

## **RI PROSTITUTION IMMUNITY BILL DRAFT**

SECTION 1. Sections 11-34.1-2 and 11-34.1-3 of the General Laws in Chapter 34.1 entitled "Commercial Sexual Activity" are hereby amended to read as follows:

### **§ 11-34.1-2. Prostitution.**

(a) A person is guilty of prostitution when such person engages, or agrees, or offers to engage in sexual conduct with another person in return for a fee. Any person found guilty under this section shall be deemed guilty of a misdemeanor and shall be subject to imprisonment for a term not exceeding six (6) months, or to a fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000), or both.

(b) Any person found guilty of a subsequent offense under this section shall be subject to imprisonment for a term of not more than one year, or a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or both.

(c) In any prosecution for a violation under this section, it shall be an affirmative defense if the accused was forced to commit a commercial sexual activity, and did not access the protections of subsection (d), by:

(1) Being threatened or subjected to physical harm;

(2) Being physically restrained or threatened to be physically restrained;

(3) Being subject to threats of abuse of law or legal process;

(4) Being subject to destruction, concealment, removal, or confiscation, of any passport or other immigration document or any other actual or purported governmental identification document; or

(5) Being subject to intimidation in which the accused's physical well being was perceived as threatened.

(d) A person may not be cited, arrested, or prosecuted under this section if:

(1) the person witnessed or was a victim of, and reported to law enforcement in good faith, one or more of the reported offenses listed in subsection (e); and

(e) A reported offense covered by this chapter shall include any offense prohibited by the following chapters of the General Laws: § 11-5 (assault), § 11-18 (fraud and false dealing); § 11-23 (homicide); §11-26 (kidnapping), § 11-37 (sexual assault), § 11-39 (robbery), § 11-41 (theft, embezzlement, false pretenses, and misappropriation), § 11-42 (threats and extortion), § 11-57 (racketeer violence), § 11-59 (stalking), § 11-67.1 (human trafficking), and § 11-9-1.3 (child pornography).

### **§ 11-34.1-3. Procurement of sexual conduct for a fee.**

(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. Any person found guilty under this section shall be deemed guilty of a misdemeanor and shall be subject to imprisonment for a term not exceeding one year, or to a fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000), or both.

(b) Any person found guilty of a subsequent offense under this section shall be subject to imprisonment for a term not exceeding one year, or a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or both.

(c) A person may not be cited, arrested, or prosecuted under (a) of this section if the person witnessed and reported to law enforcement, in good faith and in a timely manner, one or more of the reported offenses in subsection (d).

(d) A reported offense covered by this chapter shall include any offense prohibited by the following chapters of the General Laws: § 11-5 (assault), § 11-18 (fraud and false dealing); § 11-23 (homicide); §11-26 (kidnapping), § 11-37 (sexual assault), § 11-39 (robbery), § 11-41 (theft, embezzlement, false pretenses, and misappropriation), § 11-42 (threats and extortion), § 11-57 (racketeer violence), § 11-59 (stalking), § 11-67.1 (human trafficking), and § 11-9-1 (child pornography).

### **§ 11-34.1-4. Loitering for prostitution.**

(a) It shall be unlawful for any person to stand or wander in or near any public highway or street, or any public or private place, and attempt to engage passersby in conversation, or stop or attempt to stop motor vehicles, for the purpose of prostitution or other commercial sexual activity. Any person found guilty of the crime of loitering for

prostitution shall be subject to a sentence of up to six (6) months incarceration or by a fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000), or both.

(b) Any person found guilty of a subsequent offense under this section shall be subject to imprisonment for a term not exceeding one year, or a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or both.

(c) A person may not be cited, arrested, or prosecuted under (a) of this section if the person witnessed and reported to law enforcement, in good faith and in a timely manner, one or more of the reported offenses in subsection (d).

(d) A reported offense covered by this chapter shall include any offense prohibited by the following chapters of the General Laws: § 11-5 (assault), § 11-18 (fraud and false dealing); § 11-23 (homicide); §11-26 (kidnapping), § 11-37 (sexual assault), § 11-39 (robbery), § 11-41 (theft, embezzlement, false pretenses, and misappropriation), § 11-42 (threats and extortion), § 11-57 (racketeer violence), § 11-59 (stalking), § 11-67.1 (human trafficking), and § 11-9-1 (child pornography).

**§ 11-34.1-6. Soliciting from motor vehicles for indecent purposes — Forfeiture of motor vehicle.**

(a) It shall be unlawful for any person, while an operator or passenger in a motor vehicle to stop, or attempt to stop another vehicle or pedestrian, or to engage or attempt to engage persons in another vehicle or pedestrians in conversation, for the purposes of prostitution or other indecent act, or to patronize, induce, or otherwise secure another person to commit any commercial sexual activity. Any person found guilty under this section shall be subject to a sentence of up to six (6) months incarceration or a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or both.

(b) Any person found guilty of a subsequent offense under this section shall be subject to imprisonment for a term of not more than one year and a fine of not less than seven hundred fifty dollars (\$750) nor more than one thousand dollars (\$1,000). No fine imposed under this section may be suspended.

(c) The motor vehicle being unlawfully operated as defined in this chapter by a person convicted of a second or subsequent offense of soliciting from a motor vehicle for indecent purposes pursuant to this chapter which vehicle is owned by the operator, may be seized by the law enforcement agency and forfeited at the discretion of the court.

Any funds received from the forfeiture shall be deposited in the victim's of crimes indemnity fund (VCIF).

(d) A person may not be cited, arrested, or prosecuted under (a) of this section if the person witnessed and reported to law enforcement, in good faith and in a timely manner, one or more of the reported offenses in subsection (d).

(e) A reported offense covered by this chapter shall include any offense prohibited by the following chapters of the General Laws: § 11-5 (assault), § 11-18 (fraud and false dealing); § 11-23 (homicide); §11-26 (kidnapping), § 11-37 (sexual assault), § 11-39 (robbery), § 11-41 (theft, embezzlement, false pretenses, and misappropriation), § 11-42 (threats and extortion), § 11-57 (racketeer violence), § 11-59 (stalking), § 11-67.1 (human trafficking), and § 11-9-1 (child pornography).

**§ 23-20.8-3. Practice of massage therapy — License required — Use of title limited — Qualifications for licenses continuing education — Fees.**

(a) A person shall not practice, or hold himself or herself out to others as practicing massage therapy, or as a massage therapist, without first receiving from the board a license to engage in that practice.

(b) A person shall hold himself or herself out to others as a massage therapist when the person adopts or uses any title or description, including: "massage therapist," "masseur," "masseuse," "massagist," "massotherapist," "myotherapist," "body therapist," "massage technician," "massage practitioner," or any derivation of those terms that implies this practice.

(c) It shall be unlawful to advertise the practice of massage therapy using the term massage therapy, or any other term that implies a massage technique or method, in any public or private publication or communication by a person not licensed by the state of Rhode Island department of health as a massage therapist. Any person who holds a license to practice as a massage therapist in this state may use the title "licensed massage therapist" and the abbreviation "LMT." No other persons may assume this title or use such abbreviation or any other word, letters, signs, or figures to indicate that the person using the title is a licensed massage therapist. A massage therapist's name and license number must conspicuously appear on all of the massage therapist's print and electronic material. A massage therapist licensed under this chapter must have available his or her license in all places of business practice.

(d)(1) The board shall, by rule, establish requirements for continuing education. The board may establish such requirements to be completed and verified annually. The board shall require no more than six (6) continuing education units annually.

(2) Applicants for annual licensure renewal shall meet continuing education requirements as prescribed by the board. On application for renewal of license, massage therapists shall attest to completion of six (6) continuing education units annually that may include, but not be limited to:

(i) Formal presentations;

(ii) Conferences;

(iii) Coursework from a massage school or program, accredited college/university; and/or

(iv) Self-study or online coursework.

The programs or offerings shall be approved or sponsored by a board-approved organization

(3) A licensee who fails to complete the continuing education requirements described herein may be subject to disciplinary action pursuant to § 5-40-13.

(4) A license may be denied to any applicant who fails to provide satisfactory evidence of completion of continuing education relevant to massage therapy as required herein.

(5) The board may waive the requirement for continuing education if the board is satisfied that the applicant has suffered hardship that may have prevented meeting the educational requirements.

(e) The fee for original application for licensure as a massage therapist and for annual license renewal shall be as set forth in § 23-1-54. Fees for all other licenses under this chapter shall be fixed in an amount necessary to cover the cost of administering this chapter.

(f) Any person applying for a license under this chapter shall undergo a national criminal background check. Such persons shall apply to the bureau of criminal identification of the state police or local police department for a national criminal background check. Fingerprinting shall be required. Upon the discovery of any disqualifying information as defined in subsection (g), the bureau of criminal identification of the state police or the local police department shall inform the applicant, in writing, of the nature of the

disqualifying information and, without disclosing the nature of the disqualifying information, shall notify the board, in writing, that disqualifying information has been found. In those situations in which no disqualifying information has been found, the bureau of criminal identification shall inform the applicant and the board in writing of this fact. An applicant against whom disqualifying information has been found may request that a copy of the national criminal background report be sent to the board, which shall make a judgment regarding the licensure of the applicant. The applicant shall be responsible for payment of the costs of the national criminal background check.

(g) "Disqualifying information" means those offenses, including, but not limited to, those defined in chapters 34, 34.1, and 37 of title 11, and § 23-17-37.

(h) Notwithstanding the above, any city or town may, by ordinance, regulate the opening, the presence, the location, and the operation of any body-works business or any business providing body-works services. Provided, however, no ordinance may impose additional qualifications beyond those adopted by the department of health pursuant to this chapter respecting national criminal background checks for persons applying for a license.

(i) A person may not be cited, arrested, or prosecuted under (a), (b), or (c) of this section if the person witnessed and reported to law enforcement, in good faith and in a timely manner, one or more of the reported offenses in subsection (d).

(j) A reported offense covered by this chapter shall include any offense prohibited by the following chapters of the General Laws: § 11-5 (assault), § 11-18 (fraud and false dealing); § 11-23 (homicide); §11-26 (kidnapping), § 11-37 (sexual assault), § 11-39 (robbery), § 11-41 (theft, embezzlement, false pretenses, and misappropriation), § 11-42 (threats and extortion), § 11-57 (racketeer violence), § 11-59 (stalking), § 11-67.1 (human trafficking), and § 11-9-1 (child pornography).

SECTION 2. This act shall take effect on passage.