

No. 2000-134

AN ACT

HB 609

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for grading of the offense of prostitution.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 5902(a), (a.1), (e) and (e.1) of Title 18 of the Pennsylvania Consolidated Statutes are amended and the section is amended by adding a subsection to read:

§ 5902. Prostitution and related offenses.

(a) Prostitution.—A person is guilty of prostitution[; **a misdemeanor of the third degree,**] if he or she:

(1) is an inmate of a house of prostitution or otherwise engages in sexual activity as a business; or

(2) loiters in or within view of any public place for the purpose of being hired to engage in sexual activity.

(a.1) Grading of offenses under subsection (a).—An offense under subsection (a) constitutes a [**felony of the third degree if the person who committed the offense was knowingly human immunodeficiency virus (HIV) positive or infected with the acquired immune deficiency syndrome (AIDS) virus.**]:

(1) *Misdemeanor of the third degree when the offense is a first or second offense.*

(2) *Misdemeanor of the second degree when the offense is a third offense.*

(3) *Misdemeanor of the first degree when the offense is a fourth or subsequent offense.*

(4) *Felony of the third degree if the person who committed the offense knew that he or she was human immunodeficiency virus (HIV) positive or manifesting acquired immune deficiency syndrome (AIDS).*

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(e) Patronizing prostitutes.—

[(1)] A person commits [**a misdemeanor of the third degree**] *the offense of patronizing prostitutes* if that person hires a prostitute or any other person to engage in sexual activity with him or her or if that person enters or remains in a house of prostitution for the purpose of engaging in sexual activity.

[(2)] A person commits **a misdemeanor of the third degree if, after being sentenced under paragraph (1), he or she hires a prostitute or any other person to engage in sexual activity with him or her or if that person enters or remains in a house of prostitution for the**

purpose of engaging in sexual activity. Upon conviction under this paragraph, a defendant shall be sentenced to pay a fine of not less than \$300 nor more than \$2,500, plus court costs, and to community service of not less than 75 hours. A court imposing a sentence under this paragraph shall publish the sentencing order in a newspaper of general circulation in the judicial district in which the court sits. As used in this paragraph, court costs include the cost of publishing the sentencing order.]

(e.1) Grading of offenses under subsection (e).—An offense under subsection (e) constitutes a [felony of the third degree if the person who committed the offense was knowingly human immunodeficiency virus (HIV) positive or infected with acquired immune deficiency syndrome (AIDS) virus.]:

(1) Misdemeanor of the third degree when the offense is a first or second offense.

(2) Misdemeanor of the second degree when the offense is a third offense.

(3) Misdemeanor of the first degree when the offense is a fourth or subsequent offense.

(4) Felony of the third degree if the person who committed the offense knew that he or she was human immunodeficiency virus (HIV) positive or manifesting acquired immune deficiency syndrome (AIDS).

(e.2) Publication of sentencing order.—A court imposing a sentence for a second or subsequent offense committed under subsection (e) shall publish the sentencing order in a newspaper of general circulation in the judicial district in which the court sits, and the court costs imposed on the person sentenced shall include the cost of publishing the sentencing order.

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Section 2. This act shall take effect in 60 days.

APPROVED—The 20th day of December, A.D. 2000.

THOMAS J. RIDGE