

HOUSE AMENDMENT NO. \_\_\_\_  
TO  
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Offered By

AMEND House Amendment No. \_\_\_\_ to House Committee Substitute for House Bill Nos. 167 & 166, Page 1, Line 7, by deleting the number "36" and inserting in lieu thereof the number "40"; and

Further amend said amendment and page, Lines 16 to 19, by deleting said lines and inserting in lieu thereof the following:

"2. Violation of the provisions of ~~[subdivision (1) or (2) of]~~ subsection 1 of this section is a class B ~~[felony unless the victim contracts HIV from the contact in which case it is a class A felony]~~ misdemeanor, unless disease transmission occurs, in which case it is a class A misdemeanor."; and

Further amend said bill, Page 3, Section 197.677, Line 81, by inserting after all of said section and line the following:

"567.020. 1. A person commits the offense of prostitution if he or she engages in or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by any person.

2. The offense of prostitution is a class B misdemeanor ~~[unless the person knew prior to performing the act of prostitution that he or she was infected with HIV in which case prostitution is a class B felony. The use of condoms is not a defense to this offense.~~

3. As used in this section, "HIV" means the human immunodeficiency virus that causes acquired immunodeficiency syndrome].

[4.] 3. The judge may order a drug and alcohol abuse treatment program for any person found guilty of prostitution, either after trial or upon a plea of guilty, before sentencing. ~~[For the class B misdemeanor offense,]~~ Upon the successful completion of such program by the defendant, the court may at its discretion allow the defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment of not guilty. ~~[For the class B felony offense, the court shall not allow the defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment of not guilty.]~~ The judge~~[-however,]~~ has discretion to take into consideration successful completion of a drug or alcohol treatment program in determining the defendant's sentence.

~~[5.]~~ 4. In addition to the affirmative defense provided in subsection 2 of section 566.223, it shall be an affirmative defense to prosecution pursuant to this section that the defendant was under the age of eighteen and was acting under the coercion, as defined in section 566.200, of an agent at the time of the offense charged."; and"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

THIS AMENDS 0107H03.12H.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_