

IN THE SENATE

SENATE BILL NO. 1344

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO PROSTITUTION; AMENDING SECTION 18-5613, IDAHO CODE, TO PROVIDE AN EXEMPTION IN ORDER TO PREVENT A CHILD FROM BEING CHARGED WITH PROSTITUTION, TO DEFINE A TERM, AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 18-5613, Idaho Code, be, and the same is hereby amended to read as follows:

18-5613. PROSTITUTION. (1) A person is guilty of prostitution when he or she: (a) engages in or offers or agrees to engage in sexual conduct, or sexual contact with another person in return for a fee; or (b) is an inmate of a house of prostitution; or (c) loiters in or within view of any public place for the purpose of being hired to engage in sexual conduct or sexual contact.

(2) Prostitution is a misdemeanor, provided, however, that on a third or subsequent conviction for prostitution, it shall be a felony.

(3) The provisions of this section do not apply to a child who is alleged to have engaged in conduct that would, if committed by an adult, violate the provisions of this section. A commercially sexually exploited child pursuant to this section may be taken into shelter care by a peace officer pursuant to section 16-1608, Idaho Code, if conditions allowing emergency removal are met.

~~(3)~~ (4) Definitions:

(a) "Sexual conduct" means sexual intercourse or deviate sexual intercourse.

(b) "Sexual contact" means any touching of the sexual organs or other intimate parts of a person not married to the actor for the purpose of arousing or gratifying the sexual desire of either party.

(c) "House of prostitution" means a place where prostitution or promotion of prostitution is regularly carried on by one (1) or more persons under the control, management or supervision of another.

(d) "Inmate" means a person who engages in prostitution in or through an agency of a house of prostitution.

(e) "Public place" means any place to which the public or any substantial group thereof has access.

(f) "Commercially sexually exploited child" means any individual under eighteen (18) years of age who is forced to partake in any sexual conduct or sexual contact for a fee or in exchange for services or any type of property.

1 SECTION 2. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after its
3 passage and approval.