

LEGISLATIVE HISTORY CHECKLIST

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LAWS of 1999

CHAPTER: 9

NJSA: 2C:34-1

(Prostitution and customers - penalties)

BILL NO: A1689/A1837 (Substituted for S1302)

SPONSOR(S): Green and Augustine

DATE INTRODUCED: February 19, 1998

COMMITTEE:

ASSEMBLY: Judiciary

SENATE: Judiciary

AMENDED DURING PASSAGE: No

DATES OF PASSAGE:

ASSEMBLY: June 18, 1998

SENATE: December 10, 1998

DATE OF APPROVAL: January 25, 1999

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: Assembly Committee Substitute A1689 and A1837
(Amendments during passage denoted by superscript numbers)

ACS for A1689/A1837

SPONSORS STATEMENT: *No*

COMMITTEE STATEMENT:

ASSEMBLY: *Yes*

SENATE: *Yes*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

A1689

SPONSORS STATEMENT: *Yes (begins on page 4 of original bill)*

COMMITTEE STATEMENT:

ASSEMBLY: *No*

SENATE: *No*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

A1837

SPONSORS STATEMENT: *Yes (begins on page 3 of original bill)*

COMMITTEE STATEMENT:

ASSEMBLY: *No*

SENATE: *No*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

S1302

SPONSORS STATEMENT: *Yes (begins on page 4 of original bill)*

COMMITTEE STATEMENT:

ASSEMBLY: *No*

SENATE: *Yes*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

GOVERNOR'S ACTIONS

VETO MESSAGE: *No*

GOVERNOR'S PRESS RELEASE ON SIGNING: *No*

THE FOLLOWING WERE PRINTED:

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(609) 278-2640 ext. 102 or refdesk@njstatelib.org

REPORTS: *No*

HEARINGS: *No*

NEWSPAPER ARTICLES:

"Law toughens penalties for prostitution," Newark Star Ledger, 1-26-99, p.13.

"Crackdown on prostitution...," Philadelphia Inquirer, 1-26-99, p. B2.

"New law gets tougher on prostitutes," Trenton Times, 1-26-99, p. A5.

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 1689 and 1837

STATE OF NEW JERSEY
208th LEGISLATURE

ADOPTED JUNE 4, 1998

Sponsored by:

Assemblyman JERRY GREEN

District 17 (Middlesex, Somerset and Union)

Assemblyman ALAN M. AUGUSTINE

District 22 (Middlesex, Morris, Somerset and Union)

Assemblyman ALFRED E. STEELE

District 35 (Passaic)

Assemblyman KENNETH C. LEFEVRE

District 2 (Atlantic)

Co-Sponsored by:

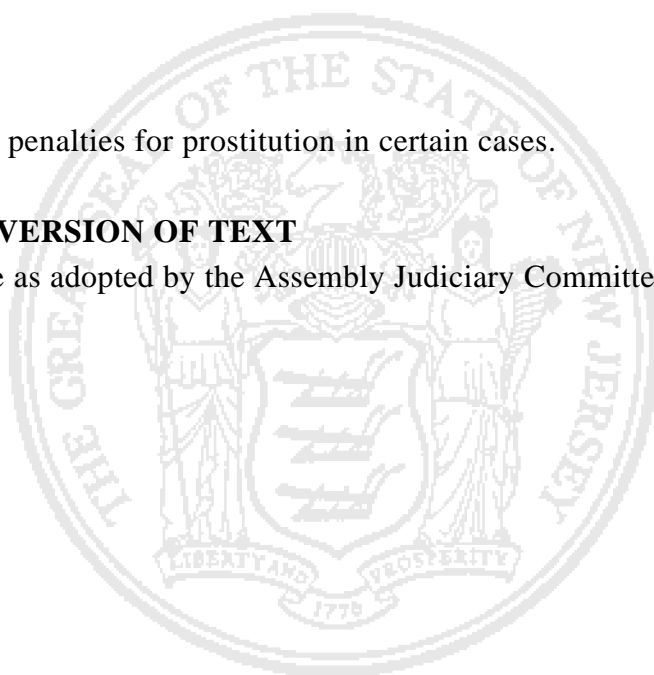
Assemblywoman Farragher, Assemblyman R. Smith, Assemblywoman Heck, Assemblymen Gusciora, Corodemus, T. Smith, Blee, Suliga, Thompson, Wisniewski, Assemblywoman Gill, Assemblymen Tucker, Payne, Assemblywoman Weinberg, Assemblymen Jones, Conaway, Assemblywomen Friscia, Cruz-Perez, Assemblyman Connors and Senator Bassano

SYNOPSIS

Enhances penalties for prostitution in certain cases.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Judiciary Committee.



(Sponsorship Updated As Of: 12/11/1998)

1 **AN ACT** concerning prostitution and amending N.J.S.2C:34-1.

2

3 **BE IT ENACTED** by the Senate and General Assembly of the State
4 of New Jersey:

5

6 1. N.J.S.2C:34-1 is amended to read as follows:

7 2C:34-1. Prostitution and Related Offenses.

8 a. As used in this section:

9 (1) "Prostitution" is sexual activity with another person in
10 exchange for something of economic value, or the offer or acceptance
11 of an offer to engage in sexual activity in exchange for something of
12 economic value.

13 (2) "Sexual activity" includes, but is not limited to, sexual
14 intercourse, including genital-genital, oral-genital, anal-genital, and
15 oral-anal contact, whether between persons of the same or opposite
16 sex; masturbation; touching of the genitals, buttocks, or female
17 breasts; sadistic or masochistic abuse and other deviate sexual
18 relations.

19 (3) "House of prostitution" is any place where prostitution or
20 promotion of prostitution is regularly carried on by one person under
21 the control, management or supervision of another.

22 (4) "Promoting prostitution" is:

23 (a) Owning, controlling, managing, supervising or otherwise
24 keeping, alone or in association with another, a house of prostitution
25 or a prostitution business;

26 (b) Procuring an inmate for a house of prostitution or place in a
27 house of prostitution for one who would be an inmate;

28 (c) Encouraging, inducing, or otherwise purposely causing another
29 to become or remain a prostitute;

30 (d) Soliciting a person to patronize a prostitute;

31 (e) Procuring a prostitute for a patron;

32 (f) Transporting a person into or within this State with purpose to
33 promote that person's engaging in prostitution, or procuring or paying
34 for transportation with that purpose; or

35 (g) Leasing or otherwise permitting a place controlled by the
36 actor, alone or in association with others, to be regularly used for
37 prostitution or promotion of prostitution, or failure to make a
38 reasonable effort to abate such use by ejecting the tenant, notifying
39 law enforcement authorities, or other legally available means.

40 b. A person commits an offense if:

41 (1) The actor engages in prostitution;

42 (2) The actor promotes prostitution;

43 (3) The actor knowingly promotes prostitution of a child under 18

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 whether or not the actor mistakenly believed that the child was 18
2 years of age or older, even if such mistaken belief was reasonable;

3 (4) The actor knowingly promotes prostitution of the actor's child,
4 ward, or any other person for whose care the actor is responsible;

5 (5) The actor compels another to engage in or promote
6 prostitution;

7 (6) The actor promotes prostitution of the actor's spouse; or

8 (7) The actor knowingly engages in prostitution with a person
9 under the age of 18, or if the actor enters into or remains in a house of
10 prostitution for the purpose of engaging in sexual activity with a child
11 under the age of 18, or if the actor solicits or requests a child under
12 the age of 18 to engage in sexual activity. It shall be no defense to a
13 prosecution under this paragraph that the actor mistakenly believed
14 that the child was 18 years of age or older, even if such mistaken belief
15 was reasonable.

16 c. Grading of offenses under subsection b.

17 (1) An offense under subsection b. constitutes a crime of the
18 second degree if the offense falls within paragraph (3) or (4) of that
19 subsection.

20 (2) An offense under subsection b. constitutes a crime of the third
21 degree if the offense falls within paragraph (5), (6) or (7) of that
22 subsection.

23 (3) An offense under paragraph (2) of subsection b. constitutes a
24 crime of the third degree if the conduct falls within subparagraph (a),
25 (b), or (c) of paragraph (4) of subsection a. Otherwise the offense is
26 a crime of the fourth degree.

27 (4) An offense under subsection b. constitutes a disorderly persons
28 offense if the offense falls within paragraph (1) of that subsection
29 except that a second or subsequent conviction for such an offense
30 constitutes a crime of the fourth degree. In addition, where a motor
31 vehicle was used in the commission of any offense under paragraph (1)
32 of subsection b. the court shall suspend for six months the driving
33 privilege of any such offender who has a valid driver's license issued
34 by this State. Upon conviction, the court shall immediately collect the
35 offender's driver's license and shall forward it, along with a report
36 stating the first and last day of the suspension imposed pursuant to this
37 paragraph, to the Division of Motor Vehicles.

38 d. Presumption from living off prostitutes. A person, other than
39 the prostitute or the prostitute's minor child or other legal dependent
40 incapable of self-support, who is supported in whole or substantial
41 part by the proceeds of prostitution is presumed to be knowingly
42 promoting prostitution.

43 (cf: P.L.1997, c.93, s.1)

44

45 2. This act shall take effect immediately.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 1689 and 1837

STATE OF NEW JERSEY

DATED: JUNE 4, 1998

The Assembly Judiciary Committee reports favorably a committee substitute for Assembly Bill Nos. 1689 and 1837.

This substitute amends N.J.S. 2C:34-1 and enhances the penalties for the offense of "engaging in prostitution."

Currently, a person convicted of engaging in prostitution is guilty of a disorderly persons offense. A disorderly persons offense is punishable by imprisonment for a period of not more than six months, a fine of not more than \$1,000 or both. Under the provisions of the substitute, a second or subsequent conviction for the offense of engaging in prostitution would be a crime of the fourth degree. A crime of the fourth degree is punishable by imprisonment for a term of not more than 18 months, a fine of not more than \$10,000 or both.

In addition, the substitute authorizes the court to suspend for six months the driver's licenses of persons found guilty of engaging in prostitution if a motor vehicle is used in the commission of the offense. The committee discussed that this sanction may be applicable to any of the persons involved in committing the offense of engaging in prostitution, both those who solicit and those being solicited.

The specific amendment to the forfeiture statute in the underlying bills was determined to be unnecessary as a motor vehicle utilized in furtherance of an unlawful activity may be subject to forfeiture presently.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 1689 and 1837

STATE OF NEW JERSEY

DATED: SEPTEMBER 24, 1998

The Senate Judiciary Committee reports favorably Assembly Bill Nos. 1689 and 1837(ACS).

Currently, a person convicted of engaging in prostitution is guilty of a disorderly persons offense. A disorderly persons offense is punishable by imprisonment for a period of not more than six months, a fine of not more than \$1,000 or both. Under the provisions of this bill, a second or subsequent conviction for the offense of engaging in prostitution would be graded as a crime of the fourth degree. A crime of the fourth degree is punishable by imprisonment for a term of not more than 18 months, a fine of not more than \$10,000 or both.

In addition, this bill authorize the court to suspend for six months the driver's licenses of persons found guilty of engaging in prostitution if a motor vehicle is used in the commission of the offense.

ASSEMBLY, No. 1689

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED FEBRUARY 19, 1998

Sponsored by:

Assemblyman JERRY GREEN

District 17 (Middlesex, Somerset and Union)

Assemblyman ALAN M. AUGUSTINE

District 22 (Middlesex, Morris, Somerset and Union)

Cosponsored by:

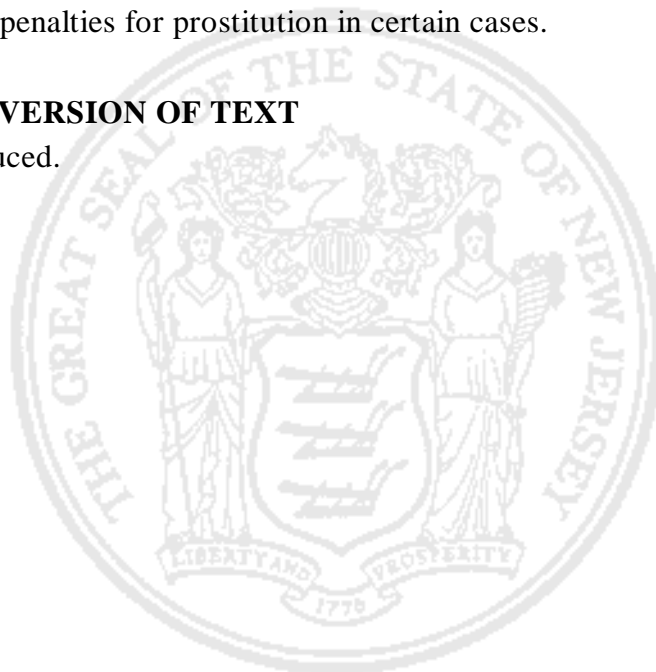
Assemblywoman Farragher, Assemblyman R. Smith, Assemblywoman Heck, Assemblymen Gusciora, Corodemus, T. Smith, Blee, Suliga, Thompson, Wisniewski, Assemblywoman Gill, Assemblymen Tucker, Payne, Assemblywoman Weinberg, Assemblymen Jones, Conaway, Assemblywomen Friscia, Cruz-Perez and Assemblyman Connors

SYNOPSIS

Enhances penalties for prostitution in certain cases.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/5/1998)

1 AN ACT concerning prostitution and amending N.J.S.2C:34-1 and
2 N.J.S.2C:64-1.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. N.J.S.2C:34-1 is amended to read as follows:

8 2C:34-1. Prostitution and Related Offenses.

9 a. As used in this section:

10 (1) "Prostitution" is sexual activity with another person in
11 exchange for something of economic value, or the offer or acceptance
12 of an offer to engage in sexual activity in exchange for something of
13 economic value.

14 (2) "Sexual activity" includes, but is not limited to, sexual
15 intercourse, including genital-genital, oral-genital, anal-genital, and
16 oral-anal contact, whether between persons of the same or opposite
17 sex; masturbation; touching of the genitals, buttocks, or female
18 breasts; sadistic or masochistic abuse and other deviate sexual
19 relations.

20 (3) "House of prostitution" is any place where prostitution or
21 promotion of prostitution is regularly carried on by one person under
22 the control, management or supervision of another.

23 (4) "Promoting prostitution" is:

24 (a) Owning, controlling, managing, supervising or otherwise
25 keeping, alone or in association with another, a house of prostitution
26 or a prostitution business;

27 (b) Procuring an inmate for a house of prostitution or place in a
28 house of prostitution for one who would be an inmate;

29 (c) Encouraging, inducing, or otherwise purposely causing another
30 to become or remain a prostitute;

31 (d) Soliciting a person to patronize a prostitute;

32 (e) Procuring a prostitute for a patron;

33 (f) Transporting a person into or within this State with purpose to
34 promote that person's engaging in prostitution, or procuring or paying
35 for transportation with that purpose; or

36 (g) Leasing or otherwise permitting a place controlled by the actor,
37 alone or in association with others, to be regularly used for
38 prostitution or promotion of prostitution, or failure to make a
39 reasonable effort to abate such use by ejecting the tenant, notifying
40 law enforcement authorities, or other legally available means.

41 b. A person commits an offense if:

42 (1) The actor engages in prostitution;

43 (2) The actor promotes prostitution;

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 (3) The actor knowingly promotes prostitution of a child under 18
2 whether or not the actor mistakenly believed that the child was 18
3 years of age or older, even if such mistaken belief was reasonable;

4 (4) The actor knowingly promotes prostitution of the actor's child,
5 ward, or any other person for whose care the actor is responsible;

6 (5) The actor compels another to engage in or promote
7 prostitution;

8 (6) The actor promotes prostitution of the actor's spouse; or

9 (7) The actor knowingly engages in prostitution with a person
10 under the age of 18, or if the actor enters into or remains in a house of
11 prostitution for the purpose of engaging in sexual activity with a child
12 under the age of 18, or if the actor solicits or requests a child under
13 the age of 18 to engage in sexual activity. It shall be no defense to a
14 prosecution under this paragraph that the actor mistakenly believed
15 that the child was 18 years of age or older, even if such mistaken belief
16 was reasonable.

17 c. Grading of offenses under subsection b.

18 (1) An offense under subsection b. constitutes a crime of the
19 second degree if the offense falls within paragraph (3) or (4) of that
20 subsection.

21 (2) An offense under subsection b. constitutes a crime of the third
22 degree if the offense falls within paragraph (5), (6) or (7) of that
23 subsection.

24 (3) An offense under paragraph (2) of subsection b. constitutes a
25 crime of the third degree if the conduct falls within subparagraph (a),
26 (b), or (c) of paragraph (4) of subsection a. Otherwise the offense is
27 a crime of the fourth degree.

28 (4) An offense under subsection b. constitutes a **[disorderly**
29 **persons offense]** crime of the fourth degree if the offense falls within
30 paragraph (1) of that subsection. In addition, the court shall suspend
31 for six months the driving privilege of any such offender who has a
32 valid driver's license issued by this State. Upon conviction, the court
33 shall immediately collect the offender's driver's license and shall
34 forward it, along with a report stating the first and last day of the
35 suspension imposed pursuant to this paragraph, to the Division of
36 Motor Vehicles.

37 d. Presumption from living off prostitutes. A person, other than
38 the prostitute or the prostitute's minor child or other legal dependent
39 incapable of self-support, who is supported in whole or substantial
40 part by the proceeds of prostitution is presumed to be knowingly
41 promoting prostitution.

42 (cf: P.L.1997, c.93, s.1)

43

44 2. N.J.S.2C:64-1 is amended to read as follows:

45 2C:64-1. Property Subject to Forfeiture.

46 a. Any interest in the following shall be subject to forfeiture and

1 no property right shall exist in them:

2 (1) Controlled dangerous substances, firearms which are unlawfully
3 possessed, carried, acquired or used, illegally possessed gambling
4 devices, untaxed cigarettes and untaxed special fuel. These shall be
5 designated prima facie contraband.

6 (2) All property which has been, or is intended to be, utilized in
7 furtherance of an unlawful activity, including, but not limited to,
8 conveyances intended to facilitate the perpetration of illegal acts, or
9 buildings or premises maintained for the purpose of committing
10 offenses against the State.

11 (3) Property which has become or is intended to become an
12 integral part of illegal activity, including, but not limited to, money
13 which is earmarked for use as financing for an illegal gambling
14 enterprise.

15 (4) Proceeds of illegal activities, including, but not limited to,
16 property or money obtained as a result of the sale of prima facie
17 contraband as defined by subsection a. (1), proceeds of illegal
18 gambling, prostitution, bribery and extortion.

19 (5) Any motor vehicle used in the commission of an offense under
20 paragraph (1) of subsection b. of N.J.S.2C:34-1.

21 b. Any article subject to forfeiture under this chapter may be
22 seized by the State or any law enforcement officer as evidence pending
23 a criminal prosecution pursuant to section 2C:64-4 or, when no
24 criminal proceeding is instituted, upon process issued by any court of
25 competent jurisdiction over the property, except that seizure without
26 such process may be made when not inconsistent with the Constitution
27 of this State or the United States, and when

28 (1) The article is prima facie contraband; or,

29 (2) The property subject to seizure poses an immediate threat to
30 the public health, safety or welfare.

31 c. For the purposes of this section:

32 "Untaxed special fuel" means diesel fuel, No. 2 fuel oil and
33 kerosene on which the motor fuel tax imposed pursuant to
34 R.S.54:39-1 et seq. is not paid that is delivered, possessed, sold or
35 transferred in this State in a manner not authorized pursuant to
36 R.S.54:39-1 et seq. or P.L.1938, c.163 (C.56:6-1 et seq.).

37 (cf: P.L.1992, c.23, s.70)

38

39 3. This act shall take effect immediately.

40

41 STATEMENT

42

43 This bill enhances the penalties for the offense of "engaging in
44 prostitution."

45 Under the provisions of the bill, engaging in prostitution would be
46 a crime of the fourth degree. A crime of the fourth degree is

1 punishable by imprisonment for a term of not more than 18 months, a
2 fine of not more than \$7,500 or both. Currently, a person convicted
3 of engaging in prostitution is guilty of a disorderly persons offense.
4 A disorderly persons offense is punishable by imprisonment for a
5 period of not more than six months, a fine of not more than \$1,000 or
6 both.

7 In addition, the bill authorizes the court to suspended for six
8 months the driver's licenses of persons found guilty of engaging in
9 prostitution.

10 Finally, the bill amends the forfeiture statutes to provide that those
11 convicted of engaging in prostitution forfeit their motor vehicles, if
12 those vehicles were used in the commission of the offense.

ASSEMBLY, No. 1837

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED MARCH 23, 1998

Sponsored by:

Assemblyman ALFRED E. STEELE

District 35 (Passaic)

Assemblyman KENNETH C. LEFEVRE

District 2 (Atlantic)

Co-Sponsored by:

Assemblyman Gusciora

SYNOPSIS

Provides for forfeiture of motor vehicle used in the commission of the offense of engaging in prostitution.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/16/1998)

1 AN ACT concerning forfeiture and amending N.J.S.2C:64-1.

2

3 **BE IT ENACTED** by the Senate and General Assembly of the State
4 of New Jersey:

5

6 1. N.J.S.2C:64-1 is amended to read as follows:

7 2C:64-1. Property Subject to Forfeiture.

8 a. Any interest in the following shall be subject to forfeiture and no
9 property right shall exist in them:

10 (1) Controlled dangerous substances, firearms which are unlawfully
11 possessed, carried, acquired or used, illegally possessed gambling
12 devices, untaxed cigarettes and untaxed special fuel. These shall be
13 designated prima facie contraband.

14 (2) All property which has been, or is intended to be, utilized in
15 furtherance of an unlawful activity, including, but not limited to,
16 conveyances intended to facilitate the perpetration of illegal acts, or
17 buildings or premises maintained for the purpose of committing
18 offenses against the State.

19 (3) Property which has become or is intended to become an
20 integral part of illegal activity, including, but not limited to, money
21 which is earmarked for use as financing for an illegal gambling
22 enterprise.

23 (4) Proceeds of illegal activities, including, but not limited to,
24 property or money obtained as a result of the sale of prima facie
25 contraband as defined by subsection a. (1), proceeds of illegal
26 gambling, prostitution, bribery and extortion.

27 (5) A motor vehicle used in the commission of an offense under
28 paragraph (1) of subsection b. of N.J.S.2C:34-1 if the defendant knew,
29 or should have known, that the motor vehicle would be used in the
30 commission of the offense. Such knowledge is presumed if the
31 defendant is the registered owner of the car.

32 b. Any article subject to forfeiture under this chapter may be seized
33 by the State or any law enforcement officer as evidence pending a
34 criminal prosecution pursuant to section 2C:64-4 or, when no criminal
35 proceeding is instituted, upon process issued by any court of
36 competent jurisdiction over the property, except that seizure without
37 such process may be made when not inconsistent with the Constitution
38 of this State or the United States, and when

39 (1) The article is prima facie contraband; or,

40 (2) The property subject to seizure poses an immediate threat to
41 the public health, safety or welfare.

42 c. For the purposes of this section:

43 "Untaxed special fuel" means diesel fuel, No. 2 fuel oil and

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 kerosene on which the motor fuel tax imposed pursuant to
2 R.S.54:39-1 et seq. is not paid that is delivered, possessed, sold or
3 transferred in this State in a manner not authorized pursuant to
4 R.S.54:39-1 et seq. or P.L.1938, c.163 (C.56:6-1 et seq.).
5 (cf: P.L.1992, c.23, s.70)

6

7 2. This act shall take effect immediately.

8

9

10 STATEMENT

11

12 This bill would provide that a motor vehicle used by a person who
13 engages in prostitution would be subject to forfeiture if the person
14 knew, or should have known, that the motor vehicle would be used in
15 the commission of the offense. Such knowledge would be presumed
16 if the person is the registered owner of the car.

SENATE, No. 1302

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED SEPTEMBER 17, 1998

Sponsored by:

Senator C. LOUIS BASSANO

District 21 (Essex and Union)

SYNOPSIS

Enhances penalties for prostitution in certain cases.

CURRENT VERSION OF TEXT

As introduced.



S1302 BASSANO

2

1 AN ACT concerning prostitution and amending N.J.S.2C:34-1.

2

3 **BE IT ENACTED** by the Senate and General Assembly of the State
4 of New Jersey:

5

6 1. N.J.S.2C:34-1 is amended to read as follows:

7 2C:34-1. Prostitution and Related Offenses.

8 a. As used in this section:

9 (1) "Prostitution" is sexual activity with another person in
10 exchange for something of economic value, or the offer or acceptance
11 of an offer to engage in sexual activity in exchange for something of
12 economic value.

13 (2) "Sexual activity" includes, but is not limited to, sexual
14 intercourse, including genital-genital, oral-genital, anal-genital, and
15 oral-anal contact, whether between persons of the same or opposite
16 sex; masturbation; touching of the genitals, buttocks, or female
17 breasts; sadistic or masochistic abuse and other deviate sexual
18 relations.

19 (3) "House of prostitution" is any place where prostitution or
20 promotion of prostitution is regularly carried on by one person under
21 the control, management or supervision of another.

22 (4) "Promoting prostitution" is:

23 (a) Owning, controlling, managing, supervising or otherwise
24 keeping, alone or in association with another, a house of prostitution
25 or a prostitution business;

26 (b) Procuring an inmate for a house of prostitution or place in a
27 house of prostitution for one who would be an inmate;

28 (c) Encouraging, inducing, or otherwise purposely causing another
29 to become or remain a prostitute;

30 (d) Soliciting a person to patronize a prostitute;

31 (e) Procuring a prostitute for a patron;

32 (f) Transporting a person into or within this State with purpose to
33 promote that person's engaging in prostitution, or procuring or paying
34 for transportation with that purpose; or

35 (g) Leasing or otherwise permitting a place controlled by the actor,
36 alone or in association with others, to be regularly used for
37 prostitution or promotion of prostitution, or failure to make a
38 reasonable effort to abate such use by ejecting the tenant, notifying
39 law enforcement authorities, or other legally available means.

40 b. A person commits an offense if:

41 (1) The actor engages in prostitution;

42 (2) The actor promotes prostitution;

43 (3) The actor knowingly promotes prostitution of a child under 18

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

S1302 BASSANO

1 whether or not the actor mistakenly believed that the child was 18
2 years of age or older, even if such mistaken belief was reasonable;

3 (4) The actor knowingly promotes prostitution of the actor's child,
4 ward, or any other person for whose care the actor is responsible;

5 (5) The actor compels another to engage in or promote
6 prostitution;

7 (6) The actor promotes prostitution of the actor's spouse; or

8 (7) The actor knowingly engages in prostitution with a person
9 under the age of 18, or if the actor enters into or remains in a house of
10 prostitution for the purpose of engaging in sexual activity with a child
11 under the age of 18, or if the actor solicits or requests a child under
12 the age of 18 to engage in sexual activity. It shall be no defense to a
13 prosecution under this paragraph that the actor mistakenly believed
14 that the child was 18 years of age or older, even if such mistaken belief
15 was reasonable.

16 c. Grading of offenses under subsection b.

17 (1) An offense under subsection b. constitutes a crime of the
18 second degree if the offense falls within paragraph (3) or (4) of that
19 subsection.

20 (2) An offense under subsection b. constitutes a crime of the third
21 degree if the offense falls within paragraph (5), (6) or (7) of that
22 subsection.

23 (3) An offense under paragraph (2) of subsection b. constitutes a
24 crime of the third degree if the conduct falls within subparagraph (a),
25 (b), or (c) of paragraph (4) of subsection a. Otherwise the offense is
26 a crime of the fourth degree.

27 (4) An offense under subsection b. constitutes a disorderly persons
28 offense if the offense falls within paragraph (1) of that subsection
29 except that a second or subsequent conviction for such an offense
30 constitutes a crime of the fourth degree. In addition, where a motor
31 vehicle was used in the commission of any offense under paragraph (1)
32 of subsection b. the court shall suspend for six months the driving
33 privilege of any such offender who has a valid driver's license issued
34 by this State. Upon conviction, the court shall immediately collect the
35 offender's driver's license and shall forward it, along with a report
36 stating the first and last day of the suspension imposed pursuant to this
37 paragraph, to the Division of Motor Vehicles.

38 d. Presumption from living off prostitutes. A person, other than
39 the prostitute or the prostitute's minor child or other legal dependent
40 incapable of self-support, who is supported in whole or substantial
41 part by the proceeds of prostitution is presumed to be knowingly
42 promoting prostitution.

43 (cf: P.L.1997, c.93, s.1)

44

45 2. This act shall take effect immediately.

1 STATEMENT

2

3 Currently, a person convicted of engaging in prostitution is guilty
4 of a disorderly persons offense. A disorderly persons offense is
5 punishable by imprisonment for a period of not more than six months,
6 a fine of not more than \$1,000 or both. Under the provisions of the
7 bill, a second or subsequent conviction for the offense of engaging in
8 prostitution would be a crime of the fourth degree. A crime of the
9 fourth degree is punishable by imprisonment for a term of not more
10 than 18 months, a fine of not more than \$10,000 or both.

11 In addition, the bill authorizes the court to suspend for six months
12 the driver's licenses of persons found guilty of engaging in prostitution
13 if a motor vehicle is used in the commission of the offense. This
14 sanction may be applicable to any of the persons involved in
15 committing the offense of engaging in prostitution, both those who
16 solicit and those being solicited.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1302

STATE OF NEW JERSEY

DATED: SEPTEMBER 24, 1998

The Senate Judiciary Committee reports favorably Senate Bill No. 1302.

Currently, a person convicted of engaging in prostitution is guilty of a disorderly persons offense. A disorderly persons offense is punishable by imprisonment for a period of not more than six months, a fine of not more than \$1,000 or both. Under the provisions of this bill, a second or subsequent conviction for the offense of engaging in prostitution would be graded as a crime of the fourth degree. A crime of the fourth degree is punishable by imprisonment for a term of not more than 18 months, a fine of not more than \$10,000 or both.

In addition, the bill authorizes the court to suspend for six months the driver's licenses of persons found guilty of engaging in prostitution if a motor vehicle is used in the commission of the offense.