



Recommendations for Anti-Demand Legislation for Commercial Sexual Exploitation

Commercial sexual exploitation—including sex trafficking—occurs as a result of the demand for commercial sex. Basic economic theory demonstrates that supply follows demand.¹ Thus, trafficking exists *because* there is a demand for commercial sex, and consequently, purchasers of sex fund and maintain the sex trafficking industry. Current law enforcement practices, however, typically target the *supply*—individuals who are sold for sex—to a far greater extent than the demand—individuals who buy sex.² Thus, in order to adequately address the problem of commercial sexual exploitation, law enforcement practices must change.

In an effort to identify legislative changes that are needed to shift law enforcement practices to target demand—and thereby effectively reduce commercial sexual exploitation—the CSE Institute conducted a nationwide analysis of state statutes that criminalize buying sex.³ This analysis focused on each statute’s language, its placement within the crimes code, and the associated punishments, including confinement and fines. Based on this extensive analysis, the CSE Institute has concluded that there is an immediate need for widespread reform and redrafting of statutes that address demand for commercial sex. To that end, the CSE Institute has drafted a model statute that state legislatures may use in order to effectively address the demand for commercial sex in their jurisdictions.

As reflected in this model legislation, the CSE Institute specifically recommends that state legislatures amend their criminal code to: (1) disaggregate the crimes of buying and selling sex by moving the offense of buying sex to the “offenses against the person” section of the

criminal code; (2) require that minors and victims of sex trafficking not be prosecuted for selling sex; (3) amend the statutory language so that the crime of buying sex is called “Commercial Sexual Exploitation” and thereby captures the real harm being inflicted; and (4) move the offense of promoting prostitution to the human trafficking section of the criminal code. A discussion of each of these recommendations follows.

I. Disaggregate & Classify Buying Sex as a Crime Against the Person

State legislatures should disaggregate the crimes of buying and selling sex and should classify the crime of buying sex as an offense against the person. As state laws are currently written, the offenses “prostitution” and “patronization of prostitution” typically are codified together in one statute.⁴ However, because the distinct acts of selling and buying sex do not involve the same level of culpability, these offenses should not be grouped together in the criminal code.⁵

Sellers typically have low to non-existent culpability because the “vast majority of prostituted people are the victims of force, fraud, coercion, or a total lack of options.”⁶ In short, sellers typically participate in commercial sex transactions unwillingly or due to a lack of options, thus negating their culpability. “Their buyers, however, are fully willing participants in the illegal sex trade; choosing to buy sexual access to vulnerable people to satisfy their own urges.”⁷ As “the driving force of all commercial sexual exploitation—including sex trafficking,” sex buyers are far more culpable than the sellers, and they “should be held appropriately accountable.”⁸ Thus, to reflect the relative culpability of these two distinct offenses, the act of selling sex should be disaggregated from the act of buying sex within the criminal code.⁹

To recognize the horrific nature and severity of the crime of buying sex, this crime should be classified as an offense against the person.¹⁰ Current anti-demand laws typically place the crime of buying sex in the crimes code as an offense against morals, but much more harm is done when someone buys sex than a general moral violation of public indecency.¹¹ When a person buys sex, *there is a victim*—the person being bought for sex. This victim is typically a vulnerable woman or child who is being exploited by the buyer, and perhaps even sold by a trafficker. Given the significant physical and emotional harm done to a victim of a commercial sex transaction, the crime of buying sex is properly classified as an offense against the person.

II. Prohibit Prosecution of Minors & Trafficking Victims

Lawmakers should adopt the Nordic Model, or, in the alternative, add two elements to their criminal definition of prostitution: (1) age of majority and (2) status as a non-victim of trafficking. Those sellers who are unwilling participants in commercial sex transactions lack culpability—they are victims and should not be prosecuted. The best way to ensure that victims of commercial sexual exploitation are not prosecuted is to adopt the Nordic Model. Under the Nordic Model, sex buyers are prosecuted, sellers are not, and victims' services are provided, including services for a realistic exit strategy.¹² For those jurisdictions that are unable to adopt the Nordic Model due to a lack of political will, legislators can prevent victims from being prosecuted by amending their prostitution statutes to include the elements of age of majority and non-victim status, thereby ensuring that only those individuals who willingly choose to sell sex are prosecuted.

III. Relabel “Patronizing” Statutes as “Commercial Sexual Exploitation”

Legislators should rename the crime of “patronizing” so that the criminal code reflects the true nature of the crime: *sexual exploitation*. Statutes codifying the crime of buying sex should be titled “Commercial Sexual Exploitation” or “Buying Sex.” Current anti-demand statutes bear titles similar to “patronizing prostitutes,” a label that significantly understates the crime being committed.¹³ When a person buys sex, the wrong committed is not the mere act of payment to the seller; rather the wrong committed is no less than the exploitation of a person in a vulnerable position trying to survive. In many cases, the wrong committed goes beyond exploitation and becomes sex trafficking when a buyer purchases sex from an individual who is being sold by another person, a trafficker. Purchasers of sex should not be viewed as “patrons”; buyers of sex are sexual exploiters, and the title of their crime should reflect that fact.

IV. Move “Promoting” to Human Trafficking Statute

Because the act of promoting prostitution goes beyond merely buying sex, the act of promoting prostitution should be classified within a human trafficking statute. Promoters do more than purchase sex; they take an active role in the force, fraud, and coercion that defines the act of trafficking.¹⁴ Many states currently include “promoting prostitution” within the same statute as the crimes of buying and selling sex.¹⁵ Given the distinct nature of promoting, however, this crime should be moved to the trafficking section of the criminal code.

V. Conclusion: Legislative Change Needed

A thorough review and analysis of the commercial sex laws of all fifty states and the District of Columbia indicates that current laws do not appropriately address the demand for

commercial sex. In order to effectively combat commercial sexual exploitation, state legislatures should immediately amend their commercial sex statutes. To facilitate these changes, the CSE Institute has provided a model statute that will effectively combat commercial sexual exploitation by (1) disaggregating the crimes of buying and selling sex by moving the offense of buying sex to the “offenses against the person” section of the criminal code; (2) prohibiting minors and victims of sex trafficking from being prosecuted; (3) appropriately calling the crime of buying sex “Commercial Sexual Exploitation”; and (4) moving the offense of promoting prostitution to the human trafficking section of the criminal code. With these changes, state laws against buying and selling sex will appropriately reflect the harm caused by each act, and law enforcement officials will have the appropriate tools to combat commercial sex trafficking effectively.

¹ See MARK MATTERN, *PUTTING IDEAS TO WORK: A PRACTICAL INTRODUCTION TO POLITICAL THOUGHT* 360 (2006) (“In dominant economic theory, supply follows demand, in that producers respond to the demands set by consumers”).

² See, e.g., THE VILLANOVA LAW INSTITUTE TO ADDRESS COMMERCIAL SEXUAL EXPLOITATION, *REPORT ON COMMERCIAL SEXUAL EXPLOITATION IN PENNSYLVANIA* 13 (2016), <http://cseinstitute.org/wp-content/uploads/2016/04/CSE-Institute-Report-on-CSE-in-Pennsylvania.pdf> (showing 80% of commercial sex arrests in Pennsylvania are for selling).

³ This nationwide analysis was conducted at the request of The Women’s Fund of Omaha.

⁴ See, e.g., 18 Pa. Cons. Stat. Ann. § 5902(a) (defining crime of “prostitution”); *id.* § 5902(e) (defining crime of “patronizing prostitutes”); Nev. Rev. Stat. Ann. § 201.354 (defining “prostitution” and “solicitation”).

⁵ *Arresting Demand: Disaggregating Prostitution Laws*, DEMAND ABOLITION, <https://www.demandabolition.org/resources/arresting-demand-disaggregating-prostitution-laws> (last visited Apr. 16, 2017) [hereinafter DEMAND ABOLITION].

⁶ *Id.* “Force, fraud, and coercion” are the terms the federal law uses to describe tactics used by traffickers to control victims. See 18 U.S.C. § 1591 (2015).

⁷ DEMAND ABOLITION, *supra* note 5.

⁸ *Id.*

⁹ See *id.* (“The just way to reflect the different nature of these two offenses is to assign them different penalties and terminology.”).

¹⁰ See *id.*

¹¹ See *id.*; see, e.g., 18 Pa. Cons. Stat. Ann. § 5902(e) (defining crime of “Patronizing prostitutes” within “Offenses Against Public Order and Decency” section of criminal code); 201.354 Nev. Rev. Stat. Ann. § 201.354 (defining “solicitation for prostitution” within “Crimes Against Public Decency and Good Morals” section of criminal code). *But see* Tenn. Code Ann. § 39-13-514 (defining “Patronizing prostitution” within “Offenses Against Person” section of criminal code).

¹² See *What Is the Nordic Model?*, EQUALITY NOW, http://www.equalitynow.org/sites/default/files/Nordic%20Model%20Fact%20Sheet_0.pdf (last visited Apr. 16, 2017).

¹³ *See, e.g.*, 18 Pa. Cons. Stat. Ann. § 5902(e) (bearing title “Patronizing prostitutes”). *But see* Kan. Stat. Ann. § 21-6421 (bearing appropriate title “Buying sexual relations”).

¹⁴ “Force, fraud, and coercion” are the terms the federal human trafficking law uses to describe tactics used by traffickers to control victims. *See* 18 U.S.C. § 1591 (2015).

¹⁵ *See, e.g.*, 18 Pa. Cons. Stat. Ann. § 5902(b) (defining crime of “Promoting prostitution”).



MODEL LEGISLATION FOR CRIMES OF SELLING & BUYING SEX

Prostitution

- (a) **Prostitution.** A person commits the offense of prostitution when he or she
- (1) Performs or offers or consents to perform any sexual act for money or other thing of value; and
 - (2) Has attained the age of 18 or greater at the time the activity in subsection (1) occurs; and
 - (3) His or her participation in the activity described in subsection (1) above was not a result of having been a victim of [sex trafficking, compelling prostitution, or a similar offense] or a victim of trafficking in persons under the United States Trafficking Victims Protection Act, 22 U.S.C. § 7102(15).
- (b) **Grading of offenses under subsection (a).** An offense under subsection (a) constitutes a misdemeanor of the [lowest] degree.
- (c) **Immunity.** A person shall be immune from prosecution under subsection (a) if the person is:
- (1) Under the age of 18; or
 - (2) Participating in the offense as a result of having been a victim of [sex trafficking, compelling prostitution, or a similar offense] or a victim of trafficking in persons under the United States Trafficking Victims Protection Act, 22 U.S.C. § 7102(15).
- (d) **Civil Cause of Action.** If a person immune from prosecution as defined under subsection (c) is charged under subsection (a), the person is entitled to recover, in a civil action against the charging authority, reasonable attorney's fees, court costs, compensation for loss of income, and all expenses incurred as a result of defending against the charge.

[Comments: Ideally, the crime of Prostitution should be eliminated from the crimes code, but given the lack of political will to adopt the Nordic Model—whereby sex buyers are prosecuted, sellers are not, and victims' services are provided—the model statute above represents the best option if eliminating the crime of Prostitution is not an option in a particular jurisdiction. If not eliminated from the code, the crime of Prostitution should be included in the crimes code under the section titled Crimes Against Public Order or some similar section.

Commercial Sexual Exploitation

Commercial Sexual Exploitation. A person commits the offense of commercial sexual exploitation if he or she:

- (1) Knowingly pays, offers, or agrees to pay money or to provide any other thing of value to another person in exchange for the performance of or an agreement to perform any sexual act;
 - (2) Solicits or requests another person to engage in any sexual act in exchange for money or any other thing of value; or
 - (3) Enters or remains in any public or private place for the purpose of exchanging money or any other thing of value for one or more sexual acts.
- (b) **Grading of offenses under subsection (a).** An offense under subsection (a) constitutes a:
- (1) Felony of the [lowest] degree if the person with whom the sexual act occurred or was to occur is:
 - (A) Under the age of 18; or
 - (B) A victim of [sex trafficking, compelling prostitution, or a similar offense] or a victim of trafficking in persons under the United States Trafficking Victims Protection Act, 22 U.S.C. § 7102(15).
 - (2) Misdemeanor of the [lowest] degree when the circumstances described in subsection (b)(1) are not present.

[Comments: The crime of Commercial Sexual Exploitation should be included in the crimes code under the section titled Crimes Against the Person or some similar section. Crimes such as Promoting Prostitution or Living off a Prostituted Person should be included under the Trafficking section of the crimes code. Additionally, the crime of Commercial Sexual Exploitation under the circumstances described in subsection (b)(1) may also be prosecuted as Trafficking.]

Definitions

“Sexual Act.” Any touching or exposure of the sexual or other intimate parts of any individual for the purpose of gratifying sexual desire of any individual.



Comparison of National Penalties for Buying Sex

Alabama

"Patronizing" Provision	Ala. Code 1975 § 13A-12-121(b) Prohibited Activities: No person shall solicit, compel, or coerce any person to have sexual intercourse or participate in any natural or unnatural sexual act, deviate sexual intercourse, or sexual contact for monetary consideration or other thing of marketable value.
Offense Classification	Ala. Code 1975 § 13A-12-122 Each violation of this division is a Class A misdemeanor.
Penalty – Jail	Ala.Code 1975 § 13A-5-7 (a)(1) Sentences for misdemeanors shall be a definite term of imprisonment in the county jail or to hard labor for the county, within the following limitations: For a Class A misdemeanor, not more than one year.
Penalty – Fine	Ala.Code 1975 § 13A-5-12 (a)(1) A sentence to pay a fine for a misdemeanor shall be for a definite amount, fixed by the court, within the following limitations: For a Class A misdemeanor, not more than \$6,000.
Crimes Code Section	Offenses Against Public Health and Morals
Notes	

Alaska

<p>"Patronizing" Provision</p>	<p>AS § 11.66.100.(a)(2) Prostitution</p> <p>A person commits the crime of prostitution if the person offers a fee in return for sexual conduct.</p>
<p>Offense Classification</p>	<p>AS § 11.66.100.</p> <p>(d) Except as provided in (e) of this section, prostitution is a class B misdemeanor.</p> <p>(e) Prostitution is a class C felony if</p> <p style="padding-left: 40px;">(1) the defendant violates (a) of this section as a patron of a prostitute;</p>
<p>Penalty - Jail</p>	<p>AS § 12.55.135</p> <p>(b) A defendant convicted of a class B misdemeanor may be sentenced to a definite term of imprisonment of not more than 90 days unless otherwise specified in the provision of law defining the offense.</p> <p>A defendant convicted of a class C felony may be sentenced to a definite term of imprisonment of not more than five years.</p> <p>Recidivist Penalties for Class C felony:</p> <p>i. Second felony: two to four years of imprisonment</p> <p>ii. Third felony: three to five years of imprisonment</p>
<p>Penalty - Fine</p>	<p>AS § 12.55.035</p> <p>(b) Upon conviction of an offense, a defendant who is not an organization may be sentenced to pay, unless otherwise specified in the provision of law defining the offense, a fine of:</p> <p style="padding-left: 40px;">Not more than \$2,000 for a class B misdemeanor.</p> <p style="padding-left: 40px;">Not more than \$50,000 for a class C felony.</p>
<p>Crimes Code Section</p>	<p>Offenses Against Public Health and Decency</p>
<p>Notes</p>	

Arizona

<p>"Patronizing" Provision</p>	<p>A.R.S. § 13-3211(5) Definitions</p> <p>Prostitution' means engaging in or agreeing or offering to engage in sexual conduct under a fee arrangement with any person for money or any other valuable consideration.</p>
<p>Offense Classification</p>	<p>A.R.S. § 13-3214</p> <p>(E) A person who violates this section is guilty of a class 1 misdemeanor, except that:</p> <p>(1) A person who is convicted of a first violation of this section shall be sentenced to serve not less than fifteen consecutive days in jail and is not eligible for probation or suspension of execution of sentence until the entire sentence is served.</p> <p>(2) A person who is convicted of a second violation of this section shall be sentenced to serve not less than thirty consecutive days in jail and is not eligible for probation or suspension of execution of sentence until the entire sentence is served.</p> <p>(3) A person who is convicted of a third violation of this section shall be sentenced to serve not less than sixty consecutive days in jail, is not eligible for probation or suspension of execution of sentence until the entire sentence is served and shall complete an appropriate court ordered education or treatment program.</p> <p>(4)A person who has previously been convicted of three or more violations of this section and who commits a subsequent violation of this section is guilty of a class 5 felony, shall be sentenced to serve not less than one hundred eighty consecutive days in jail and is not eligible for probation or suspension of execution of sentence until the entire sentence is served. This paragraph does not prohibit a person from being sentenced to serve a period of incarceration in the state department of corrections."</p> <p>A.R.S. § 13-3214</p> <p>(B) This section does not prohibit cities or towns from enacting and enforcing ordinances to suppress and prohibit prostitution that provide a punishment for misdemeanor violations that is at least as stringent as provided in this section.</p> <p>(C) For the purposes of sentencing under this section, a previous violation of any city or town ordinance that prohibits prostitution and that has the same or substantially similar elements as this section shall be deemed to be a previous violation of this section. eligible for probation or suspension of execution of sentence until the entire sentence is served. This paragraph does not prohibit a person from being sentenced to serve a period of incarceration in the state department of corrections.</p>
<p>Penalty - Jail</p>	<p>A.R.S. § 13-3214</p> <p>(E) Class 1 Misdemeanor First Offense: mandatory 15 days Second Offense: mandatory 30 days Third Offense: mandatory 60 days More Than Three Offenses = Class 5 Felony: mandatory 180 days</p> <p>A.R.S. § 13-707</p> <p>(A): Class 1 Misdemeanors Maximum of 6 months in jail</p>

<p>Penalty - Fine</p>	<p>A.R.S. § 13-801</p> <p>A sentence to pay a fine for a felony shall be a sentence to pay an amount fixed by the court not more than one hundred fifty thousand dollars.</p> <p>A.R.S. § 13-802: Fines for Misdemeanors</p> <p>(A) A sentence to pay a fine for a class 1 misdemeanor shall be a sentence to pay an amount, fixed by the court, not more than two thousand five hundred dollars.</p> <p>(B) A sentence to pay a fine for a class 2 misdemeanor shall be a sentence to pay an amount, fixed by the court, not more than seven hundred fifty dollars.</p> <p>(C) A sentence to pay a fine for a class 3 misdemeanor shall be a sentence to pay an amount, fixed by the court, not more than five hundred dollars.</p>
<p>Crimes Code Section</p>	<p>Prostitution</p>
<p>Notes</p>	

Arkansas

<p>"Patronizing" Provision</p>	<p>A.C.A. § 5-70-103(a) Sexual Solicitation</p> <p>A person commits the offense of sexual solicitation if he or she:</p> <p>(1) Offers or agrees to pay a fee to a person to engage in sexual activity with him or her or another person; or</p> <p>(2) Solicits or requests a person to engage in sexual activity with him or her in return for a fee.</p>
<p>Offense Classification</p>	<p>A.C.A. § 5-70-103</p> <p>(b): Sexual solicitation is a:</p> <p>(1) Class B misdemeanor for the first offense; and</p> <p>(2) Class A misdemeanor for a second or subsequent offense.</p>
<p>Penalty - Jail</p>	<p>A.C.A. § 5-4-401</p> <p>(b) A defendant convicted of a misdemeanor may be sentenced according to the following limitations:</p> <p>(1) For a Class A misdemeanor, the sentence shall not exceed one (1) year;</p> <p>(2) For a Class B misdemeanor, the sentence shall not exceed ninety (90) days."</p>
<p>Penalty - Fine</p>	<p>A.C.A. § 5-4-201</p> <p>(b)A defendant convicted of a misdemeanor may be sentenced to pay a fine:</p> <p>(1) Not exceeding two thousand five hundred dollars (\$2,500) if the conviction is of a Class A misdemeanor;</p> <p>(2) Not exceeding one thousand dollars (\$1,000) if the conviction is of a Class B misdemeanor.</p> <p>A.C.A. § 5-70-103</p> <p>(d) In addition to any other sentence authorized by this section, a person who violates this section by offering to pay, agreeing to pay, or paying a fee to engage in sexual activity upon conviction shall be ordered to pay a fine of two hundred fifty dollars (\$250) to be deposited into the Safe Harbor Fund for Sexually Exploited Children.</p>
<p>Crimes Code Section</p>	<p>Offenses Against Public Health, Safety, or Welfare</p>

California

<p>"Patronizing" Provision</p>	<p>West's Ann. Cal. Penal Code § 266e Purchasing person for purposes of prostitution or placing person for immoral purposes</p> <p>Every person who purchases, or pays any money or other valuable thing for, any person for the purpose of prostitution as defined in subdivision (b) of Section 647, or for the purpose of placing such person, for immoral purposes, in any house or place against his or her will, is guilty of a felony punishable by imprisonment in the state prison for 16 months, or two or three years.</p> <p>West's Ann. Cal. Penal Code § 647(b) Disorderly Conduct</p> <p>Except as provided in subdivision (l), every person who commits any of the following acts is guilty of disorderly conduct, a misdemeanor: (b) Who solicits or who agrees to engage in or who engages in any act of prostitution. A person agrees to engage in an act of prostitution when, with specific intent to so engage, he or she manifests an acceptance of an offer or solicitation to so engage, regardless of whether the offer or solicitation was made by a person who also possessed the specific intent to engage in prostitution. No agreement to engage in an act of prostitution shall constitute a violation of this subdivision unless some act, in addition to the agreement, is done within this state in furtherance of the commission of an act of prostitution by the person agreeing to engage in that act. As used in this subdivision, "prostitution" includes any lewd act between persons for money or other consideration.</p>
<p>Offense Classification</p>	<p>West's Ann. Cal. Penal Code § 266e Felony</p> <p>West's Ann. Cal. Penal Code § 647(b) Misdemeanor</p>
<p>Penalty - Jail</p>	<p>West's Ann. Cal. Penal Code § 266e</p> <p>Felony: 16 months, or two or three years</p> <p>West's Ann. Cal. Penal Code § 18</p> <p>Except in cases where a different punishment is prescribed by any law of this state, every offense declared to be a felony is punishable by imprisonment for 16 months, or two or three years in the state prison unless the offense is punishable pursuant to subdivision (h) of Section 1170.</p> <p>(b) Every offense which is prescribed by any law of the state to be a felony punishable by imprisonment or by a fine, but without an alternate sentence to the county jail for a period not exceeding one year, may be punishable by imprisonment in the county jail not exceeding one year or by a fine, or by both.</p> <p>West's Ann. Cal. Penal Code § 19 Misdemeanor: Maximum of 6 months</p> <p>§ 647(k) second offense=mandatory 45 days. Third offense=mandatory 90 days.</p>

<p>Penalty - Fine</p>	<p>West's Ann. Cal. Penal Code § 672.</p> <p>Upon a conviction for any crime punishable by imprisonment in any jail or prison, in relation to which no fine is herein prescribed, the court may impose a fine on the offender not exceeding one thousand dollars (\$1,000) in cases of misdemeanors or ten thousand dollars (\$10,000) in cases of felonies, in addition to the imprisonment prescribed.</p> <p>West's Ann. Cal. Penal Code Misdemeanor § 19: maximum of \$1,000 § 19.8(b): Except in cases where a different punishment is prescribed, every offense declared to be an infraction is punishable by a fine not exceeding two hundred fifty dollars (\$250).</p>
<p>Crimes Code Section</p>	<p>Of Crimes Against the Person Involving Sexual Assault, and Crimes Against Public Decency and Good Morals</p>
<p>Notes</p>	<p>West's Ann. Cal. Penal Code § 647(k) is where the recidivist penalties are.</p> <p>Additional penalties: driver's license suspension for up to 30 days, the privilege of the person to operate a motor vehicle pursuant to Section 13201.5 of the Vehicle Code for any violation of subdivision (b) that was committed within 1,000 feet of a private residence and with the use of a vehicle. In lieu of the suspension, the court may order a person's privilege to operate a motor vehicle restricted, for not more than six months, to necessary travel to and from the person's place of employment or education. If driving a motor vehicle is necessary to perform the duties of the person's employment, the court may also allow the person to drive in that person's scope of employment.</p>

Colorado

<p>"Patronizing" Provision</p>	<p>C.R.S.A. § 18-7-202 Soliciting for prostitution</p> <p>(1) A person commits soliciting for prostitution if he:</p> <ul style="list-style-type: none"> (a) Solicits another for the purpose of prostitution; or (b) Arranges or offers to arrange a meeting of persons for the purpose of prostitution; or (c) Directs another to a place knowing such direction is for the purpose of prostitution. <p>§ 18-7-205. Patronizing a prostitute</p> <p>(1) Any person who performs any of the following with a person not his spouse commits patronizing a prostitute:</p> <ul style="list-style-type: none"> (a) Engages in an act of sexual intercourse or of deviate sexual conduct with a prostitute; or (b) Enters or remains in a place of prostitution with intent to engage in an act of sexual intercourse or deviate sexual conduct.
<p>Offense Classification</p>	<p>C.R.S.A. § 18-7-202</p> <p>(2) Soliciting for prostitution is a class 3 misdemeanor.</p> <p>§ 18-7-205</p> <p>(2) Patronizing a prostitute is a class 1 misdemeanor.</p>
<p>Penalty - Jail</p>	<p>C.R.S.A. § 18-1.3-501</p> <p>Class 3 Misdemeanor: Maximum of 6 months imprisonment</p> <p>Class 1 Misdemeanor: Minimum of 6 months imprisonment, maximum of 18 months imprisonment</p>
<p>Penalty - Fine</p>	<p>C.R.S.A. § 18-7-202</p> <p>(2) A person who is convicted of soliciting for prostitution may be required to pay a fine of not more than five thousand dollars in addition to any penalty imposed by the court pursuant to section 18-1.3-501, which additional fine shall be transferred to the state treasurer, who shall transfer the same to the prostitution enforcement cash fund created in section 24-33.5-513, C.R.S.</p> <p>C.R.S.A. § 18-7-205</p> <p>(2) A person who is convicted of patronizing a prostitute may be required to pay a fine of not more than five thousand dollars in addition to any penalty imposed by the court pursuant to section 18-1.3-401 or 18-1.3-503, which additional fine shall be transferred to the state treasurer, who shall transfer the same to the prostitution enforcement cash fund created in section 24-33.5-513, C.R.S.</p>

	C.R.S.A. § 18-1.3-501 Class 3 Misdemeanor: Minimum fine of \$50, Maximum fine of \$750 Class 1 Misdemeanor: Minimum fine of \$500, Maximum fine of \$5,000
Crimes Code Section	Offenses Relating to Morals
Notes:	

Connecticut

<p>"Patronizing" Provision</p>	<p>CT ST § 53a-83 Patronizing a prostitute</p> <p>(a) A person is guilty of patronizing a prostitute when:</p> <p style="padding-left: 40px;">(1) Pursuant to a prior understanding, he pays a fee to another person as compensation for such person or a third person having engaged in sexual conduct with him; or</p> <p style="padding-left: 40px;">(2) he pays or agrees to pay a fee to another person pursuant to an understanding that in return therefor such person or a third person will engage in sexual conduct with him; or</p> <p style="padding-left: 40px;">(3) he solicits or requests another person to engage in sexual conduct with him in return for a fee.</p>
<p>Offense Classification</p>	<p>CT ST § 53a-83</p> <p>(b) Except as provided in subsection (c) of this section, patronizing a prostitute is a class A misdemeanor.</p>
<p>Penalty - Jail</p>	<p>CT ST § 53a-36</p> <p>A sentence of imprisonment for a misdemeanor shall be a definite sentence and, unless the section of the general statutes that defines or provides the penalty for the crime specifically provides otherwise, the term shall be fixed by the court as follows:</p> <p>(1) For a class A misdemeanor, a term not to exceed one year.</p>
<p>Penalty - Fine</p>	<p>CT ST § 53a-42</p> <p>(1) For a class A misdemeanor, an amount not to exceed two thousand dollars.</p>
<p>Crimes Code Section</p>	<p>Sex Offenses</p>

Delaware

<p>"Patronizing" Provision</p>	<p>11 Del. C. § 1343 Patronizing a prostitute prohibited</p> <p>(a) A person is guilty of patronizing a prostitute when:</p> <p>(1) Pursuant to a prior agreement or understanding, the person pays a fee to another person as compensation for that person's having engaged in sexual conduct with the person; or</p> <p>(2) The person pays or agrees to pay a fee to another person pursuant to an agreement or understanding that in return therefor that person or a third person will engage in sexual conduct with the person; or</p> <p>(3) The person solicits or requests another person to engage in sexual conduct with the person in return for a fee.</p>
<p>Offense Classification</p>	<p>11 Del. C. § 1343 Misdemeanor</p> <p>(b) Patronizing a prostitute is a misdemeanor. The minimum mandatory fine shall be \$500. This fine shall not be suspended.</p> <p>(e)(1) Any person found guilty of patronizing a prostitute and such crime has occurred on or within 1,000 feet of the property of any school, residence, church, synagogue or other place of worship shall be guilty of a class A misdemeanor. The minimum mandatory fine shall be \$1,000. This fine shall not be suspended.</p>
<p>Penalty - Jail</p>	<p>11 Del. C. § 4206</p> <p>(a) Class A misdemeanor may include up to 1 year incarceration</p> <p>Misdemeanor: (c) The sentence for an unclassified misdemeanor shall be a definite sentence fixed by the court in accordance with the sentence specified in the law defining the offense. If no sentence is specified in such law, the sentence may include up to 30 days incarceration at Level V.</p>
<p>Penalty - Fine</p>	<p>11 Del. C. § 1343</p> <p>Misdemeanor: minimum mandatory fine shall be \$500. This fine shall not be suspended.</p> <p>11 Del. C. § 4206</p> <p>(a) Class A Misdemeanor fine up to \$2,300</p> <p>11 Del. C. § 4206</p> <p>(c) For an unclassified misdemeanor</p> <p>(1) For the first conviction: no less than \$250, nor more than \$1,000</p> <p>(2) For the second conviction for the same offense; no less than \$500, nor more than \$2,500; and</p> <p>(3) For all subsequent convictions for the same offense: no less than \$1,000 nor more than \$5,000.</p>

Crimes Code Section	Offenses Against Public Health, Order and Decency
Notes	

Florida

<p>"Patronizing" Provision</p>	<p>FL ST § 796.07 Prohibiting prostitution and related acts</p> <p>(2)(f) To solicit, induce, entice, or procure another to commit prostitution, lewdness, or assignation.</p> <p>(2)(i) To purchase the services of any person engaged in prostitution.</p>
<p>Offense Classification</p>	<p>(4)(a) A person who violates any provision of this section, other than paragraph (2)(f), commits:</p> <p>(2)(i) To purchase the services of any person engaged in prostitution. First violation: A misdemeanor of the second degree Second violation: A misdemeanor of the first degree Third/subsequent violation: A felony of the third degree</p> <p>(5)(a) A person who violates paragraph (2)(f) commits: First violation: A misdemeanor of the first degree Second violation: A felony of the third degree Third/subsequent violation: A felony of the second degree.</p> <p>NOTE: It seems like a violation of 2(i) but NOT 2(f) makes a defendant with a third of subsequent violation eligible for admission to a pretrial intervention program or a substance abuse treatment program as provided in s. 948.08.</p>
<p>Penalty - Jail</p>	<p>For (2)(f) crime:</p> <p>First violation: § 775.082</p> <p>(4)(a) A misdemeanor of the first degree a convicted person may be sentenced to a definite term of imprisonment not exceeding 1 year.</p> <p>Second violation:</p> <p>(e) A felony of the third degree a convicted person may be sentenced to a definite term of imprisonment not exceeding 5 years.</p> <p>Third/subsequent violation:</p> <p>(e) A felony of the second degree a convicted person may be sentenced to a definite term of imprisonment not exceeding 15 years.</p> <p>For (2)(i) crime:</p> <p>First violation: § 775.082</p> <p>(4)(a) A misdemeanor of the second degree a convicted person may be sentenced to a definite term of imprisonment not exceeding 60 days.</p> <p>Second violation:</p> <p>(4)(a) A misdemeanor of the first degree a convicted person may be sentenced to a definite term</p>

	<p>of imprisonment not exceeding 1 year.</p> <p>Third/subsequent violation:</p> <p>(e) A felony of the third degree a convicted person may be sentenced to a definite term of imprisonment not exceeding 5 years.</p>
<p>Penalty - Fine</p>	<p>FL ST § 796.07</p> <p>(6) A person who violates paragraph (2)(f) shall be assessed a civil penalty of \$5,000 if the violation results in any judicial disposition other than acquittal or dismissal.</p> <p>Of the proceeds from each penalty assessed under this subsection, the first \$500 shall be paid to the circuit court administrator for the sole purpose of paying the administrative costs of treatment-based drug court programs provided under s. 397.334. The remainder of the penalty assessed shall be deposited in the Operations and Maintenance Trust Fund of the Department of Children and Families for the sole purpose of funding safe houses and safe foster homes as provided in s. 409.1678.</p> <p>FL ST § 775.083</p> <p>[A person] may be sentenced to pay a fine in addition to any punishment described in s. 775.082; when specifically authorized by statute, he or she may be sentenced to pay a fine in lieu of any punishment described in s. 775.082. A person who has been convicted of a noncriminal violation may be sentenced to pay a fine. Fines for designated crimes and for noncriminal violations shall not exceed:</p> <p>(d) Misdemeanor of 1st Degree: \$1000 (c) Felony of 3rd Degree: \$5000 (b) Felony of 2nd Degree: \$10,000</p>
<p>Crimes Code Section</p>	<p>Prostitution</p>
<p>Notes</p>	<p>Amended by C.S.C.S.H.B. No. 545. Effective October 1, 2016.</p> <p>FL ST § 796.07</p> <p>(b) In addition to any other penalty imposed, the court shall order a person convicted of a violation of paragraph (2)(f) to:</p>

(1) Perform 100 hours of community service; and

(2) Pay for and attend an educational program about the negative effects of prostitution and human trafficking, such as a sexual violence prevention education program, including such programs offered by faith-based providers, if such programs exist program exists in the judicial circuit in which the offender is sentenced.

(c) In addition to any other penalty imposed, the court shall sentence a person convicted of a second or subsequent violation of paragraph (2)(f) to a minimum mandatory period of incarceration of 10 days.

(d)

(1) If a person who violates paragraph (2)(f) uses a vehicle in the course of the violation, the judge, upon the person's conviction, may issue an order for the impoundment or immobilization of the vehicle for a period of up to 60 days. The order of impoundment or immobilization must include the names and telephone numbers of all immobilization agencies meeting all of the conditions of s. 316.193(13). Within 7 business days after the date that the court issues the order of impoundment or immobilization, the clerk of the court must send notice by certified mail, return receipt requested, to the registered owner of the vehicle, if the registered owner is a person other than the defendant, and to each person of record claiming a lien against the vehicle.

(2) The owner of the vehicle may request the court to dismiss the order. The court must dismiss the order, and the owner of the vehicle will incur no costs, if the owner of the vehicle alleges and the court finds to be true any of the following:

- (a) The owner's family has no other private or public means of transportation;
- (b) The vehicle was stolen at the time of the offense;
- (c) The owner purchased the vehicle after the offense was committed, and the sale was not made to circumvent the order and allow the defendant continued access to the vehicle; or
- (d) The vehicle is owned by the defendant but is operated solely by employees of the defendant or employees of a business owned by the defendant.

(3) If the court denies the request to dismiss the order, the petitioner may request an evidentiary hearing. If, at the evidentiary hearing, the court finds to be true any of the circumstances described in sub-subparagraphs (d)2.a.-d., the court must dismiss the order and the owner of the vehicle will incur no costs. . . .

(6) A person who violates paragraph (2)(f) shall be assessed a civil penalty of \$5,000 if the violation results in any judicial disposition other than acquittal or dismissal. Of the proceeds from each penalty assessed under this subsection, the first \$500 shall be paid to the circuit court administrator for the sole purpose of paying the administrative costs of treatment-based drug court programs provided under s. 397.334. The remainder of the penalty assessed shall be deposited in the Operations and Maintenance Trust Fund of the Department of Children and Families for the sole purpose of funding safe houses and safe foster homes as provided in s. 409.1678.

(7) If the place, structure, building, or conveyance that is owned, established, maintained, or operated in violation of paragraph (2)(a) is a massage establishment that is or should be licensed under s. 480.043, the offense shall be reclassified to the next higher degree as follows:

- (a) A misdemeanor of the second degree for a first violation is reclassified as a

	<p>misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.</p> <p>(b) A misdemeanor of the first degree for a second violation is reclassified as a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.</p>
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Georgia

<p>"Patronizing" Provision</p>	<p>Ga. Code Ann. § 16-6-9. Prostitution</p> <p>A person commits the offense of prostitution when he or she performs or offers or consents to perform a sexual act, including but not limited to sexual intercourse or sodomy, for money or other items of value.</p> <p>Ga. Code Ann. § 16-6-15. Solicitation of sodomy</p> <p>(a) A person commits the offense of solicitation of sodomy when he solicits another to perform or submit to an act of sodomy. Except as provided in subsection (b) of this Code section, a person convicted of solicitation of sodomy shall be punished as for a misdemeanor.</p>
<p>Offense Classification</p>	<p>Ga. Code Ann. § 16-6-13:</p> <p>Ga. Code Ann. § 16-6-9 is a misdemeanor Ga. Code Ann. § 16-6-5 is also a misdemeanor</p>
<p>Penalty - Jail</p>	<p>Ga. Code Ann. § 17-10-3.</p> <p>Misdemeanors: punished up to 1 year in jail</p>
<p>Penalty - Fine</p>	<p>Ga. Code Ann. § 16-6-13</p> <p>(d) mandatory fine \$2,500.00 if such offense was committed within 1,000 feet of any school building, school grounds, public place of worship, or playground or recreation center which is used primarily by persons under the age of 17 years.</p> <p>§ 17-10-3. Misdemeanors: fine up to \$1,000.00</p>
<p>Crimes Code Section</p>	<p>Sexual Offenses</p>
<p>Notes</p>	

Hawaii

"Patronizing" Provision	<p>Haw. Rev. Stat. § 712-1200 Prostitution</p> <p>(1) A person commits the offense of prostitution if the person:</p> <ul style="list-style-type: none">(a) Engages in, or agrees or offers to engage in, sexual conduct with another person in return for a fee; or(b) Pays, agrees to pay, or offers to pay a fee to another to engage in sexual conduct. <p>Haw. Rev. Stat. § 712-1207 Street solicitation of prostitution; designated areas.</p> <p>(1) It shall be unlawful for any person within the boundaries of Waikiki and while on any public property to:</p> <ul style="list-style-type: none">(a) Offer or agree to engage in sexual conduct with another person in return for a fee; or(b) Pay, agree to pay, or offer to pay a fee to another person to engage in sexual conduct. <p>(2) It shall be unlawful for any person within the boundaries of other areas in this State designated by county ordinance pursuant to subsection (3), and while on any public property to:</p> <ul style="list-style-type: none">(a) Offer or agree to engage in sexual conduct with another person in return for a fee; or(b) Pay, agree to pay, or offer to pay a fee to another person to engage in sexual conduct. <p>(3) Upon a recommendation of the chief of police of a county, that county may enact an ordinance that:</p> <ul style="list-style-type: none">(a) Designates areas, each no larger than three square miles, as zones of significant prostitution-related activity that is detrimental to the health, safety, or welfare of the general public; or(b) Alters the boundaries of any existing area under paragraph (a); <p>provided that not more than four areas may be designated within the State.</p> <p>Haw. Rev. Stat. § 712-1209 Solicitation of prostitution near schools or public parks</p> <p>(1) A person commits the offense of solicitation of prostitution near schools or public parks if, within seven hundred fifty feet of a school or public park, the person offers or agrees to pay a fee to another person to engage in sexual conduct.</p> <p>Haw. Rev. Stat. § 712-1209.5 Habitual solicitation of prostitution</p> <p>(1) A person commits the offense of habitual solicitation of prostitution if the person is a habitual prostitution offender and pays, agrees to pay, or offers to pay a fee to another person to engage in sexual conduct.</p> <p>(2) For the purposes of this section, a person has the status of a “habitual prostitution offender” if the person, at the time of the conduct for which the person is charged, had two or more convictions within ten years of the instant offense for:</p> <ul style="list-style-type: none">(a) Prostitution(b) Street solicitation of prostitution(c) Habitual solicitation of prostitution(d) Comparable offense in other jurisdiction
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<p>Offense Classification</p>	<p>Haw. Rev. Stat. § 712-1200: (3) Prostitution is a petty misdemeanor; provided that:</p> <p>(b) If the person who commits the offense under subsection (1)(b) does so in reckless disregard of the fact that the other person is a victim of sex trafficking, prostitution is a class C felony.</p> <p>Haw. Rev. Stat. § 712-1207:</p> <p>(4) Notwithstanding any law to the contrary, any person violating this section shall be guilty of a petty misdemeanor and shall be sentenced to a mandatory term of thirty days imprisonment. The term of imprisonment shall be imposed immediately, regardless of whether the defendant appeals the conviction, except as provided in subsection (5).</p> <p>Haw. Rev. Stat. § 712-1209:</p> <p>(2) Solicitation of prostitution near schools or public parks is a misdemeanor.</p> <p>Haw. Rev. Stat. § 712-1209.5:</p> <p>(3) Habitual solicitation of prostitution is class C felony.</p>
<p>Penalty - Jail</p>	<p>Haw. Rev. Stat. § 712-1200</p> <p>(4) A person convicted of committing the offense of prostitution as a petty misdemeanor shall be sentenced as follows:</p> <p>(a) For the first offense, the person may be sentenced to a term of imprisonment of not more than thirty days or probation; provided that in the event the convicted person defaults in payment of the fine, and the default was not contumacious, the court may sentence the person to perform services for the community as authorized by section 706-605(1).</p> <p>(b) For any subsequent offense, . . . a term of imprisonment of thirty days or probation, without possibility of deferral of further proceedings pursuant to chapter 853 and without possibility of suspension of sentence.</p> <p>Haw. Rev. Stat. § 712-1207</p> <p>(4) Notwithstanding any law to the contrary, any person violating this section . . . shall be sentenced to a mandatory term of thirty days imprisonment. . . . [which] shall be imposed immediately, regardless of whether the defendant appeals the conviction, except as provided in subsection (5).</p> <p>(5) As an option to the mandatory term of thirty days imprisonment, if the court finds the option is warranted based upon the defendant’s record, the court may place the defendant on probation for a period not to exceed six months, subject to the mandatory condition that the defendant observe geographic restrictions that prohibit the defendant from entering or remaining on public property, in Waikiki and other areas in the State designated by county ordinance during the hours from 6 p.m. to 6 a.m. Upon any violation of the geographic restrictions by the defendant, the court, after hearing, shall revoke the defendant’s probation and immediately impose the mandatory thirty-day term of imprisonment. Nothing contained in this subsection shall be construed as prohibiting the imposition of stricter geographic restrictions under section 706-624(2)(h).</p>

	<p>Subsection (6) provides for bail</p> <p>Haw. Rev. Stat. § 712-1209</p> <p>Misdemeanor carries sentence of up to 1 year in jail.</p> <p>Haw. Rev. Stat. § 712-1209.5</p> <p>Class C felony - up to 5 years in jail.</p>
<p>Penalty - Fine</p>	<p>Haw. Rev. Stat. § 712-1200</p> <p>(a) For the first offense, . . . a fine of not less than \$500 but not more than \$1,000 . . . provided that in the event the convicted person defaults in payment of the fine, and the default was not contumacious, the court may sentence the person to perform services for the community as authorized by section 706-605(1).</p> <p>(b) For any subsequent offense, a fine of not less than \$500 but not more than \$1,000 . . . without possibility of deferral of further proceedings pursuant to chapter 853 and without possibility of suspension of sentence.</p> <p>Haw. Rev. Stat. § 712-1207</p> <p>Statute does not specify a fine, although this crime is classified a petty misdemeanor. It appears incarceration is the only penalty.</p> <p>Haw. Rev. Stat. § 712-1209</p> <p>Statute does not specify a fine, although this crime is classified a misdemeanor. It appears incarceration is the only penalty.</p> <p>Haw. Rev. Stat. § 712-1209.5</p> <p>Statute does not specify a fine, although this crime is classified a class C felony. It appears incarceration is the only penalty.</p>
<p>Crimes Code Section</p>	<p>Offenses Against Public Health and Morals</p>

Notes	<p>Haw. Rev. Stat. § 712-1200</p> <p>(5) This section shall not apply to any member of a police department, a sheriff, or a law enforcement officer acting in the course and scope of duties, unless engaged in sexual penetration or sadomasochistic abuse.</p> <p>In 2014, Hawaii came under national scrutiny for its laws that gave law enforcement officers explicit immunity, making it legal for officers to engage in sex during an ongoing CSE investigation. The phrase beginning with "unless" appears to be an alternation to the prior blanket immunity that prohibits sexual penetration.</p> <p>Haw. Rev. Stat. § 712-1209.5</p> <p>(2) A conviction for purposes of this section is a judgment on the verdict or a finding of guilt, or a plea of guilty or nolo contendere. The convictions must have occurred on separate dates and be for separate incidents on separate dates. At the time of the instant offense, the conviction must not have been expunged by pardon, reversed, or set aside.</p>
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Idaho

<p>"Patronizing" Provision</p>	<p>I.C. § 18-5614 Patronizing a prostitute</p> <p>(1) A person is guilty of patronizing a prostitute when he or she:</p> <p style="padding-left: 20px;">(a) Pays or offers or agrees to pay another person a fee for the purpose of engaging in an act of sexual conduct or sexual contact;</p> <p style="padding-left: 20px;">(b) Enters or remains in a house of prostitution for the purpose of engaging in sexual conduct or sexual contact.</p>
<p>Offense Classification</p>	<p>I.C. § 18-5614</p> <p>First/second offense – misdemeanor</p> <p>Third/subsequent conviction – felony</p>
<p>Penalty - Jail</p>	<p>I.C. § 18-113. Punishment for misdemeanor:</p> <p>(1) Except in cases where a different punishment is prescribed in this code, every offense declared to be a misdemeanor, is punishable by imprisonment in a county jail not exceeding six (6) months</p> <p>I.C. § 18-112. Punishment for felony:</p> <p>Except in cases where a different punishment is prescribed by this code, every offense declared to be a felony is punishable by imprisonment in the state prison not exceeding five (5) years</p>
<p>Penalty - Fine</p>	<p>I.C. § 18-113 Punishment for misdemeanor:</p> <p>(1) punishable . . . by a fine not exceeding one thousand dollars (\$1,000)</p> <p>(2) In addition to any other punishment prescribed for misdemeanors in specific statutes of the Idaho Code, the court may also impose a fine of up to one thousand dollars (\$1,000). This paragraph shall not apply if the specific misdemeanor statute provides for the imposition of a fine.</p> <p>I.C. § 18-112. Punishment for felony:</p> <p>punishable . . . by fine not exceeding fifty thousand dollars (\$50,000)</p>
<p>Crimes Code Section</p>	<p>Prostitution</p>
<p>Notes</p>	

Illinois

<p>"Patronizing" Provision</p>	<p>720 ILCS 5/11-14.1 Solicitation of a sexual act</p> <p>Any person who offers a person not his or her spouse any money, property, token, object, or article or anything of value for that person or any other person not his or her spouse to perform any act of sexual penetration as defined in Section 11-0.1 of this Code, or any touching or fondling of the sex organs of one person by another person for the purpose of sexual arousal or gratification, commits solicitation of a sexual act.</p> <p>720 ILCS 5/11-18 Patronizing a prostitute</p> <p>(a) Any person who knowingly performs any of the following acts with a person not his or her spouse commits patronizing a prostitute:</p> <ol style="list-style-type: none"> (1) Engages in an act of sexual penetration as defined in Section 11-0.1 of this Code with a prostitute; or (2) Enters or remains in a place of prostitution with intent to engage in an act of sexual penetration as defined in Section 11-0.1 of this Code; or (3) Engages in any touching or fondling with a prostitute of the sex organs of one person by the other person, with the intent to achieve sexual arousal or gratification.
<p>Offense Classification</p>	<p>720 ILCS 5/11-14.1</p> <p>Solicitation of a sexual act is a Class A misdemeanor. Solicitation of a sexual act from a person . . . with a severe or profound intellectual disability is a Class 4 felony.</p> <p>720 ILCS 5/11-18</p> <p>Patronizing a prostitute is a Class 4 felony, unless committed within 1,000 feet of real property comprising a school, in which case it is a Class 3 felony. A person convicted of a second or subsequent violation of this Section, or of any combination of such number of convictions under this Section and Sections 11-14 (prostitution), 11-14.1 (solicitation of a sexual act), 11-14.3 (promoting prostitution), 11-14.4 (promoting juvenile prostitution), 11-15 (soliciting for a prostitute), 11-15.1 (soliciting for a juvenile prostitute), 11-16 (pandering), 11-17 (keeping a place of prostitution), 11-17.1 (keeping a place of juvenile prostitution), 11-18.1 (patronizing a juvenile prostitute), 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated juvenile pimping), or 11-19.2 (exploitation of a child) of this Code, is guilty of a Class 3 felony.</p>
<p>Penalty - Jail</p>	<p>730 ILCS 5/5-4.5-55. Punishment for class A misdemeanor:</p> <p>(a) The sentence of imprisonment shall be a determinate sentence of less than one year.</p> <p>730 ILCS 5/5-4.5-45 Punishment for class 4 felony:</p> <p>(a) The sentence of imprisonment shall be a determinate sentence of not less than one year and not more than 3 years. The sentence of imprisonment for an extended term Class 4 felony, as</p>

	<p>provided in Section 5-8-2 (730 ILCS 5/5-8-2), shall be a term not less than 3 years and not more than 6 years.</p> <p>730 ILCS 5/5-4.5-40 Punishment for class 3 felony</p> <p>(a) The sentence of imprisonment shall be a determinate sentence of not less than 2 years and not more than 5 years. The sentence of imprisonment for an extended term Class 3 felony, as provided in Section 5-8-2 (730 ILCS 5/5-8-2), shall be a term not less than 5 years and not more than 10 years.</p>
Penalty - Fine	<p>730 ILCS 5/5-4.5-55 Punishment for class A misdemeanor:</p> <p>(e) A fine not to exceed \$2,500 for each offense or the amount specified in the offense, whichever is greater, may be imposed.</p> <p>730 ILCS 5/5-4.5-50 Punishment for class 4 felony:</p> <p>(b) An offender may be sentenced to pay a fine not to exceed, for each offense, \$25,000 or the amount specified in the offense, whichever is greater, or if the offender is a corporation, \$50,000 or the amount specified in the offense, whichever is greater.</p> <p>730 ILCS 5/5-4.5-40 Punishment for class 3 felony:</p> <p>(e) Fines may be imposed as imposed in Section 5-4.5-50(b) [which is the same as class 4 felonies].</p>
Crimes Code Section	Offenses Directed Against the Person
Notes	<p>720 ILCS 5/11-14.1 Solicitation of a sex act</p> <p>(b-5) It is an affirmative defense to a charge of solicitation of a sexual act with a person who is under the age of 18 or who is a person with a severe or profound intellectual disability that the accused reasonably believed the person was of the age of 18 years or over or was not a person with a severe or profound intellectual disability at the time of the act giving rise to the charge.</p> <p>(c) This Section does not apply to a person engaged in prostitution who is under 18 years of age.</p> <p>(d) A person cannot be convicted under this Section if the practice of prostitution underlying the offense consists exclusively of the accused's own acts of prostitution under Section 11-14 of this Code.</p>

Indiana

<p>"Patronizing" Provision</p>	<p>Ind. Code Ann. § 35-45-4-3 Patronizing a prostitute</p> <p>A person who knowingly or intentionally pays, or offers or agrees to pay, money or other property to another person:</p> <p>(1) for having engaged in, or on the understanding that the other person will engage in, sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) with the person or with any other person; or</p> <p>(2) for having fondled, or on the understanding that the other person will fondle, the genitals of the person or any other person commits patronizing a prostitute.</p>
<p>Offense Classification</p>	<p>Ind. Code Ann. § 35-45-4-3</p> <p>First/second offense – class A misdemeanor Third/subsequent offenses – level 6 felony</p>
<p>Penalty - Jail</p>	<p>Ind. Code Ann. § 35-50-3-2 Punishment for class A misdemeanor:</p> <p>A person who commits a Class A misdemeanor shall be imprisoned for a fixed term of not more than one year</p> <p>Ind. Code Ann. § 35-50-2-7 Punishment for level 6 felony:</p> <p>(b) A person who commits a Level 6 felony (for a crime committed after June 30, 2014) shall be imprisoned for a fixed term of between six (6) months and two and one-half (2 1/2) years, with the advisory sentence being one (1) year.</p>
<p>Penalty - Fine</p>	<p>Ind. Code Ann. § 35-50-3-2 Punishment for class A misdemeanor:</p> <p>A person who commits a Class A misdemeanor . . . may be fined not more than five thousand dollars (\$5,000).</p> <p>Ind. Code Ann. § 35-50-2-7 Punishment for level 6 felony:</p> <p>(b) A person who commits a Level 6 felony (for a crime committed after June 30, 2014) . . . may be fined not more than ten thousand dollars (\$10,000).</p>
<p>Crimes Code Section</p>	<p>Offenses Against Public Health, Order, and Decency</p>
<p>Notes</p>	

Iowa

<p>"Patronizing" Provision</p>	<p>Iowa Code Ann. § 725.1 Prostitution</p> <p>(2)(a) Except as provided in paragraph “b”, a person who purchases or offers to purchase another person's services as a partner in a sex act commits an aggravated misdemeanor.</p> <p>(b) A person who purchases or offers to purchase another person’s services as a partner in a sex act who is under the age of eighteen commits a class ‘D’ felony.</p> <p>Iowa Code Ann. § 702.17 Sex Act [Defined]</p> <p>The term “sex act” or “sexual activity” means any sexual contact between two or more persons by:</p> <ol style="list-style-type: none"> 1. Penetration of the penis into the vagina or anus. 2. Contact between the mouth and genitalia or by contact between the genitalia of one person and the genitalia or anus of another person. 3. Contact between the finger or hand of one person and the genitalia or anus of another person, except in the course of examination or treatment by a person licensed pursuant to chapter 148, 148C, 151, or 152. 4. Ejaculation onto the person of another. 5. By use of artificial sexual organs or substitutes therefor in contact with the genitalia or anus.”
<p>Offense Classification</p>	<p>Iowa Code Ann. § 725.1(2)(a)</p> <p>Aggravated misdemeanor</p> <p>Iowa Code Ann. § 725.1(2)(b)</p> <p>Class “D” Felony if purchaser attempts to purchase sexual services from a person under the age of eighteen.</p>
<p>Penalty - Jail</p>	<p>Iowa Code Ann. § 903.1 Punishment for aggravated misdemeanor:</p> <p>Maximum penalty shall be imprisonment not to exceed two years.</p> <p>Iowa Code Ann. § 903.1 Punishment for class “D” felony:</p> <p>(e) A class “D” felon, not an habitual offender, shall be confined for no more than five years.</p>
<p>Penalty – Fine</p>	<p>Iowa Code Ann. § 903.1 Punishment for aggravated misdemeanor:</p> <p>There shall be a fine of at least six hundred twenty-five dollars but not to exceed six thousand two hundred fifty dollars</p> <p>Iowa Code Ann. § 903.1 Punishment for class D felony:</p> <p>(e) A fine of at least seven hundred fifty dollars but not more than seven thousand five hundred dollars</p>
<p>Crimes Code Section</p>	<p>Vice</p>

Notes	

Kansas

<p>"Patronizing" Provision</p>	<p>21-6421. Buying sexual relations</p> <p>“(a) Buying sexual relations is knowingly:</p> <p>(1) Entering or remaining in a place where sexual relations are being sold or offered for sale with intent to engage in manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another, sexual intercourse, sodomy or any unlawful sexual act with a person selling sexual relations who is 18 years of age or older; or</p> <p>(2) hiring a person selling sexual relations who is 18 years of age or older to engage in manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another, sexual intercourse, sodomy or any unlawful sexual act.”</p>
<p>Offense Classification</p>	<p>21-6421.(b)(1)(A)</p> <p>Class A person misdemeanor (B) if a prior conviction - severity level 9, person felony</p>
<p>Penalty - Jail</p>	<p>First Offense:</p> <p>21-6602. Classification of misdemeanors and terms of confinement; possible disposition</p> <p>(a)(1) Class A Misdemeanors - definite term of confinement, up to one year in county jail.</p> <p>(b) May be in addition to or in place of a fine (see below)</p> <p>Subsequent Offenses:</p> <p>§ 21-6804. Sentencing grid for nondrug crimes; authority and responsibility of sentencing court; presumptive disposition</p> <p>Depends on offender's criminal history. 21-6421 refers to the sentencing guidelines. Prior convictions under this section are treated as "Person Felonies," and a subsequent conviction is Security Level 9. Under Security Level 9, the presumptive sentences range from presumptive probation with 5/6/7 months possible imprisonment (if little or no prior criminal history), to 11/12/13 months presumptive imprisonment (if 2+ prior person felonies).</p> <p>§ 21-6804 gives judges the discretion to make a departure from (go outside of) the guidelines. Differing sentences are only considered "departures" if they go outside the IMPRISONMENT guidelines, not the non-prison guidelines</p> <p>References the guidelines (table here http://sentencing.ks.gov/docs/default-source/2015-Forms/2015-nondrug-offenses.pdf?sfvrsn=0). (Security level IX)</p>

<p>Penalty - Fine</p>	<p>21-6421(B)(2):</p> <p>If convicted under (b)(1)(A): fine not exceeding \$2500 in addition to or instead of imprisonment (in addition to any other sentence imposed).</p> <p>If convicted under (b)(1)(B): fine not less than \$5,000</p>
<p>Crimes Code Section</p>	<p>Crimes Against the Public Morals</p>
<p>Notes</p>	<p>21-6421. (d)(1) authorizes the enactment of city ordinances to be enforced, as long as the minimum penalty is not less than the minimum penalty prescribed by § 24-6421</p> <p>http://sentencing.ks.gov/</p>

Kentucky

<p>"Patronizing" Provision</p>	<p>Ky. Rev. Stat. Ann. § 529.020 Prostitution</p> <p>Patronizing a prostitute is not made a criminal offense under this statute.</p> <p>Ky. Rev. Stat. Ann. § 529.100 Human Trafficking</p> <p>(1) A person is guilty of human trafficking when the person intentionally subjects one (1) or more persons to human trafficking.</p> <p>§ 529.110 Promoting Human Trafficking</p> <p>(1) A person is guilty of promoting human trafficking when the person intentionally:</p> <p>(b) Recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, transport, provide, or obtain by any means, another person, knowing that the person will be subject to human trafficking.</p>
<p>Offense Classification</p>	<p>§ 529.020: Not a criminal act</p> <p>§ 529.100:</p> <p>"(2) (a) Human trafficking is a Class C felony unless it involves serious physical injury to a trafficked person, in which case it is a Class B felony.</p> <p>(b) If the victim of human trafficking is under eighteen (18) years of age, the penalty for the offense shall be one (1) level higher than the level otherwise specified in this section.</p> <p>§ 529.110: Promoting Human Trafficking</p> <p>(2) Promoting human trafficking is a Class D felony unless a victim of the trafficking is under eighteen (18), in which case it is a Class C felony.</p>
<p>Penalty - Jail</p>	<p>KRS § 532.060</p> <p>[Human trafficking which involves serious physical injury to a trafficked person]:</p> <p>(b) For a Class B felony, not less than ten (10) years nor more than twenty (20) years;</p> <p>[Promoting trafficking if person is under 18]:</p> <p>(c) For a Class C felony, not less than five (5) years nor more than ten (10) years; and</p> <p>[Promoting trafficking]</p> <p>(d) For a Class D felony, not less than one (1) year nor more than five (5) years.</p>

Penalty - Fine	<p>§ 534.030 Fines for Felonies:</p> <p>(1) Except as otherwise provided for an offense defined outside this code, a person who has been convicted of any felony shall, in addition to any other punishment imposed upon him, be sentenced to pay a fine in an amount not less than one thousand dollars (\$1,000) and not greater than ten thousand dollars (\$10,000) or double his gain from commission of the offense, whichever is the greater.</p> <p>(Discretionary: \$1,000 - \$10,000 or double the commission of the offense, whichever is greater)</p>
Crimes Code Section	Prostitution Offenses
Notes	§ 529.170: Affirmative defense for victims of human trafficking

Louisiana

<p>"Patronizing" Provision</p>	<p>§ 82.2 Purchase of Commercial Sexual Activity</p> <p>"A. It shall be unlawful for any person to knowingly give, agree to give, or offer to give anything of value to another in order to engage in sexual intercourse with a person who receives or agrees to receive anything of value as compensation for such activity.</p> <p>B. For purposes of this Section, "sexual intercourse" means anal, oral, or vaginal intercourse or any other sexual activity constituting a crime pursuant to the laws of this state."</p>
<p>Offense Classification</p>	<p>Unclassified</p>
<p>Penalty - Jail</p>	<p>§ 82.2 "C. (1) Whoever violates the provisions of this Section shall . . . be imprisoned for not more than six months either in place of or in addition to the below corresponding fine.</p> <p>(2) On a second conviction, the offender shall be . . . imprisoned, with or without hard labor, for not more than two years either in place of or in addition to the below corresponding fine.</p> <p>(3) On a third and subsequent conviction, the offender shall be imprisoned, with or without hard labor, for not less than two nor more than four years in addition to the below corresponding fine.</p>
<p>Penalty - Fine</p>	<p>§ 82.2 C. (1) Whoever violates the provisions of this Section shall be fined not more than five hundred dollars" either in place of or in addition to the above corresponding jail time.</p> <p>(2) On a second conviction, the offender shall be fined not less than two hundred fifty dollars nor more than two thousand dollars" either in place of or in addition to the above corresponding jail time.</p> <p>(3) On a third and subsequent conviction, the offender shall be... fined not less than five hundred dollars nor more than four thousand dollars" in addition to the above corresponding jail time.</p>
<p>Crimes Code Section</p>	<p>Offenses Affecting the Public Morals - Offenses Affecting Sexual Immorality - Offenses Concerning Prostitution</p>
<p>Notes</p>	<p>Penalties under § 82.2 are the same as under § 82 or § 82.1 (Prostitution). It is unclear whether someone could be charged under both statutes, since "Prostitution" is defined in § 82 as:</p> <p>A. Prostitution is:</p> <p>(1) The practice by a person of indiscriminate sexual intercourse with others for compensation.</p> <p>(2) The solicitation by one person of another with the intent to engage in indiscriminate sexual intercourse with the latter for compensation.</p>

Maine

<p>"Patronizing" Provision</p>	<p>17-A M.R.S.A. § 853-B Engaging a prostitute</p> <p>"1. A person is guilty of engaging a prostitute if:</p> <p>A. The person engages a prostitute within the meaning of section 851, subsection 1-A... or</p> <p>B. The person violates paragraph A and, at the time of the offense, the person has one or more prior convictions under this section or for engaging in substantially similar conduct to that contained in this section in another jurisdiction. Section 9-A governs the use of prior convictions when determining a sentence, except that, for the purposes of this paragraph, the date of the prior conviction may not precede the commission of the offense by more than 2 years. Violation of this paragraph is a Class D crime."</p> <p>§ 851. Definitions</p> <p>"1-A. "Engages a prostitute" means providing or agreeing to provide, either to the person whose prostitution is sought or to a 3rd person, pecuniary benefit in return for a sexual act or sexual contact as those terms are defined in section 251"</p> <p>§ 855. Patronizing Prostitution of Minor or Person with Mental Disability</p> <p>"3. A person is guilty of patronizing prostitution of a mentally disabled person if:</p> <p>A. The person, in return for another's prostitution, gives or agrees to give a pecuniary benefit either to the person whose prostitution is sought or to a 3rd person and the person whose prostitution is sought suffers from a mental disability that is reasonably apparent or known to the actor and that in fact renders the other person substantially incapable of appraising the nature of the conduct or conduct involved."</p>
<p>Offense Classification</p>	<p>§ 853-B. First offense: Class E crime Subsequent offenses: Class D crime</p> <p>§ 855.3 Patronizing Prostitution of Minor or Person with a mental disability: Class C Crime</p>
<p>Penalty - Jail</p>	<p>17-A M.R.S.A. § 1252</p> <p>"The court shall set the term of imprisonment as follows:"</p> <p>Class C crime: "the court shall set a definite period not to exceed 5 years" Class D crime: "the court shall set a definite period of less than one year" in county jail Class E crime: "the court shall set a definite period not to exceed 6 months" in county jail</p>
<p>Penalty - Fine</p>	<p>17-A M.R.S.A. § 1301 1-A. Offenders "may be sentenced to pay a fine." "The fine may not exceed:" Class C crime: \$5,000 Class D crime: \$2,000 Class E crime: \$1,000</p>
<p>Crimes Code Section</p>	<p>Substantive Offenses - Sex Trafficking, Prostitution and Public Indecency</p>
<p>Notes</p>	

Maryland

<p>"Patronizing" Provision</p>	<p>MD Code, Criminal Law, § 11-306: House of prostitution</p> <p>(a) A person may not knowingly:</p> <p>(1) engage in prostitution or assignation by any means</p> <p>§ 11-301: Definitions</p> <p>Prostitution: "the performance of a sexual act, sexual contact, or vaginal intercourse for hire."</p> <p>Assignation: "the making of an appointment or engagement for prostitution or any act in furtherance of the appointment or engagement."</p>
<p>Offense Classification</p>	<p>MD Code, Criminal Law, § 11-306(b): A person who violates this section is guilty of a Misdemeanor</p>
<p>Penalty - Jail</p>	<p>MD Code, Criminal Law, § 11-306(b): The guilty person is subject to imprisonment not exceeding 1 year in place of or in addition to the below fine</p>
<p>Penalty - Fine</p>	<p>MD Code, Criminal Law, § 11-306(b): The guilty person is subject to a fine not exceeding \$500 in place of or in addition to the above jail time</p>
<p>Crimes Code Section</p>	<p>Indecency and Obscenity - Prostitution and Related Crimes</p>
<p>Notes</p>	

Massachusetts

<p>"Patronizing" Provision</p>	<p>M.G.L.A. § 53A Engaging in sexual conduct for a fee</p> <p>(b) Whoever pays, agrees to pay or offers to pay another person to engage in sexual conduct, or to agree to engage in sexual conduct with another person . . . whether such sexual conduct occurs or not.</p> <p>(c) Whoever pays, agrees to pay or offers to pay any person with the intent to engage in sexual conduct with a child under the age of 18, or whoever is paid, agrees to pay or agrees that a third person be paid in return for aiding a person who intends to engage in sexual conduct with a child under the age of 18, . . . such sexual conduct occurs or not</p>
<p>Offense Classification</p>	<p>Unclassified</p>
<p>Penalty - Jail</p>	<p>M.G.L.A. 2725 § 53A</p> <p>(b) . . . shall be punished by imprisonment in the house of correction for not more than 2 and one-half years . . . whether such sexual conduct occurs or not</p> <p>(c) . . . shall be punished by imprisonment in the state prison for not more than 10 years, or in the house of correction for not more than 2 and one-half years . . . whether such sexual conduct occurs or not; provided, however, that a prosecution commenced under this section shall not be continued without a finding or placed on file.</p>
<p>Penalty - Fine</p>	<p>M.G.L.A. 272 § 53A</p> <p>(b) . . . [S]hall be punished . . . by a fine of not less than \$1,000 and not more than \$5,000, or by both such imprisonment and fine, whether such sexual conduct occurs or not.</p> <p>(c) . . . [S]hall be punished . . . by a fine of not less than \$3,000 and not more than \$10,000, or by both such imprisonment and fine, whether such sexual conduct occurs or not; provided, however, that a prosecution commenced under this section shall not be continued without a finding or placed on file.</p>
<p>Crimes Code Section</p>	<p>Crimes Against Chastity, Morality, Decency & Good Order</p>
<p>Notes</p>	<p>Can use Human Trafficking statute to prosecute buyers:</p> <p>M.G.L.A. 265 § 50. Trafficking of persons for sexual servitude; trafficking of persons under 18 years for sexual servitude; trafficking by business entities; penalties; tort actions brought by victims</p> <p>(a) Whoever knowingly: (i) subjects, or attempts to subject, or recruits, entices, harbors,</p>

transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, another person to engage in commercial sexual activity; or (ii) benefits, financially or by receiving anything of value, as a result of a violation of clause (i), shall be guilty of the crime of trafficking of persons for sexual servitude and shall be punished by imprisonment in the state prison for not less than 5 years but not more than 20 years and by a fine of not more than \$25,000. Such sentence shall not be reduced to less than 5 years, or suspended, nor shall any person convicted under this section be eligible for probation, parole, work release or furlough or receive any deduction from his sentence for good conduct until he shall have served 5 years of such sentence. No prosecution commenced under this section shall be continued without a finding or placed on file.

* HT Law has been limited on Preemption Grounds by, Doe ex rel. Roe v. Backpage.com, LLC., 104 F. Supp. 3d 149 (D. Mass. 2015) when it comes to the extension of immunity provisions.

Michigan

<p>"Patronizing" Provision</p>	<p>M.C.L.A. § 750.448. Soliciting and accosting</p> <p>A person 16 years of age or older who accosts, solicits, or invites another person in a public place or in or from a building or vehicle, by word, gesture, or any other means, to commit prostitution or to do any other lewd or immoral act, is guilty of a crime punishable as provided in section 451</p>
<p>Offense Classification</p>	<p>M.C.L.A. § 451 Soliciting and Accosting</p> <p>(1) Except as otherwise provided in this section, a person convicted of violating section 448 is guilty of a misdemeanor</p> <p>(2) A person 16 years of age or older who is convicted of violating section 448 and who has 1 prior conviction is guilty of a misdemeanor</p> <p>(3) A person convicted of violating section 448, 449, 449a(1), 450, or 462 and who has 2 or more prior convictions is guilty of a felony</p>
<p>Penalty - Jail</p>	<p>M.C.L.A. § 750.451</p> <p>(1) Except as otherwise provided in this section, a person convicted of violating section 448 is guilty of a misdemeanor punishable by imprisonment for not more than 93 days.</p> <p>M.C.L.A. § 750.451</p> <p>(2) A person 16 years of age or older who is convicted of violating section 448 and who has 1 prior conviction is guilty of a misdemeanor punishable by imprisonment for not more than 1 year.</p> <p>M.C.L.A. § 750.451</p> <p>(3) A person convicted of violating section 448 and who has 2 or more prior convictions is guilty of a felony punishable by imprisonment for not more than 2 years.</p>
<p>Penalty - Fine</p>	<p>M.C.L.A. § 750.451</p> <p>(1) Except as otherwise provided in this section, a person convicted of violating section 448, is guilty of a misdemeanor punishable by... a fine of not more than \$500.00.</p> <p>M.C.L.A. § 750.451</p> <p>(2) A person 16 years of age or older who is convicted of violating section 448 and who has 1 prior conviction is guilty of a misdemeanor punishable by... a fine of not more than \$1,000.00.</p> <p>M.C.L.A. § 750.451</p> <p>(3) A person convicted of violating section 448 and who has 2 or more prior convictions is guilty of a felony punishable by... a fine of not more than \$2,000.00.</p>
<p>Crimes Code Section</p>	<p>Prostitution</p>

Notes	

Minnesota

"Patronizing" Provision	<p>M.S.A. § 609.324 Patrons; prostitutes; housing individuals engaged in prostitution; penalties</p> <p>(2) Prostitution in public place; penalty for patrons. Whoever, while acting as a patron, intentionally does any of the following while in a public place . . .</p> <p style="padding-left: 40px;">(1) engages in prostitution with an individual 18 years of age or older; or</p> <p style="padding-left: 40px;">(2) hires, offers to hire, or agrees to hire an individual 18 years of age or older to engage in sexual penetration or sexual contact.</p> <p>(3) General prostitution crimes; penalties for patrons. (a) Whoever, while acting as a patron, intentionally does any of the following . . . :</p> <p style="padding-left: 40px;">(1) engages in prostitution with an individual 18 years of age or older; or</p> <p style="padding-left: 40px;">(2) hires, offers to hire, or agrees to hire an individual 18 years of age or older to engage in sexual penetration or sexual contact.</p>
Offense Classification	<p>M.S.A. § 609.324</p> <p>(2) Gross Misdemeanor</p> <p>(3) Misdemeanor, unless violation occurs within two years of a previous prostitution conviction for violating this section or section 609.322, then gross misdemeanor.</p>
Penalty - Jail	<p>M.S.A. § 609.125. Sentence for misdemeanor or gross misdemeanor</p> <p>(1) Sentences available.</p> <p style="padding-left: 40px;">(a) Upon conviction of a misdemeanor or gross misdemeanor the court, if sentence is imposed, may, to the extent authorized by law, sentence the defendant:</p> <p style="padding-left: 80px;">(1) to imprisonment for a definite term; or . . .</p> <p style="padding-left: 80px;">(3) to both imprisonment for a definite term and payment of a fine; or . . .</p> <p style="padding-left: 80px;">(6) to perform work service in a restorative justice program in addition to any other sentence imposed by the court,</p> <p style="padding-left: 80px;">or any of the below corresponding fines.</p> <p>M.S.A. § 609.02</p> <p>(3) Misdemeanor: not more than 90 days in addition to or in place of the below corresponding fine.</p> <p>M.S.A. § 609.135</p> <p>(2) Stay of sentence maximum periods. Gross misdemeanor:</p> <p style="padding-left: 40px;">(c) If the conviction is for a gross misdemeanor not specified in paragraph (b), the stay shall be for not more than two years"</p>

<p>Penalty - Fine</p>	<p>M.S.A. § 609.125 Sentence for misdemeanor or gross misdemeanor</p> <p>(1) Sentences available.</p> <p>(a) Upon conviction of a misdemeanor or gross misdemeanor the court, if sentence is imposed, may, to the extent authorized by law, sentence the defendant: . . .</p> <p>(2) to payment of a fine without imprisonment or as an intermediate sanction on a stayed sentence; or . . .</p> <p>(4) to payment of court-ordered restitution in addition to either imprisonment or payment of a fine, or both; or</p> <p>(5) to payment of a local correctional fee as authorized under section 609.102 in addition to any other sentence imposed by the court; or any of the above-mentioned penalties from this section.</p> <p>M.S.A. § 609.324</p> <p>(2) A person who is convicted of violating this subdivision must, at a minimum, be sentenced to pay a fine of at least \$1,500.</p> <p>M.S.A. § 609.324</p> <p>(3) [A] person who is convicted of violating this paragraph must, at a minimum, be sentenced as follows:</p> <p>(1) to pay a fine of at least \$1,500; and</p> <p>(2) to serve 20 hours of community work service.</p> <p>Default Statutes</p> <p>M.S.A. § 609.02</p> <p>(3) [N]ot more than \$1,000 in addition to or in place of the above corresponding jail time.</p> <p>M.S.A. § 609.02</p> <p>(4) Gross Misdemeanor Penalty: The maximum fine which may be imposed for a gross misdemeanor is \$3,000.</p>
<p>Crimes Code Section</p>	<p>Sex Offenses [Crimes; Expungement; Victims (Ch. 609-624)]</p>

Notes	<p>M.S.A. § 609.324</p> <p>(4) Community service in lieu of minimum fine. The court may order a person convicted of violating subdivision 2 or 3 to perform community work service in lieu of all or a portion of the minimum fine required under those subdivisions if the court makes specific, written findings that the convicted person is indigent or that payment of the fine would create undue hardship for the convicted person or that person's immediate family. Community work service ordered under this subdivision is in addition to any mandatory community work service ordered under subdivision 3.</p> <p>(5) Use of motor vehicle to patronize prostitutes; driving record notation.</p> <p>(a) When a court sentences a person convicted of violating this section while acting as a patron, the court shall determine whether the person used a motor vehicle during the commission of the offense and whether the person has previously been convicted of violating this section or section 609.322. If the court finds that the person used a motor vehicle during the commission of the offense, it shall forward its finding along with an indication of whether the person has previously been convicted of a prostitution offense to the commissioner of public safety who shall record the finding on the person's driving record. Except as provided in paragraph (b), the finding is classified as private data on individuals, as defined in section 13.02, subdivision 12, but is accessible for law enforcement purposes.</p> <p>(b) If the person has previously been convicted of a violation of this section or section 609.322, the finding is public data.</p>
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Mississippi

<p>"Patronizing" Provision</p>	<p>Miss. Code Ann. § 97-29-51. Procuring prostitutes</p> <p>A person commits the misdemeanor of procuring the services of a prostitute if the person knowingly or intentionally pays, or offers or agrees to pay, money or other property to another person for having engaged in, or on the understanding that the other person will engage in, sexual intercourse or sexual conduct with the person or with any other person. "Sexual conduct" includes cunnilingus, fellatio, masturbation of another, anal intercourse or the causing of penetration to any extent and with any object or body part of the genital or anal opening of another.</p>
<p>Offense Classification</p>	<p>Miss. Code Ann. § 97-29-51</p> <p>(1)(a): Misdemeanor</p>
<p>Penalty - Jail</p>	<p>Miss. Code Ann. § 97-29-51</p> <p>(1)(b) Upon conviction under this subsection, a person shall be punished by... confinement in the county jail for not more than six (6) months, or both [fine and imprisonment]. A second or subsequent violation of this section shall be a felony, punishable... by imprisonment in the custody of the Department of Corrections for not more than two (2) years, or both.</p>
<p>Penalty - Fine</p>	<p>Miss. Code Ann. § 97-29-51</p> <p>(1)(b). Upon conviction under this subsection, a person shall be punished by a fine not exceeding Two Hundred Dollars (\$200.00). A second or subsequent violation of this section shall be a felony, punishable by a fine not exceeding One Thousand Dollars (\$1,000.00).</p>
<p>Crimes Code Section</p>	<p>Crimes Against Public Morals and Decency</p>
<p>Notes</p>	

Missouri

<p>"Patronizing" Provision</p>	<p>V.A.M.S. § 567.030. Patronizing prostitution – Penalty</p> <p>A person commits the offense of patronizing prostitution if he or she:</p> <ul style="list-style-type: none"> (1) Pursuant to a prior understanding, gives something of value to another person as compensation for having engaged in sexual conduct with any person; or (2) Gives or agrees to give something of value to another person with the understanding that such person or another person will engage in sexual conduct with any person; or (3) Solicits or requests another person to engage in sexual conduct with any person in return for something of value.
<p>Offense Classification</p>	<p>V.A.M.S. § 567.030</p> <p>(3) Patronizing prostitution is a class B misdemeanor, unless the individual who the person is patronizing is less than eighteen years of age but older than fourteen years of age, in which case patronizing prostitution is a class A misdemeanor.</p> <p>V.A.M.S. § 567.030</p> <p>(4) Patronizing prostitution is a class E felony if the individual who the person patronizes is fourteen years of age or younger.</p>
<p>Penalty - Jail</p>	<p>V.A.M.S. § 558.011 1.</p> <p>(4) A class E felony is subject to imprisonment for a term of years not to exceed four years.</p> <p>(5) A class A misdemeanor is subject to imprisonment for a term not to exceed one year.</p> <p>(6) A class B misdemeanor is subject to a jail sentence term not to exceed six months.</p>
<p>Penalty - Fine</p>	<p>V.A.M.S. § 558.002</p> <p>(1) Except as otherwise provided for an offense outside this code, a person who has been convicted of an offense may be sentenced to pay a fine which does not exceed:</p> <ul style="list-style-type: none"> (1) For a class C, D, or E felony, ten thousand dollars; (2) For a class B misdemeanor, one thousand dollars; (3) For a class A misdemeanor, two thousand dollars;
<p>Crimes Code Section</p>	<p>Prostitution</p>
<p>Notes</p>	

Montana

<p>"Patronizing" Provision</p>	<p>MCA § 45-5-601 Prostitution</p> <p>(1) A person commits the offense of prostitution if the person engages in or agrees or offers to engage in sexual intercourse with another person for compensation, whether the compensation is received or to be received or paid or to be paid.</p>
<p>Offense Classification</p>	<p>Unclassified (Note: Westlaw Editor's notes indicate this crime is a misdemeanor)</p>
<p>Penalty - Jail</p>	<p>§ 45-5-601 1st offense: shall be not more than 1 year, in addition or in place of the below corresponding fine</p> <p>§ 45-5-601 2nd offense: shall be not more than 5 years, in addition or in place of the below corresponding fine</p>
<p>Penalty - Fine</p>	<p>§ 45-5-601 1st offense: shall be not more than \$1,000, in addition or in place of the above corresponding jail sentence</p> <p>§ 45-5-601 2nd offense: shall be not more than \$5,000, in addition or in place of the above corresponding jail sentence</p>
<p>Crimes Code Section</p>	<p>Offenses Against the Person -- Offenses Against Family</p>
<p>Notes</p>	<p>§ 45-5-601(3)(a):</p> <p>(i) Shall be ordered to enroll in and successfully complete the educational phase and the cognitive and behavioral phase of a sexual offender treatment program provided or approved by the department of corrections.</p> <p>§ 45-5-601(3)(b):</p> <p>If the offender is released after the mandatory minimum period of imprisonment, the offender is subject to supervision by the department of corrections for the remainder of the offender's life and shall participate in the program for continuous, satellite-based monitoring provided for in 46-23-1010.</p>

Nebraska

<p>"Patronizing" Provision</p>	<p>Neb. Rev. St. § 28-801.01 Solicitation of prostitution</p> <p>Any person who solicits another person not his or her spouse to perform any act of sexual contact or sexual penetration, as those terms are defined in section 28-318, in exchange for money or other thing of value, commits solicitation of prostitution.</p>
<p>Offense Classification</p>	<p>Neb. Rev. St. § 28-801.01 First offense: Class I Misdemeanor</p> <p>Neb. Rev. St. § 28-801.01 More than one prior conviction/the person solicited is under the age of 18: Class IV felony</p> <p>Neb. Rev. St. § 28-801.01</p> <p>If the court places such person on probation, such order of probation shall include in its conditions (i) the payment of a fine of not less than five hundred dollars, (ii) that such person shall satisfactorily attend and complete an appropriate mental health and substance abuse assessment conducted by a licensed mental health professional or substance abuse professional authorized to complete such assessment, and (iii) that such person shall satisfactorily attend and complete, at his or her own expense, an educational program designed to educate participants on the effect of prostitution on the participants' health, on the person solicited, and on the community.</p>
<p>Penalty - Jail</p>	<p>Neb. Rev. St. § 28-106 Class 1 maximum: not more than one year imprisonment</p> <p>Neb. Rev. St. § 28-105 Class IV felony maximum: two years imprisonment and twelve months post-release supervision</p>
<p>Penalty - Fine</p>	<p>Neb. Rev. St. § 28-801.01 Class I misdemeanor: fine of not less than two hundred fifty dollars.</p> <p>Neb. Rev. St. § 28-106 Class I misdemeanor maximum: one thousand dollars fine</p> <p>Neb. Rev. St. § 28-801.01 Class IV felony: pay a fine of not less than five hundred dollars</p> <p>Neb. Rev. St. § 28-105 Class IV felony maximum: ten thousand dollars fine</p>
<p>Crimes Code Section</p>	<p>Offenses Relating To Morals</p>
<p>Notes</p>	

Nevada

"Patronizing" Provision	<p>N.R.S. § 201.354 Engaging in Prostitution or Solicitation for Prostitution</p> <p>It is unlawful for any person to engage in prostitution or solicitation therefor, except in a licensed house of prostitution.</p>
Offense Classification	<p>N.R.S. § 201.354(2):</p> <p>Except as otherwise provided in subsection 3, a person who violates subsection 1 is guilty of a misdemeanor.</p>
Penalty - Jail	<p>§ 193.150. Every person convicted of a misdemeanor shall be punished by imprisonment in the county jail for not more than 6 months, or the below proscribed fine or both.</p> <p>In lieu of all or a part of the punishment which may be imposed pursuant to subsection 1, the convicted person may be sentenced to perform a fixed period of community service pursuant to the conditions prescribed in NRS 176.087.</p> <p>N.R.S. § 201.358 shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, either in addition to or in place of the below corresponding fine.</p>
Penalty - Fine	<p>§ 193.150. Every person convicted of a misdemeanor shall be punished by imprisonment in the county jail . . . by a fine of not more than \$1,000, or the above proscribed jail time or both.</p> <p>In lieu of all or a part of the punishment which may be imposed pursuant to subsection 1, the convicted person may be sentenced to perform a fixed period of community service pursuant to the conditions prescribed in N.R.S. § 176.087.</p> <p>N.R.S. § 201.358: shall be punished . . . by a fine of not more than \$10,000, either in addition or in place of the above corresponding jail time.</p>
Crimes Code Section	<p>Crimes Against Public Decency and Good Morals -- Pandering, Prostitution and Disorderly Houses</p>
Notes	<p>N.R.S. § 201.358</p> <p>A person who . . . violates NRS 201.354 . . . after testing positive in a test approved by the State Board of Health for exposure to the human immunodeficiency virus and receiving notice of that fact is guilty of a category B felony.</p>

New Hampshire

<p>"Patronizing" Provision</p>	<p>N.H. Rev. Stat. § 645:2 Prostitution and Related Offenses.</p> <p>"A person is guilty of a misdemeanor if the person:</p> <p>(f) Pays, agrees to pay, or offers to pay another person to engage in sexual contact as defined in RSA 632-A:1, IV or sexual penetration as defined in RSA 632-A:1, V, with the payor or with another person."</p> <p>RSA § 632-A:1, IV "Sexual contact" means the intentional touching whether directly, through clothing, or otherwise, of the victim's or actor's sexual or intimate parts, including emissions, tongue, anus, breasts, and buttocks. Sexual contact includes only that aforementioned conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification.</p> <p>RSA § 632-A:1, V</p> <p>(a) "Sexual penetration" means:</p> <ol style="list-style-type: none"> (1) Sexual intercourse; or (2) Cunnilingus; or (3) Fellatio; or (4) Anal intercourse; or (5) Any intrusion, however slight, of any part of the actor's body, including emissions, or any object manipulated by the actor into genital or anal openings of the victim's body; or (6) Any intrusion, however slight, of any part of the victim's body, including emissions, or any object manipulated by the victim into the oral, genital, or anal openings of the actor's body; or (7) Any act which forces, coerces, or intimidates the victim to perform any sexual penetration as defined in subparagraphs (1)–(6) on the actor, on another person, or on himself. <p>(b) Emissions include semen, urine, and feces. Emission is not required as an element of any form of sexual penetration.</p> <p>(c) "Objects" include animals as defined in RSA 644:8, II.</p>
<p>Offense Classification</p>	<p>R.S.A. § 645:2 Prostitution and Related Offenses - Class B Misdemeanor</p> <p>Guilty of a misdemeanor as per (I)(e), but "Class B" not specified directly in the statute.</p> <p>§ 625:9 reads:</p> <p>(IV) Misdemeanors are either class A misdemeanors or class B misdemeanors when committed by an individual...</p> <p>(b) A class B misdemeanor is any crime so designated by statute within or outside this code and any crime defined outside of this code for which the maximum penalty does not include any term of imprisonment or any fine in excess of the maximum provided for a class B misdemeanor in RSA 651:2, IV(a).</p> <p>(c) Any crime designated within or outside this code as a misdemeanor without specification of the classification shall be presumed to be a class B misdemeanor unless:</p> <ol style="list-style-type: none"> (1) An element of the offense involves an "act of violence" or "threat of violence" as defined in paragraph VII; or (2) The state files a notice of intent to seek class A misdemeanor penalties on or before the date of arraignment. Such notice shall be on a form approved in accordance with RSA 490:26-d.

Penalty - Jail	<p>R.S.A. § 651:2</p> <p>Sentences and Limitations (III) III. A person convicted of a class B misdemeanor may be sentenced to conditional or unconditional discharge, a fine, or other sanctions, which shall not include incarceration or probation but may include monitoring by the department of corrections if deemed necessary and appropriate.</p>
Penalty - Fine	<p>R.S.A. § 651:2 (IV) - Class B Misdemeanor - \$1,200 fine or less</p> <p>A fine may be imposed in addition to any sentence of imprisonment, probation, or conditional discharge. The limitations on amounts of fines authorized in subparagraphs (a) and (b) shall not include the amount of any civil penalty, the imposition of which is authorized by statute or by a properly adopted local ordinance, code, or regulation. The amount of any fine imposed on:</p> <p>(a) Any individual may not exceed \$4,000 for a felony, \$2,000 for a class A misdemeanor, \$1,200 for a class B misdemeanor, and \$1,000 for a violation.</p>
Crimes Code Section	<p>Public Indecency</p>
Notes	<p>R.S.A. § 645:2(V) provides:</p> <p>A person under 18 years of age shall not be subject to a juvenile delinquency proceeding under R.S.A. 169-B or criminal prosecution for the commission of an offense under subparagraph I(a).</p> <ul style="list-style-type: none"> - Applies to both buyers and prostituted people

New Jersey

<p>"Patronizing" Provision</p>	<p>N.J.S.A. § 2C:34-1(b)(1) Prostitution and related offenses</p> <p>b. A person commits an offense if: (1) The actor engages in prostitution as a patron</p>
<p>Offense Classification</p>	<p>N.J.S.A. § 2C:34-1(c)(5)</p> <p>First offense: disorderly persons offense Second/third offense: crime of the fourth degree Fourth/subsequent offense: crime of the third degree</p>
<p>Penalty - Jail</p>	<p>N.J.S.A. § 2C:43-8</p> <p>A person who has been convicted of a disorderly persons offense . . . may be sentenced to imprisonment for a definite term which shall be fixed by the court and shall not exceed 6 months in the case of a disorderly persons offense. . . .</p> <p>N.J.S.A. § 2C:43-6</p> <p>Except as otherwise provided, a person who has been convicted of a crime may be sentenced to imprisonment, as follows . . .</p> <p>(3) In the case of a crime of the third degree, for a specific term of years which shall be fixed by the court and shall be between three years and five years;</p> <p>(4) In the case of a crime of the fourth degree, for a specific term which shall be fixed by the court and shall not exceed 18 months.</p>
<p>Penalty - Fine</p>	<p>N.J.S.A. § 2C:43-3</p> <p>A person who has been convicted of an offense may be sentenced to pay a fine, to make restitution, or both, such fine not to exceed:</p> <p>Crime of the third degree: \$15,000 Crime of the fourth degree: \$10,000 Disorderly persons offense: \$1,000</p> <p>N.J.S.A. § 2C:34-1(f)(2)</p> <p>In addition to any fine, fee, assessment, or penalty authorized under the provisions of Title 2C of the New Jersey Statutes, a person convicted of an offense of prostitution or related offense under paragraph (2), (3), (4), (5), (6), or (7) of subsection b. shall be assessed a penalty of at least \$10,000 but not more than \$50,000.</p> <p>N.J.S.A. § 2C:34-1(c)(5)</p> <p>In addition, where a motor vehicle was used in the commission of any offense under paragraph (1) of subsection b. the court shall suspend for six months the driving privilege of any such offender who has a valid driver's license issued by this State. Upon conviction, the court shall immediately collect the offender's driver's license and shall forward it, along with a report stating the first and last day of the suspension imposed pursuant to this paragraph, to the New Jersey Motor Vehicle Commission.</p>

Crimes Code Section	Offenses Against Public Order, Health and Decency - Public Indecency
Notes	

New Mexico

<p>"Patronizing" Provision</p>	<p>N.M.S.A. § 30-9-3: Patronizing Prostitutes</p> <p>Patronizing prostitutes consists of:</p> <p>A. entering or remaining in a house of prostitution or any other place where prostitution is practiced, encouraged or allowed with intent to engage in a sexual act with a prostitute; or</p> <p>B. knowingly hiring or offering to hire a prostitute, or one believed by the offeror to be a prostitute, to engage in a sexual act with the actor or another.</p> <p>As used in this section, "a sexual act" means sexual intercourse, cunnilingus, fellatio, masturbation of another, anal intercourse or the causing of penetration to any extent and with any object of the genital or an anal opening of another whether or not there is any emission.</p>
<p>Offense Classification</p>	<p>§ 30-9-3. Whoever commits patronizing prostitutes is guilty of a petty misdemeanor, unless such crime is a second or subsequent conviction, in which case such person is guilty of a misdemeanor.</p>
<p>Penalty - Jail</p>	<p>N.M.S.A. §30-1-6</p> <p>B. A crime is a misdemeanor if it is so designated by law or if upon conviction thereof a sentence of imprisonment in excess of six months but less than one year is authorized.</p> <p>C. A crime is a petty misdemeanor if it is so designated by law or if upon conviction thereof a sentence of imprisonment for six months or less is authorized.</p>
<p>Penalty - Fine</p>	<p>Misdemeanor: "the judge shall sentence the person to ... the payment of a fine of not more than one thousand dollars (\$1,000) . . . in the discretion of the judge" either in addition to or in place of the above corresponding jail time.</p> <p>Petty misdemeanor: "the judge shall sentence the person to ... the payment of a fine of not more than five hundred dollars (\$500) . . . in the discretion of the judge" either in addition to or in place of the above corresponding jail time.</p>
<p>Crimes Code Section</p>	<p>Sexual Offenses</p>
<p>Notes</p>	

New York

<p>"Patronizing" Provision</p>	<p>§ 230.02 Patronizing a person for prostitution;</p> <p>1. A person patronizes a person for prostitution when:</p> <p style="padding-left: 40px;">(a) Pursuant to a prior understanding, he or she pays a fee to another person as compensation for such person or a third person having engaged in sexual conduct with him or her; or</p> <p style="padding-left: 40px;">(b) He or she pays or agrees to pay a fee to another person pursuant to an understanding that in return therefor such person or a third person will engage in sexual conduct with him or her; or</p> <p style="padding-left: 40px;">(c) He or she solicits or requests another person to engage in sexual conduct with him or her in return for a fee.</p> <p>2. As used in this article, "person who is patronized" means the person with whom the defendant engaged in sexual conduct or was to have engaged in sexual conduct pursuant to the understanding, or the person who was solicited or requested by the defendant to engage in sexual conduct.</p>
<p>Offense Classification</p>	<p>§ 230.04 Patronizing a person for prostitution in the third degree: Class A misdemeanor</p>
<p>Penalty - Jail</p>	<p>McKinney's Penal Law § 70.15 "A sentence of imprisonment for a class A misdemeanor shall be a definite sentence. When such a sentence is imposed the term shall be fixed by the court, and shall not exceed one year."</p>
<p>Penalty - Fine</p>	<p>McKinney's Penal Law § 80.05 "A sentence to pay a fine for a class A misdemeanor shall be a sentence to pay an amount, fixed by the court, not exceeding one thousand dollars."</p>
<p>Crimes Code Section</p>	<p>Offenses Against Public Health and Morals - Prostitution Offenses</p>
<p>Notes</p>	

North Carolina

<p>"Patronizing" Provision</p>	<p>N.C.G.S.A. § 14-205.2. Patronizing a prostitute</p> <p>(a) Any person who willfully performs any of the following acts with a person not his or her spouse commits the offense of patronizing a prostitute:</p> <p style="padding-left: 40px;">(1) Engages in vaginal intercourse, any sexual act as defined in G.S. 14-27.20, or any sexual contact as defined in G.S. 14-27.20, for the purpose of sexual arousal or gratification with a prostitute.</p> <p style="padding-left: 40px;">(2) Enters or remains in a place of prostitution with intent to engage in vaginal intercourse, any sexual act as defined in G.S. 14-27.20, or any sexual contact as defined in G.S. 14-27.20, for the purpose of sexual arousal or gratification.</p> <p>.</p>
<p>Offense Classification</p>	<p>§ 14-205.2(b)</p> <p>First offense: Class A1 Misdemeanor Subsequent offense: Class G Felony</p> <p>(d) "A violation of this section is a Class D felony if the prostitute is a severely or profoundly mentally disabled person."</p>
<p>Penalty - Jail</p>	<p>N.C.G.S.A. § 15A-1340.23 – Misdemeanor A1 with no prior conviction is punishable 1 to 60 days.</p> <p>N.C.S.G.A. § 15A-1340.17 – see for felony sentencing chart</p>
<p>Penalty - Fine</p>	<p>N.C.G.S.A. § 15A-1340.23</p> <p>(b) "Fines.--Any judgment that includes a sentence of imprisonment may also include a fine. Additionally, when the defendant is other than an individual, the judgment may consist of a fine only. If a community punishment is authorized, the judgment may consist of a fine only. . . . The amount of the fine for a Class 1 misdemeanor and a Class A1 misdemeanor is in the discretion of the court."</p> <p>N.C.S.G.A. § 15A-1340.17</p> <p>(b) "Fines.--Any judgment that includes a sentence of imprisonment may also include a fine. If a community punishment is authorized, the judgment may consist of a fine only. Additionally, when the defendant is other than an individual, the judgment may consist of a fine only. Unless otherwise provided, the amount of the fine is in the discretion of the court."</p>
<p>Crimes Code Section</p>	<p>Offenses Against Public Morality and Decency - Prostitution</p>
<p>Notes</p>	

North Dakota

<p>"Patronizing" Provision</p>	<p>N.D.C.C. § 12.1-29-06. Hiring an individual to engage in sexual activity:</p> <p>An individual who hires or offers or agrees to hire another individual with the intention of engaging in sexual activity is guilty of:</p> <p>(1) A class B misdemeanor for a first offense; and</p> <p>(2) A class A misdemeanor for a second or subsequent offense within ten years.</p>
<p>Offense Classification</p>	<p>N.D.C.C. § 12.1-29-06</p> <p>(1) First offense: class B misdemeanor</p> <p>(2) Second or subsequent offense within ten years: class A misdemeanor</p>
<p>Penalty - Jail</p>	<p>N.D.C.C. § 12.1-32-01</p> <p>(5) Class A misdemeanor: Class A misdemeanor, for which a maximum penalty of one year's imprisonment . . . may be imposed, in addition to or in place of the fine below.</p> <p>(6) Class B misdemeanor, for which a maximum penalty of thirty days' imprisonment, a fine of one thousand five hundred dollars, or both, may be imposed.</p>
<p>Penalty - Fine</p>	<p>N.D.C.C. § 12.1-32-01:</p> <p>(5) Class A misdemeanor: a fine of three thousand dollars... may be imposed.</p> <p>(6) Class B misdemeanor... a fine of one thousand five hundred dollars... may be imposed</p>
<p>Crimes Code Section</p>	<p>Prostitution</p>
<p>Notes</p>	

Ohio

<p>"Patronizing" Provision</p>	<p>R.C § 2907.24 Soliciting; after positive HIV test; driver's license suspension:</p> <p>(A)(1) No person shall solicit another who is eighteen years of age or older to engage with such other person in sexual activity for hire.</p> <p>(A)(3)(b) No person shall solicit another to engage with such other person in sexual activity for hire if the other person is a developmentally disabled person and the offender knows or has reasonable cause to believe the other person is a developmentally disabled person.</p> <p>(B) No person, with knowledge that the person has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome, shall engage in conduct in violation of division (A) of this section.</p>
<p>Offense Classification</p>	<p>§ 2907.24(C)(1) A person who violates section (A) is guilty of soliciting. § 2907.24(A)(1) Soliciting under this section is a Misdemeanor of the 3rd degree. § 2907.24(A)(3)(b) Soliciting under this section is a Felony of the 3rd degree.</p> <p>§ 2907.24(C)(2) A person who violates section (B) is guilty of engaging in solicitation after positive HIV test: If the offense was committed prior to July 1, 1996, then Felony of the 2nd degree If the offense was committed after July 1, 1996, then Felony of the 3rd degree</p>
<p>Penalty - Jail</p>	<p>R.C. § 2929.24(A)(3) A person guilty of a Misdemeanor of the 3rd degree shall be subject to a definite jail term not more than 60 days.</p> <p>R.C. § 2929.14(A)(2) A person guilty of a Felony in the 2nd degree shall be subject to a definite prison term of 2, 3, 4, 5, 6, 7, or 8 years.</p> <p>R.C. § 2929.14(A)(3)(b) A person guilty of a Felony in the 3rd degree shall be subject to a definite prison term of 9, 12, 18, 24, 30, or 36 months.</p>
<p>Penalty - Fine</p>	<p>R.C. § 2929.28(A)(2)(a)(iii) The court has the discretion to impose fines for a person guilty of a Misdemeanor in the 3rd degree, but cannot impose an amount over \$500.</p> <p>R.C. § 2929.18(A)(3)(b) The court has the discretion to impose fines for a person guilty of a 2nd degree Felony, but cannot impose a fine more than \$15,000.</p> <p>R.C. § 2929.18(A)(3)(c) The court has the discretion to impose fines for a person guilty of a 3rd degree Felony, but cannot impose a fine more than \$10,000.</p>
<p>Crimes Code Section</p>	<p>Sex Offenses - Prostitution</p>
<p>Notes</p>	

Oklahoma

<p>"Patronizing" Provision</p>	<p>21 Okl. St. § 1029: Engaging in prostitution, etc. – Soliciting or procuring – residing or being in place for prohibited purpose – Aiding, abetting or participating – Child prostitution – Presumption of coercion</p> <p>(a) It shall further be unlawful:</p> <ol style="list-style-type: none"> 1. To engage in prostitution, lewdness, or assignation; 2. To solicit, induce, entice, or procure another to commit an act of lewdness, assignation, or prostitution, with himself or herself; 3. To reside in, enter, or remain in any house, place, building, or other structure, or to enter or remain in any vehicle, trailer, or other conveyance with the intent of committing an act of prostitution, lewdness, or assignation; or 4. To aid, abet, or participate in the doing of any of the acts prohibited in paragraph 1, 2 or 3 of this subsection.
<p>Offense Classification</p>	<p>21 Okl. St. § 1031</p> <p>(a) A person charged under 21 Okl. St. § 1029 is guilty of a Misdemeanor</p> <p>(d) A person charged under 21 Okl. St. § 1029 is guilty of a Felony if the violation took place within one thousand (1,000) feet of a school or church.</p>
<p>Penalty - Jail</p>	<p>21 Okl. St. § 1031</p> <p>(a) A person convicted of a Misdemeanor can be subject to a jail sentence and/or fines, depending on the decision of the court. For a Misdemeanor a guilty person can be subject to imprisonment in the county jail for at least 30 days or up to 1 year and be subject to discretionary 40-80 hours of community service.</p> <p>(b) Any person who engages in an act of prostitution with knowledge that they are infected with the human immunodeficiency virus shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not more than five (5) years.</p> <p>(c) Any person who engages in an act of child prostitution, as defined in Section 1030 of this title, shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not more than ten (10) years</p> <p>(d) - A person convicted of a Felony can be subject to a jail sentence and/or fines, depending on the decision of the court. For a Felony, a guilty person can be subject to imprisonment in the custody of the Department of Corrections for a period of time no more than 5 years.</p>
<p>Penalty - Fine</p>	<p>21 Okl. St. § 1031</p> <p>(a) Depending on the frequency of the Misdemeanor convictions, the court has the discretion to subject the convicted individual to pay a fine:</p> <p>First conviction: pay a fine not more than \$2,500 Second conviction: pay a fine not more than \$5,000 Third or subsequent conviction: pay a fine not more than \$7,500</p> <p>(c) Any person who engages in an act of child prostitution, as defined in Section 1030 of this title, shall, upon conviction, be guilty of a felony punishable by . . . fines as follows: a fine of not more than Five Thousand Dollars (\$5,000.00) upon the first conviction, a fine of not more than Ten Thousand Dollars (\$10,000.00) upon the second conviction, and a fine of not more than Fifteen Thousand Dollars (\$15,000.00) upon the third or subsequent convictions.</p>

	<p>(d) Depending on the frequency of the Felony convictions, the court has the discretion to subject the convicted individual to pay a fine:</p> <p>First conviction: pay a fine not more than \$2,500 Second conviction: pay a fine not more than \$5,000 Third or subsequent conviction: pay a fine not more than \$7,500</p>
Crimes Code Section	Crimes and Punishments, Part IV Crimes Against Public Decency and Morality
Notes	<p>Under 21 Okl. St. § 1029(c), Defendants aged 16 or 17 have affirmative defense that they are victims of HT if in violation of prostitution laws. Unfortunately, this applies to all violations, including solicitation- which is rather sloppy law writing.</p> <p>21 Okl. St. § 1029(b) Child = under the age of 16</p> <p>Sex offender registry for buyers 57 OSA 582, 583</p> <p>Forfeiture does not apply to "Johns" (section 1738)</p>

Oregon

<p>"Patronizing" Provision</p>	<p>O.R.S. § 167.008 Commercial sexual solicitation.</p> <p>(1) A person commits the crime of commercial sexual solicitation if the person pays, or offers or agrees to pay, a fee to engage in sexual conduct or sexual contact.</p>
<p>Offense Classification</p>	<p>O.R.S. § 167.008</p> <p>(2) Commercial sexual solicitation is a Class A Misdemeanor.</p>
<p>Penalty - Jail</p>	<p>O.R.S. § 161.615</p> <p>(1) A convicted person shall serve a definite term of imprisonment. For a Class A Misdemeanor the maximum sentence is up to 1 year.</p>
<p>Penalty - Fine</p>	<p>O.R.S. § 161.635</p> <p>(1)(a) For a Class A misdemeanor, the court may sentence the convicted person to pay a fine not more than \$6,250.</p>
<p>Crimes Code Section</p>	<p>Offenses Against General Welfare and Animals</p>
<p>Notes</p>	

Pennsylvania

<p>"Patronizing" Provision</p>	<p>18 Pa. C.S.A. § 5902 (e) Patronizing prostitutes</p> <p>A person commits the offense of patronizing prostitutes if that person hires a prostitute or any other person to engage in sexual activity with him or her or if that person enters or remains in a house of prostitution for the purpose of engaging in sexual activity.</p>
<p>Offense Classification</p>	<p>18 Pa. C.S.A. § 5902 (e.1)</p> <p>First/second offense: Misdemeanor of the third degree</p> <p>Third offense: Misdemeanor of the second degree</p> <p>Fourth/subsequent offense: Misdemeanor of the first degree</p> <p>Additionally, "if the person who committed the offense knew that he or she was human immunodeficiency virus (HIV) positive or manifesting acquired immune deficiency syndrome (AIDS)": Felony of the third degree</p>
<p>Penalty - Jail</p>	<p>18 Pa. C.S.A. § 1104</p> <p>§ 1104. Sentence of imprisonment for misdemeanors</p> <p>A person who has been convicted of a misdemeanor may be sentenced to imprisonment for a definite term which shall be fixed by the court and shall be not more than:</p> <ul style="list-style-type: none"> (1) Five years in the case of a misdemeanor of the first degree. (2) Two years in the case of a misdemeanor of the second degree. (3) One year in the case of a misdemeanor of the third degree. <p>18 Pa. C.S.A. § 1103</p> <ul style="list-style-type: none"> (3) In the case of a felony of the third degree, for a term which shall be fixed by the court at not more than seven years.
<p>Penalty - Fine</p>	<p>18 Pa. C.S.A. § 1101 "A person who has been convicted of an offense may be sentenced to pay a fine not exceeding:</p> <p>[...]</p> <ul style="list-style-type: none"> (3) \$15,000, when the conviction is of a felony of the third degree. (4) \$10,000, when the conviction is of a misdemeanor of the first degree. (5) \$5,000, when the conviction is of a misdemeanor of the second degree. (6) \$2,500, when the conviction is of a misdemeanor of the third degree.
<p>Crimes Code Section</p>	<p>Public Indecency</p>
<p>Notes</p>	<p>18 Pa. C.S.A. (e.2) Publication of sentencing order.--A court imposing a sentence for a second or subsequent offense committed under subsection (e) shall publish the sentencing order in a newspaper of general circulation in the judicial district in which the court sits, and the court costs imposed on the person sentenced shall include the cost of publishing the sentencing order.</p>

Rhode Island

<p>"Patronizing" Provision</p>	<p>§ 11-34.1-3. Procurement of sexual conduct for a fee</p> <p>(a) A person is guilty of procuring or attempting to procure sexual conduct for the payment of a fee if they engage or seek to engage in sexual conduct for any type of fee and/or pay or agree to pay any type of fee for sexual conduct, regardless of the time, place or location of the procurement, attempted procurement, payment, attempted payment or conduct.</p>
<p>Offense Classification</p>	<p>§ 11-34.1-3 Misdemeanor</p>
<p>Penalty - Jail</p>	<p>§ 11-34.1-3</p> <p>First offense: "Shall be subject to imprisonment for a term not exceeding one year" either in addition to or in place of the below corresponding fine.</p> <p>Subsequent offense: "shall be subject to imprisonment for a term not exceeding one year" either in addition to or in place of the below corresponding fine.</p>
<p>Penalty - Fine</p>	<p>§ 11-34.1-3</p> <p>First offense: "Shall be subject ... a fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000)" either in addition to or in place of the above corresponding jail time.</p> <p>Subsequent offense" "shall be subject to ... a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000)" either in addition to or in place of the above corresponding jail time.</p>
<p>Crimes Code Section</p>	<p>Commercial Sexual Activity</p>
<p>Notes</p>	

South Carolina

"Patronizing" Provision	Code 1976 § 16-15-90. Prostitution; lewdness, assignation and prostitution generally It shall be unlawful to: (1) Engage in prostitution; (2) Aid or abet prostitution knowingly; (4) Expose indecently the private person for the purpose of prostitution or other indecency; (5) Reside in, enter or remain in any place, structure, building, vehicle, trailer or conveyance for the purpose of lewdness, assignation or prostitution; . . . (7) Receive any person for purposes of lewdness, assignation or prostitution into any vehicle, conveyance, trailer, place, structure or building; (8) Permit any person to remain for the purpose of lewdness, assignation or prostitution in any vehicle, conveyance, trailer, place, structure or building; . . . (11) Aid, abet, or participate knowingly in the doing of any of the acts herein prohibited.
Offense Classification	Code 1976 § 16-15-90. [No classification specified]
Penalty - Jail	Code 1976 § 16-15-110. Any person violating any provision of Sections 16-15-90 and 16-15-100 must, upon conviction, be punished as follows: (1) for the first offense . . . confinement in prison for a period of not more than thirty days or the below corresponding fine. (2) for the second offense . . . imprisonment not exceeding six months either in addition to or in place of the below corresponding fine. (3) for the third or any subsequent offense . . . imprisonment not less than one year either in addition to or in place of the below corresponding fine.
Penalty - Fine	Code 1976 § 16-15-110. Any person violating any provision of Sections 16-15-90 and 16-15-100 must, upon conviction, be punished as follows: (1) for the first offense, a fine not exceeding two hundred dollars or the above corresponding confinement period; (2) for the second offense, a fine not exceeding one thousand dollars either in place of or in addition to the above corresponding confinement period; (3) for the third or any subsequent offense, a fine not exceeding three thousand dollars either in place of or in addition to the above corresponding confinement period.
Crimes Code Section	Offenses Against Morality and Decency
Notes	

South Dakota

"Patronizing" Provision	SDCL § 22-23-9. Hiring for sexual activity Any person who hires or attempts to hire another person for a fee to engage in sexual activity is guilty of a Class 1 misdemeanor.
Offense Classification	SDCL § 22-23-9. Any person who hires or attempts to hire another person for a fee to engage in sexual activity is guilty of a Class 1 misdemeanor
Penalty – Jail	SDCL § 22-6-2(1). Class 1 misdemeanor has a maximum sentence of one year imprisonment in a county jail
Penalty – Fine	SDCL § 22-6-2(1). Class 1 misdemeanor has a maximum fine of two thousand dollars
Crimes Code Section	Prostitution
Notes	

Tennessee

<p>"Patronizing" Provision</p>	<p>T. C. A. § 39-13-514. Patronizing Prostitution</p> <p>(a) A person commits an offense under this section who patronizes prostitution.</p>
<p>Offense Classification</p>	<p>T. C. A. § 39-13-514(b)(1). Patronizing prostitution is a Class B misdemeanor.</p> <p>T. C. A. § 39-13-514(b)(2). Patronizing prostitution within one hundred feet (100') of a church or within one and one-half (1 ½) miles of a school, such distance being that established by § 49-6-2101, for state-funded school transportation, is a Class A misdemeanor.</p> <p>T. C. A. § 39-13-514(b)(4)(A). Patronizing prostitution from a person who . . . has an intellectual disability is punishable as trafficking for commercial sex acts under § 39-13-309.</p>
<p>Penalty - Jail</p>	<p>T. C. A. § 39-13-514(b)(1). According to T. C. A. § 40-35-111(e)(2) a person guilty of a Class B misdemeanor shall be imprisoned for not greater than six (6) months.</p> <p>T. C. A. § 39-13-514(b)(2). According to T. C. A. § 40-35-111(e)(1) a person guilty of a Class A misdemeanor shall be imprisoned for not greater than eleven (11) months and twenty-nine (29) days.</p> <p>T. C. A. § 39-13-514(b)(3) A person convicted of patronizing prostitution within one and one-half (1 ½) miles of a school shall, in addition to any other authorized punishment, be sentenced to at least seven (7) days of incarceration and the below corresponding fine.</p>
<p>Penalty - Fine</p>	<p>T. C. A. § 39-13-514(b)(1). According to T. C. A. § 40-35-111(e)(2) a person guilty of a Class B misdemeanor shall be fined not more than five hundred dollars (\$500).</p> <p>T. C. A. § 39-13-514(b)(2). According to T. C. A. § 40-35-111(e)(1) a person guilty of a Class A misdemeanor shall be fined no more than two thousand five hundred dollars (\$2,500).</p> <p>T. C. A. § 39-13-514(b)(3) A person convicted of patronizing prostitution within one and one-half (1 ½) miles of a school shall be fined at least one thousand dollars (\$1,000) in addition to the above corresponding jail time and any other authorized punishment.</p>
<p>Crimes Code Section</p>	<p>Offenses Against Person. Part 5. Sexual Offenses</p>
<p>Notes</p>	

Texas

<p>"Patronizing" Provision</p>	<p>V.T.C.A., Penal Code § 43.02 Prostitution</p> <p>(b) A person commits an offense if, based on the payment of a fee by the actor or another person on behalf of the actor, the person knowingly:</p> <p style="padding-left: 20px;">(1) offers to engage, agrees to engage, or engages in sexual conduct; or</p> <p style="padding-left: 20px;">(2) solicits another in a public place to engage with the actor in sexual conduct for hire.</p> <p>(b-1) An offense is established under Subsection (a) regardless of whether the actor is offered or actually receives the fee. An offense is established under Subsection (b) regardless of whether the actor or another person on behalf of the actor offers or actually pays the fee.</p>
<p>Offense Classification</p>	<p>V.T.C.A., Penal Code § 43.02(c)</p> <p>Patronizing prostitution is a Class B misdemeanor, except that the offense is (1) a Class A misdemeanor if the actor has previously been convicted one or two times; or (2) a state jail felony if the actor has previously been convicted three or more times.</p>
<p>Penalty - Jail</p>	<p>V.T.C.A., Penal Code § 12.22(2)</p> <p>A person guilty of a Class B misdemeanor shall be confined in jail for a term not to exceed 180 days.</p> <p>V.T.C.A., Penal Code § 12.21(2)</p> <p>A person guilty of a Class A misdemeanor shall be confined in jail for a term not to exceed one year</p> <p>V.T.C.A., Penal Code § 12.35(a)</p> <p>A person guilty of a state jail felony shall be confined in a state jail for any term of not more than two years or less than 180 days.</p>
<p>Penalty - Fine</p>	<p>V.T.C.A., Penal Code § 12.22(1)</p> <p>A person guilty of a Class B misdemeanor shall be fined not more than \$2,000.</p> <p>V.T.C.A., Penal Code § 12.21(1)</p> <p>A person guilty of a Class A misdemeanor shall be fined not more than \$4,000.</p> <p>V.T.C.A., Penal Code § 12.35(b).</p> <p>A person guilty of a state jail felony shall be fined not more than \$10,000.</p>
<p>Crimes Code Section</p>	<p>Chapter 43. Public Indecency. Subchapter A. Prostitution</p>
<p>Notes</p>	

Utah

<p>"Patronizing" Provision</p>	<p>U.C.A. 1953 § 76-10-1303. Patronizing a Prostitute</p> <p>(1) A person is guilty of patronizing a prostitute when the person:</p> <ul style="list-style-type: none"> (a) pays or offers or agrees to pay another person a fee, or the functional equivalent of a fee, for the purpose of engaging in an act of sexual activity; or (b) enters or remains in a house of prostitution for the purpose of engaging in sexual activity. <p>§ 76-10-1313. Sexual solicitation</p> <p>(1) A person is guilty of sexual solicitation when the person:</p> <ul style="list-style-type: none"> (a) offers or agrees to commit any sexual activity with another person for a fee, or the functional equivalent of a fee; (b) pays or offers or agrees to pay a fee to another person to commit any sexual activity; or (c) with intent to engage in sexual activity for a fee or to pay another person to commit any sexual activity for a fee engages in, offers or agrees to engage in, or requests or directs another to engage in any of the following acts: <ul style="list-style-type: none"> (i) exposure of a person's genitals, the buttocks, the anus, the pubic area, or the female breast below the top of the areola; (ii) masturbation; (iii) touching of a person's genitals, the buttocks, the anus, the pubic area, or the female breast; or (iv) any act of lewdness. <p>(2) An intent to engage in sexual activity for a fee may be inferred from a person's engaging in, offering or agreeing to engage in, or requesting or directing another to engage in any of the acts described in Subsection (1)(c) under the totality of the existing circumstances.</p>
<p>Offense Classification</p>	<p>U.C.A. 1953 § 76-10-1303</p> <p>(b)(2) Patronizing a prostitute is a class B misdemeanor, except as provided in Subsection (3) or (4) and Section 76-10-1309 (76-10-1309 provides; A person who is convicted of prostitution under Section 76-10-1302, patronizing a prostitute under Section 76-10-1303, or sexual solicitation under Section 76-10-1313 is guilty of a third degree felony if at the time of the offense the person is an HIV positive individual, and the person:</p> <ul style="list-style-type: none"> (1) has actual knowledge of the fact; or (2) has previously been convicted under Section 76-10-1302, 76-10-1303, or 76-10-1313). <p>(3) A violation of this section that is preceded by a conviction under this section or a conviction under local ordinance adopted under Section 76-10-1307 is a class A misdemeanor.</p> <ul style="list-style-type: none"> (a) Sexual solicitation is a class B misdemeanor, except under Subsection (3)(b). (b) Any person who is convicted a second or subsequent time under this section or under a local ordinance adopted in compliance with Section 76-10-1307, is guilty of a class A misdemeanor, except as provided in Section 76-10-1309.
<p>Penalty - Jail</p>	<p>U.C.A. 1953 § 76-3-204(1)</p> <ul style="list-style-type: none"> (a) Person guilty of a Class A Misdemeanor shall be imprisoned for a term not more than one year. (b) Person guilty of a Class B misdemeanor shall be imprisoned for a term not exceeding six months.
<p>Penalty - Fine</p>	<p>U.C.A. 1953 § 76-3-301(1)</p> <ul style="list-style-type: none"> (c) For a Class A misdemeanor the guilty person shall be fined no more than \$2,500.

	(d) For a Class B misdemeanor the guilty person shall be fined no more than \$1,000.
Crimes Code Section	Offenses against Public Health, Safety, Welfare, and Morals
Notes	No references in Chapter 10 Part 13 to sentencing provisions in § 76-3-204 or fines in § 301.

Vermont

<p>"Patronizing" Provision</p>	<p>13 V.S.A. § 2632. Prostitution Prohibited acts</p> <p>(a) A person shall not:</p> <p style="padding-left: 20px;">(1) Occupy a place, structure, building or conveyance for the purpose of prostitution, lewdness or assignation;</p> <p style="padding-left: 20px;">(2) Knowingly permit a place, structure, building or conveyance owned by the person or under . . .</p> <p style="padding-left: 20px;">(6) Procure or solicit or offer to procure or solicit a person for the purpose of prostitution, lewdness or assignation;</p> <p style="padding-left: 20px;">(7) Reside in, enter or remain in a place, structure or building or enter or remain in a conveyance for the purpose of prostitution, lewdness or assignation;</p> <p>13 V.S.A. § 2636 Unlawful Procurement</p> <p>(a) A person shall not:</p> <p style="padding-left: 20px;">(1) Induce, entice, procure or compel a person, for the purpose of prostitution or for any other immoral purposes, to enter a house of prostitution;</p>
<p>Offense Classification</p>	<p>13 V.S.A. § 2632. [Offense not classified]</p> <p>13 V.S.A. § 2636(b) A person violating a provision hereof shall be punished as provided in section 2635 of this title.</p>
<p>Penalty - Jail</p>	<p>13 V.S.A. § 2632(b)</p> <p>For the first offense the guilty person shall be imprisoned for a period no more than one year, for the second offense the guilty person shall not be imprisoned for a period more than three years.</p> <p>13 V.S.A. § 2635(b)</p> <p>A person violating a provision hereof shall be imprisoned not more than 10 years nor less than one year either in place of or in addition to the below corresponding fine.</p>
<p>Penalty - Fine</p>	<p>13 V.S.A. § 2632(b).</p> <p>For the first offense the guilty person shall not be fined more than \$100. [Fine not specified for later offenses]</p> <p>13 V.S.A. § 2635(b)</p> <p>A person violating a provision hereof shall be fined not more than \$2,000.00 nor less than \$200.00 either in place of or in addition the above corresponding jail time.</p>
<p>Crimes Code Section</p>	<p>Chapter 59. Lewdness and Prostitution</p>
<p>Notes</p>	<p>General sentencing in chapter 221 subchapter 1 and 2, with sentencing alternatives in section 13 V.S.A. 7030.</p>

Virginia

<p>"Patronizing" Provision</p>	<p>VA Code Ann. § 18.2-346(A) Prostitution; commercial sexual conduct; commercial exploitation of a minor; penalties</p> <p>Any person who, for money or its equivalent,</p> <ul style="list-style-type: none"> (i) commits adultery, fornication, or any act in violation of § 18.2-361, performs cunnilingus, fellatio, or anilingus upon or by another person, or engages in anal intercourse or (ii) offers to commit adultery, fornication, or any act in violation of § 18.2-361, perform cunnilingus, fellatio, or anilingus upon or by another person, or engage in anal intercourse and thereafter does any substantial act in furtherance thereof is guilty of prostitution, which is punishable as a Class 1 misdemeanor. <p>VA Code Ann. § 18.2-346(B)</p> <p>Any person who offers money or its equivalent to another for the purpose of engaging in sexual acts as enumerated in subsection A and thereafter does any substantial act in furtherance thereof is guilty of solicitation of prostitution, which is punishable as a Class 1 misdemeanor.</p>
<p>Offense Classification</p>	<p>VA Code Ann. § 18.2-346(A), (B)</p> <p>A person under this section is guilty of solicitation of prostitution, which is punishable as a Class 1 misdemeanor.</p>
<p>Penalty - Jail</p>	<p>VA Code Ann. § 18.2-11(a). Class 1 misdemeanor is punished with confinement in jail for not more than twelve months.</p>
<p>Penalty - Fine</p>	<p>VA Code Ann. § 18.2-11(a). Class 1 misdemeanor is punished with fine of not more than \$2,500.</p>
<p>Crimes Code Section</p>	<p>Chapter 8. Crimes Involving Morals and Decency Article 3. Commercial Sex Trafficking, Prostitution, Etc.</p>
<p>Notes</p>	

Washington

<p>"Patronizing" Provision</p>	<p>West's RCWA 9A.88.110. Patronizing a prostitute</p> <p>“(1) A person is guilty of patronizing a prostitute if:</p> <p style="padding-left: 40px;">(a) Pursuant to a prior understanding, he or she pays a fee to another person as compensation for such person or a third person having engaged in sexual conduct with him or her; or</p> <p style="padding-left: 40px;">(b) He or she pays or agrees to pay a fee to another person pursuant to an understanding that in return therefor such person will engage in sexual conduct with him or her; or</p> <p style="padding-left: 40px;">(c) He or she solicits or requests another person to engage in sexual conduct with him or her in return for a fee.</p> <p>(2) For purposes of this section, ‘sexual conduct’ has the meaning given in RCW 9A.88.030.”</p>
<p>Offense Classification</p>	<p>9A.88.110(3)</p> <p>Patronizing a prostitute is a misdemeanor.</p>
<p>Penalty - Jail</p>	<p>West's RCWA 9.92.030</p> <p>Every person convicted of a misdemeanor for which no punishment is prescribed by any statute in force at the time of conviction and sentence, shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than ninety days.</p>
<p>Penalty - Fine</p>	<p>West's RCWA 9.92.030</p> <p>Every person convicted of a misdemeanor for which no punishment is prescribed by any statute in force at the time of conviction and sentence, shall be punished . . . by a fine in an amount fixed by the court of not more than one thousand dollars</p>
<p>Crimes Code Section</p>	<p>Chapter 9A.88. Indecent Exposure--Prostitution</p>
<p>Notes</p>	

Washington D.C.

<p>"Patronizing" Provision</p>	<p>§ 22-2701(a) Engaging and Soliciting for Prostitution Prohibited</p> <p>Except as provided in subsection (d) of this section, it is unlawful for any person to engage in prostitution or to solicit for prostitution.</p> <p>[Defined in:] § 22-2701.01 (3) "Prostitution" means a sexual act or contact with another person in return for giving or receiving anything of value.</p>
<p>Offense Classification</p>	<p>Offense not classified</p>
<p>Penalty - Jail</p>	<p>§ 22-2701(b)</p> <p>(1) Except as provided in paragraph (2) of this subsection, a person convicted of prostitution or soliciting for prostitution shall be:</p> <p style="padding-left: 40px;">(A) Fined not more than the amount set forth in § 22-3571.01, imprisoned for not more than 90 days, or both, for the first offense; and</p> <p style="padding-left: 40px;">(B) Fined not more than the amount set forth in § 22-3571.01, imprisoned not more than 180 days, or both, for the second offense.</p> <p>(2) A person convicted of prostitution or soliciting for prostitution who has 2 or more prior convictions for prostitution or soliciting for prostitution, not committed on the same occasion, shall be fined not more than the amount set forth in § 22-3571.01, imprisoned for not more than 2 years, or both.</p>
<p>Penalty - Fine</p>	<p>§ 22-3571.01 Fines for Criminal Offenses</p> <p>(b) An individual who has been found guilty of such an offense may be fined not more than the greatest of:</p> <p style="padding-left: 40px;">(3) \$500 if the offense is punishable by imprisonment for 90 days, or 3 months, or less but more than 30 days;</p> <p style="padding-left: 40px;">(4) \$1,000 if the offense is punishable by imprisonment for 180 days, or 6 months, or less but more than 90 days;</p> <p style="padding-left: 40px;">(5) \$2,500 if the offense is punishable by imprisonment for one year or less but more than 180 days;</p> <p style="padding-left: 40px;">(6) \$12,500 if the offense is punishable by imprisonment for 5 years or less but more than one year;</p>
<p>Crimes Code Section</p>	<p>Prostitution, Criminal Offenses</p>
<p>Notes</p>	<p>§22-2701(d)(1)</p> <p>A child who engages in or offers to engage in a sexual act or sexual contact in return for receiving anything of value shall be immune from prosecution for a violation of subsection (a) of this section.</p>

West Virginia

<p>"Patronizing" Provision</p>	<p>W. Va. Code, § 61-8-5 Houses of ill fame and assignation; penalties; jurisdiction of courts</p> <p>“(b) Any person who shall engage in prostitution, lewdness, or assignation....or who shall aid, abet, or participate in the doing of any of the acts herein prohibited, shall, upon conviction for the first offense under this section”</p>
<p>Offense Classification</p>	<p>W. Va. Code, § 61-8-5. [Offense not classified]</p>
<p>Penalty - Jail</p>	<p>W. Va. Code, § 61-8-5(b)</p> <p>“Any person . . . shall, upon conviction for the first offense under this section, be punished by imprisonment in the county jail for a period of not less than sixty days nor more than six months . . . and upon conviction for the second offense under this section, be punished by imprisonment in the county jail for a period of not less than six months nor more than one year . . . ; and upon conviction for any subsequent offense under this section shall be punished by imprisonment in the penitentiary for not less than one year nor more than three years.”</p> <p>“The subsequent offense provision shall apply only to the pimp, panderer, solicitor, operator or any person benefiting financially or otherwise from the earnings of a prostitute.”</p>
<p>Penalty – Fine</p>	<p>§ W. Va. Code, § 61-8-5(b)</p> <p>“ [S]hall, upon conviction for the first offense under this section, be punished by . . . a fine of not less than fifty dollars and not to exceed one hundred dollars; and upon conviction for second offense under this section, be punished by . . . a fine of not less than one hundred dollars and not to exceed two hundred fifty dollars”</p> <p>“The subsequent offense provision shall apply only to the pimp, panderer, solicitor, operator or any person benefiting financially or otherwise from the earnings of a prostitute.”</p>
<p>Crimes Code Section</p>	<p>Article 8: Crimes against chastity, morality and decency.</p>
<p>Notes</p>	<p>No other citing references to other parts of the crimes code involving trafficking or defenses for victims.</p>

Wisconsin

<p>"Patronizing" Provision</p>	<p>W.S.A. § 944.30. Prostitution</p> <p>“(1m) Any person who intentionally does any of the following is guilty of a Class A misdemeanor:</p> <ul style="list-style-type: none"> (a) Has or offers to have or requests to have nonmarital sexual intercourse for anything of value. (b) Commits or offers to commit or requests to commit an act of sexual gratification, in public or in private, involving the sex organ of one person and the mouth or anus of another for anything of value. (d) Masturbates a person or offers to masturbate a person or requests to be masturbated by a person for anything of value. (e) Commits or offers to commit or requests to commit an act of sexual contact for anything of value.” <p>W.S.A. § 944.31 Patronizing Prostitutes</p> <p>“Any person who enters or remains in any place of prostitution with intent to have nonmarital sexual intercourse or to commit an act of sexual gratification, in public or in private, involving the sex organ of one person and the mouth or anus of another, masturbation or sexual contact with a prostitute is guilty of a Class A misdemeanor.”</p> <p>W.S.A. § 944.32 Soliciting Prostitutes</p> <p>“Except as provided under § 948.08, whoever intentionally solicits or causes any person to practice prostitution or establishes any person in a place of prostitution is guilty of a Class H felony.”</p>
<p>Offense Classification</p>	<p>W.S.A. § 944.30(1m)</p> <p>Person guilty under this section is guilty of a Class A Misdemeanor.</p> <p>W.S.A. § 944.31</p> <p>Person guilty under this section is a Class A Misdemeanor</p> <p>W.S.A. § 944.32</p> <p>Person guilty under this section is a Class H Felony.</p>
<p>Penalty - Jail</p>	<p>W.S.A. § 939.51(3)(a)</p> <p>A person guilty of a Class A Misdemeanor shall be imprisoned for a period not to exceed 9 months.</p> <p>W.S.A. § 939.50(3)(h)</p> <p>For a Class H felony, imprisonment not to exceed 6 years, in addition to or in place of the fine listed below.</p>

<p>Penalty - Fine</p>	<p>W.S.A. § 939.51(3)(a)</p> <p>A person guilty of a Class A Misdemeanor shall be fined not in excess of \$10,000.</p> <p>W.S.A. § 939.50(3)(h)</p> <p>For a Class H felony, a fine not to exceed \$10,000, in addition to or in place of the term of imprisonment listed above.</p>
<p>Crimes Code Section</p>	<p>Chapter 944. Crimes Against Sexual Morality. Subchapter V. Prostitution.</p>
<p>Notes</p>	

Wyoming

<p>"Patronizing" Provision</p>	<p>W.S.1977 § 6-4-102. Soliciting an act of prostitution; penalties.</p> <p>Except as provided in W.S. 6-2-701 through 6-2-710, a person is guilty of soliciting an act of prostitution if, with the intent that an act of sexual intrusion as defined by W.S. 6-2-301(a)(vii) be committed, that person knowingly or intentionally pays, or offers or agrees to pay money or other property to another person under circumstances strongly corroborative of the intention that an act of prostitution be committed.</p>
<p>Offense Classification</p>	<p>§ 6-4-102. Misdemeanor</p>
<p>Penalty - Jail</p>	<p>§ 6-4-102. imprisonment for not more than six (6) months either in addition to or in place of the below corresponding fine</p>
<p>Penalty - Fine</p>	<p>§ 6-4-102. a fine of not more than seven hundred fifty dollars (\$750.00) either in addition to or in place of the above corresponding jail time</p>
<p>Crimes Code Section</p>	<p>Chapter 4. Offenses Against Morals, Decency and Family</p>
<p>Notes</p>	