

A N A C T

RELATING TO ELIMINATING SEX TRAFFICKING AND IMPROVING PUBLIC SAFETY

It is enacted by the General Assembly as follows:

SECTION 1. Section 11-34.1-2 of the General Laws in Chapter 11-34.1 entitled 1 "Commercial Sexual Activity" is 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) or 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 [where the immunity provided by § 12 11-34.1-15\(a\) is not applicable](#), it shall be an affirmative defense if the accused was forced to commit a commercial sexual activity 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
- (5) Being subject to intimidation in which the accused's physical well-being was perceived as threatened.

SECTION 2. Chapter 11-34.1 of the General Laws entitled "Commercial Sexual Activity" is hereby amended by adding thereto the following section:

**11-34.1-15. Immunity from citation, arrest, or prosecution.**

(a) A person shall not be cited, arrested, or prosecuted for a violation of §§ 11-34.1-2, 11-7 34.1-3, 11-34.1-4 or 11-34.1-6 if:

(1) The person witnessed or was a victim of, or becomes aware that another person was a victim of one of the crimes listed in section (3), and reported it to law enforcement in good faith, seeks or receives health care services as a result of the crime, or assists or attempts to assist in the investigation or prosecution of the crime; and

(2) The evidence for citation, arrest, or prosecution was gained through the person's good faith report to law enforcement, assistance or attempted assistance in the investigation or prosecution of the crime, or their seeking or receiving health care services as a result of the crime.

(3) A reported offense covered by this chapter shall include any offense prohibited by the following chapters of the general laws: chapter 5 of title 11, assaults; chapter 18 of title 11, fraud and false dealings; chapter 23 of title 11, homicide; chapter 26 of title 11, kidnapping; chapter 37 of title 11, sexual assault; chapter 39 of title 11, robbery; chapter 41 of title 11, theft, embezzlement, false pretenses and misappropriation; chapter 42 or section 11, threats and extortion, chapter 57 of title 11, racketeering; chapter 59 of title 11, stalking; chapter 67.1 of title 11, human trafficking, and § 11-9-1.3 child pornography.

(b) If the victim or witness later withdraws their cooperation due to safety concerns, physical or emotional health, or any other reason, the victim or witness shall not be charged under those sections of the general laws cited above. It is not necessary that a reported crime be prosecuted or result in a conviction in order for the protection provided by subsection (a) of this section to be applicable.

(c) A law enforcement officer shall not be immune from civil liability for citing or arresting a person for a violation of §§ 11-34.1-2, 11-34.1-3, 11-34.1-4, or 11-34.1-6 when the officer knows or should know that the person qualifies for protection under this section.

SECTION 3. Chapter 23-20.8-3 of the General Laws is hereby amended by adding thereto the following section:

**23-20.8-3(i). Immunity from citation, arrest, or prosecution.**

(i) A person shall not be cited, arrested, or prosecuted for a violation of §§ 23-20.8-3 if:

(1) The person witnessed or was a victim of, or becomes aware that another person was a victim of one of the crimes listed in section (3), and reported it to law enforcement in good faith, seeks or receives health care services as a result of the crime, or assists or attempts to assist in the investigation or prosecution of the crime; and

(2) The evidence for citation, arrest, or prosecution was gained through the person's good faith report to law enforcement, assistance or attempted assistance in the investigation or prosecution of the crime, or their seeking or receiving health care services as a result of the crime.

(3) A reported offense covered by this chapter shall include any offense prohibited by the following chapters of the general laws: chapter 5 of title 11, assaults; chapter 18 of title 11, fraud and false dealings; chapter 23 of title 11, homicide; chapter 26 of title 11, kidnapping; chapter 37 of title 11, sexual assault; chapter 39 of title 11, robbery; chapter 41 of title 11, theft, embezzlement, false pretenses and misappropriation; chapter 42 or section 11, threats and extortion, chapter 57 of title 11, racketeering; chapter 59 of title 11, stalking; chapter 67.1 of title 11, human trafficking, and § 11-9-1.3 child pornography.

(b) If the victim or witness later withdraws their cooperation due to safety concerns, physical or emotional health, or any other reason, the victim or witness shall not be charged under those sections of the general laws cited above. It is not necessary that a reported crime

be prosecuted or result in a conviction in order for the protection provided by subsection (a) of this section to be applicable.

(c) A law enforcement officer shall not be immune from civil liability for citing or arresting a person for a violation of §§ 11-34.1-2, 11-34.1-3, 11-34.1-4 or 11-34.1-6 when the officer knows or should know that the person qualifies for protection under this section.

SECTION 4. This act shall take effect upon passage.