

HB 2338 -- DECRIMINALIZATION OF PROSTITUTION

SPONSOR: Aldridge

This bill decriminalizes the offense of prostitution, and creates, in its place, the offense of an unlawful commercial sex act, which a person commits if he or she:

- (1) Patronizes a person under 18 years old for a commercial sex act;
- (2) Patronizes any person for a commercial sex act and such person is being compelled or forced to engage in the commercial sex act;
- (3) Knowingly promotes a commercial sex act of a person under 18 years old;
- (4) Knowingly promotes a commercial sex act by coercing any person to engage or remain in an unlawful commercial sex act; or
- (5) Owns, manages, or operates an interactive computer service, or conspires or attempts to do so, with the intent to promote or facilitate the unlawful commercial sex act of another that contributed to the offense of sex trafficking.

The bill provides the various penalties for the offense, ranging from a B misdemeanor to an A felony, depending on the violation; it provides an affirmative defense to the offense of unlawful commercial sex act; and it provides a circumstance that will not qualify as a defense. The bill also updates the sexual offender registry to reflect the decriminalization of prostitution and patronizing prostitution and addition of the offense of unlawful commercial sex act. Under this bill, prohibitions against houses of prostitution are removed.