

2C:34-1

LEGISLATIVE HISTORY CHECKLIST

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(Prostitution)

NJSA: 2C:34-1, 53:1-15

LAWS OF: 1997 CHAPTER: 93

BILL NO: A1206

SPONSOR(S): LeFevre and Blee

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Judiciary
SENATE: Judiciary

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: March 28, 1996
SENATE: March 24, 1997

DATE OF APPROVAL: May 8, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: Yes

Hearing on same bill during 1992-93 Legislative session:
974.90 New Jersey. Legislature. Senate Judiciary Committee.
G191 Public hearing on S1585 (proposes several changes to the
1993a laws governing prostitution), held 4-22-93. Atlantic City, NJ, 1993.

KBP:pp

P.L. 1997, CHAPTER 93, *approved May 8, 1997*
Assembly, No. 1206

1 AN ACT concerning prostitution, amending N.J.S.2C:34-1 and
2 R.S.53:1-15 and supplementing Title 2C of the New Jersey
3 Statutes.

4

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

7

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

9 2C:34-1. Prostitution and Related Offenses.

10 a. As used in this section:

11 (1) "Prostitution" is sexual activity with another person in
12 exchange for something of economic value, or the offer or acceptance
13 of an offer **[made in or within view of a public place]** to engage in
14 sexual activity in exchange for something of economic value.

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

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

24 (4) "Promoting prostitution" is:

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

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

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

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

33 (e) Procuring a prostitute for a patron;

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.

- 1 (f) Transporting a person into or within this State with purpose to
2 promote that person's engaging in prostitution, or procuring or paying
3 for transportation with that purpose; or
- 4 (g) Leasing or otherwise permitting a place controlled by the actor,
5 alone or in association with others, to be regularly used for
6 prostitution or promotion of prostitution, or failure to make a
7 reasonable effort to abate such use by ejecting the tenant, notifying
8 law enforcement authorities, or other legally available means.
- 9 **[(5) "Public place" means any place to which the public or any
10 substantial group thereof has access.]**
- 11 b. A person commits an offense if:
- 12 (1) The actor engages in prostitution;
- 13 (2) The actor promotes prostitution;
- 14 (3) The actor knowingly promotes prostitution of a child under 18
15 whether or not the actor mistakenly believed that the child was 18
16 years of age or older, even if such mistaken belief was reasonable;
- 17 (4) The actor knowingly promotes prostitution of the actor's child,
18 ward, or any other person for whose care the actor is responsible;
- 19 (5) The actor compels another to engage in or promote
20 prostitution;
- 21 (6) The actor promotes prostitution of the actor's spouse; or
- 22 (7) The actor knowingly engages in prostitution with a person
23 under the age of 18, or if the actor enters into or remains in a house of
24 prostitution for the purpose of engaging in sexual activity with a child
25 under the age of 18, or if the actor solicits or requests a child under
26 the age of 18 to engage in sexual activity. It shall be no defense to a
27 prosecution under this paragraph that the actor mistakenly believed
28 that the child was 18 years of age or older, even if such mistaken belief
29 was reasonable.
- 30 c. Grading of offenses under subsection b.
- 31 (1) An offense under subsection b. constitutes a crime of the
32 second degree if the offense falls within paragraph (3) or (4) of that
33 subsection.
- 34 (2) An offense under subsection b. constitutes a crime of the third
35 degree if the offense falls within paragraph (5), (6) or (7) of that
36 subsection.
- 37 (3) An offense under paragraph (2) of subsection b. constitutes a
38 crime of the third degree if the conduct falls within subparagraph (a),
39 (b), or (c) of paragraph (4) of subsection a. Otherwise the offense is
40 a crime of the fourth degree.
- 41 (4) An offense under subsection b. constitutes a disorderly persons
42 offense if the offense falls within paragraph (1) of that subsection.
- 43 d. Presumption from living off prostitutes. A person, other than
44 the prostitute or the prostitute's minor child or other legal dependent
45 incapable of self-support, who is supported in whole or substantial
46 part by the proceeds of prostitution is presumed to be knowingly

1 promoting prostitution.
2 (cf: P.L.1991, c.211, s.1)

3

4 2. R.S.53:1-15 is amended to read as follows:

5 53:1-15. The sheriffs, chiefs of police, members of the State Police
6 and any other law enforcement agencies and officers shall, immediately
7 upon the arrest of any person for an indictable offense, or of any
8 person believed to be wanted for an indictable offense, or believed to
9 be an habitual criminal, or within a reasonable time after the filing of
10 a complaint by a law enforcement officer charging any person with an
11 indictable offense, or upon the arrest of any person for shoplifting,
12 pursuant to N.J.S.2C:20-11, or upon the arrest of any person for
13 prostitution, pursuant to N.J.S.2C:34-1, or the conviction of any
14 other person charged with a nonindictable offense, where the identity
15 of the person charged is in question, take the fingerprints of such
16 person, according to the fingerprint system of identification established
17 by the Superintendent of State Police and on the forms prescribed, and
18 forward without delay two copies or more of the same, together with
19 photographs and such other descriptions as may be required and with
20 a history of the offense committed, to the State Bureau of
21 Identification.

22 Such sheriffs, chiefs of police, members of the State Police and any
23 other law enforcement agencies and officers shall also take the
24 fingerprints, descriptions and such other information as may be
25 required of unknown dead persons and as required by section 2 of
26 P.L.1982, c.79 (C.2A:4A-61) of juveniles adjudicated delinquent and
27 shall forward same to the State Bureau of Identification.

28 Any person charged in a complaint filed by a law enforcement
29 officer with an indictable offense, who has not been arrested, or any
30 person charged in an indictment, who has not been arrested, shall
31 submit himself to the identification procedures provided herein either
32 on the date of any court appearance or upon written request of the
33 appropriate law enforcement agency within a reasonable time after the
34 filing of the complaint. Any person who refuses to submit to such
35 identification procedures shall be a disorderly person.

36 (cf: P.L.1994, c.56, s.4)

37

38 3. (New section) Loitering for the purpose of engaging in
39 prostitution. a. As used in this section, "public place" means any
40 place to which the public has access, including but not limited to any
41 public street, sidewalk, bridge, alley, plaza, park, boardwalk,
42 driveway, parking lot or transportation facility, public library or the
43 doorways and entrance ways to any building which fronts on any of
44 the aforesaid places, or a motor vehicle in or on any such place.

45 b. A person commits a disorderly persons offense if he:

46 (1) wanders, remains or prowls in a public place with the purpose

1 of engaging in prostitution or promoting prostitution as defined in
2 N.J.S.2C:34-1; and

3 (2) engages in conduct that, under the circumstances, manifests a
4 purpose to engage in prostitution or promoting prostitution as defined
5 in N.J.S.2C:34-1.

6 c. Conduct that may, where warranted under the circumstances, be
7 deemed adequate to manifest a purpose to engage in prostitution or
8 promoting prostitution includes, but is not limited to, conduct such as
9 the following:

10 (1) Repeatedly beckoning to or stopping pedestrians or motorists
11 in a public place;

12 (2) Repeatedly attempting to stop, or repeatedly attempting to
13 engage passers-by in conversation;

14 (3) Repeatedly stopping or attempting to stop motor vehicles.

15 d. The element described in paragraph (1) of subsection b. of this
16 section may not be established solely by proof that the actor engaged
17 in the conduct that is used to satisfy the element described in
18 paragraph (2) of subsection b. of this section.

19

20 4. This act shall take effect immediately.

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25 _____
Proposes several changes to the laws governing prostitution.

1 (1) wanders, remains or prowls in a public place with the purpose
2 of engaging in prostitution or promoting prostitution as defined in
3 N.J.S.2C:34-1; and

4 (2) engages in conduct that, under the circumstances, manifests a
5 purpose to engage in prostitution or promoting prostitution as defined
6 in N.J.S.2C:34-1.

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8 deemed adequate to manifest a purpose to engage in prostitution or
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10 the following:

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12 in a public place;

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14 engage passers-by in conversation;

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19 paragraph (2) of subsection b. of this section.

20

21 4. This act shall take effect immediately.

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STATEMENT

25

26 Under the present provisions of N.J.S.2C:34-1, a person is guilty
27 of prostitution if the person engages in sexual activity in return for
28 something of value or if the person offers or accepts an offer in a
29 public place to engage in sexual activity in exchange for an economic
30 benefit. This requirement that a solicitation occur in a public place in
31 order for an offense to be committed has resulted in many prostitutes
32 waiting until they are in a private area such as a hotel room before
33 discussing sexual activity. This practice has greatly hampered law
34 enforcement efforts, particularly undercover operations, aimed at
35 curtailing prostitution. In order to address this problem, the bill
36 would delete the requirement that the offer of sexual activity occur in
37 a public place in order for the offense of prostitution to be committed.

38 This bill would also provide that persons arrested for prostitution
39 be fingerprinted. Prostitution is presently graded as a disorderly
40 persons offense. Disorderly persons offenses are nonindictable
41 offenses. Under R.S.53:1-15, only persons arrested for indictable
42 offenses are routinely fingerprinted. Prostitutes often use aliases and
43 rarely carry identification. Fingerprinting of prostitutes would help to
44 identify repeat offenders. It would also aid law enforcement officers
45 in those cases in which the person arrested is wanted on other charges.

46 In addition, the bill would establish the offense of loitering for the

1 purpose of prostitution. A person would be guilty of this offense if the
2 person loiters in a public place in a manner and under circumstances
3 manifesting the purpose of engaging or promoting prostitution. This
4 offense would be punishable as a disorderly persons offenses.

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9 Proposes several changes to the laws governing prostitution.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1206

STATE OF NEW JERSEY

DATED: FEBRUARY 22, 1996

The Assembly Judiciary Committee reports favorably Assembly Bill No. 1206.

Under the present provisions of N.J.S.2C:34-1, a person is guilty of prostitution if the person engages in sexual activity in return for something of value or if the person offers or accepts an offer in a public place to engage in sexual activity in exchange for an economic benefit. This requirement that a solicitation occur in a public place in order for an offense to be committed has resulted in many prostitutes waiting until they are in a private area such as a hotel room before discussing sexual activity. This practice has greatly hampered law enforcement efforts, particularly undercover operations, aimed at curtailing prostitution. In order to address this problem, the bill would delete the requirement that the offer of sexual activity occur in a public place in order for the offense of prostitution to be committed.

This bill would also provide that persons arrested for prostitution be fingerprinted. Prostitution is presently graded as a disorderly persons offense. Disorderly persons offenses are nonindictable offenses. Under R.S.53:1-15, only persons arrested for indictable offenses are routinely fingerprinted. Prostitutes often use aliases and rarely carry identification. Fingerprinting of prostitutes would help to identify repeat offenders. It would also aid law enforcement officers in those cases in which the person arrested is wanted on other charges.

In addition, the bill would establish the offense of loitering for the purpose of prostitution. A person would be guilty of this offense if the person loiters in a public place in a manner and under circumstances manifesting the purpose of engaging or promoting prostitution. This offense would be punishable as a disorderly persons offense.

This bill was prefiled for introduction in the 1996 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1206

STATE OF NEW JERSEY

DATED: SEPTEMBER 19, 1996

The Senate Judiciary Committee reports favorably Assembly Bill No. 1206.

Under the present provisions of N.J.S.2C:34-1, a person is guilty of prostitution if the person engages in sexual activity in return for something of value or if the person offers or accepts an offer in a public place to engage in sexual activity in exchange for an economic benefit. This requirement that a solicitation occur in a public place in order for an offense to be committed has resulted in many prostitutes waiting until they are in a private area such as a hotel room before discussing sexual activity. This practice has greatly hampered law enforcement efforts, particularly undercover operations, aimed at curtailing prostitution. In order to address this problem, A-1206 would delete the requirement that the offer of sexual activity occur in a public place in order for the offense of prostitution to be committed.

A-1206 would also provide that persons arrested for prostitution be fingerprinted. Prostitution is presently graded as a disorderly persons offense. Disorderly persons offenses are nonindictable offenses. Under R.S.53:1-15, only persons arrested for indictable offenses are routinely fingerprinted. Prostitutes often use aliases and rarely carry identification. Fingerprinting of prostitutes would help to identify repeat offenders. It would also aid law enforcement officers in those cases in which the person arrested is wanted on other charges.

In addition, A-1206 would establish the offense of loitering for the purpose of prostitution. A person would be guilty of this offense if the person loiters in a public place in a manner and under circumstances manifesting the purpose of engaging or promoting prostitution. This offense would be punishable as a disorderly persons offense.