, loitering for prostitution and soliciting
3 from motor vehicles for indecent purposes.

4 This act would take effect upon passage.

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