

2024 -- H 7165 SUBSTITUTE A

LC003631/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO CRIMINAL OFFENSES -- COMMERCIAL SEXUAL ACTIVITY

Introduced By: Representatives Ajello, Craven, Tanzi, Cruz, Kislak, and Knight

Date Introduced: January 11, 2024

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

3 **11-34.1-2. Prostitution.**

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

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

12 (c) In any prosecution for a violation under this section [where the immunity provided by §](#)
13 [11-34.1-15\(a\) is not applicable](#), it shall be an affirmative defense if the accused was forced to
14 commit a commercial sexual activity by:

- 15 (1) Being threatened or subjected to physical harm;
- 16 (2) Being physically restrained or threatened to be physically restrained;
- 17 (3) Being subject to threats of abuse of law or legal process;
- 18 (4) Being subject to destruction, concealment, removal, or confiscation, of any passport or
19 other immigration document or any other actual or purported governmental identification

1 document; or

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

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

6 **11-34.1-15. Immunity from citation, arrest, or prosecution.**

7 (a) A person shall not be cited, arrested, or prosecuted for a violation of § 11-34.1-2, or §
8 11-34.1-4 if:

9 (1) The person witnessed or was a victim of a crime or becomes aware that another person
10 was a victim of a crime, and promptly reports it to law enforcement in good faith or assists or
11 attempts to assist by cooperating in the investigation or prosecution of the crime including by
12 providing truthful testimony; and

13 (2) The commission or attempted commission of the crime occurred at or around the time
14 of, or was related to, the conduct prohibited by those sections of the general laws cited above.

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

19 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO CRIMINAL OFFENSES -- COMMERCIAL SEXUAL ACTIVITY

1 This act would under certain circumstances, provide immunity from arrest and prosecution
2 for prostitution, procurement of sexual conduct for a fee, loitering for prostitution and soliciting
3 from motor vehicles for indecent purposes.

4 This act would take effect upon passage.

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