

2009 -- H 5254

LC00846

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2009

A N A C T

RELATING TO CRIMINAL OFFENSES - PROSTITUTION AND LEWDNESS

Introduced By: Representatives DaSilva, Kilmartin, Shallcross Smith, Carnevale, and Mattiello

Date Introduced: January 29, 2009

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 11-34 of the General Laws entitled "Prostitution and Lewdness" is
2 hereby amended by adding thereto the following section:

3 **11-34-1.1. Definitions.** – As used in this chapter: (1) "Prostitute" means a male or female
4 person who for a fee engages in sexual intercourse, oral-genital contact or any touching of the
5 sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the
6 sexual desire of either person.

7 (2) "Prostitution" means engaging in sexual conduct for a fee.

8 (3) "Brothel" means any location, building, and/or private residence where two or more
9 prostitutes are engaging in prostitution.

10 **11-34-1.2. Prohibited acts.** – It shall be illegal for any individual to:

11 (1) Own, operate, control, manage, direct or maintain a brothel; or

12 (2) To engage in prostitution in a brothel It shall not be a defense under this section if
13 said illegal acts occur inside any business establishment holding a liquor license, an entertainment
14 license, food dispensing license or any other license issued by the state of Rhode Island or its
15 municipalities which regulate the operation of that particular business, any private club, whether
16 membership is required or not, or any establishment advertising itself as a massage parlor or any
17 other legitimate business.

18 **11-34-1.3. Penalties for maintaining a brothel.** – Any person who is found to own,
19 operate, control, manage, direct or maintain a brothel is guilty of a felony. For the first offense

1 that person shall be punished by imprisonment for not more than five (5) years and a fine of not
2 less than two thousand dollars (\$2,000), nor more than five thousand dollars (\$5,000). For every
3 subsequent offense that person shall be punished by imprisonment for not less than three (3) years
4 and not more than ten (10) years and a fine of not less than five thousand dollars (\$5,000), nor
5 more than ten thousand dollars (\$10,000).

6 **11-34-1.4. Penalties for prostitution.** – A prostitute who is found to be engaging in
7 prostitution in violation of the above section shall be guilty of a misdemeanor. For the first
8 offense that person shall be punished by imprisonment up to ninety (90) days and/or a five
9 hundred dollar (\$500) fine. For a second offense that person shall be punished by imprisonment
10 up to six (6) months and/or a one thousand dollar (\$1,000) fine. For a third or subsequent offense
11 that person may be punished by imprisonment up to one year and/or a one thousand five hundred
12 dollar (\$1,500) fine.

13 **11-34-1.5. Penalties for solicitation.** – It shall be unlawful for any person to engage or
14 attempt to engage persons for the purposes of prostitution, or to patronize a prostitute in violation
15 of the above section. Any person found guilty under this section shall be deemed guilty of a
16 misdemeanor and shall be subject to imprisonment for a term not exceeding six (6) months and/or
17 by a fine of not more than one thousand dollars (\$1,000). Any person found guilty of a
18 subsequent offense under this section shall be subject to imprisonment for a term of not more than
19 one year and/or a fine of not more than one thousand five hundred dollars (\$1,500).

20 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO CRIMINAL OFFENSES - PROSTITUTION AND LEWDNESS

1 This act would define and prohibit prostitution and provide penalties for maintaining a
2 brothel.

3 This act would take effect upon passage.

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