

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1206

STATE OF NEW JERSEY

DATED: FEBRUARY 22, 1996

The Assembly Judiciary Committee reports favorably Assembly Bill No. 1206.

Under the present provisions of N.J.S.2C:34-1, a person is guilty of prostitution if the person engages in sexual activity in return for something of value or if the person offers or accepts an offer in a public place to engage in sexual activity in exchange for an economic benefit. This requirement that a solicitation occur in a public place in order for an offense to be committed has resulted in many prostitutes waiting until they are in a private area such as a hotel room before discussing sexual activity. This practice has greatly hampered law enforcement efforts, particularly undercover operations, aimed at curtailing prostitution. In order to address this problem, the bill would delete the requirement that the offer of sexual activity occur in a public place in order for the offense of prostitution to be committed.

This bill would also provide that persons arrested for prostitution be fingerprinted. Prostitution is presently graded as a disorderly persons offense. Disorderly persons offenses are nonindictable offenses. Under R.S.53:1-15, only persons arrested for indictable offenses are routinely fingerprinted. Prostitutes often use aliases and rarely carry identification. Fingerprinting of prostitutes would help to identify repeat offenders. It would also aid law enforcement officers in those cases in which the person arrested is wanted on other charges.

In addition, the bill would establish the offense of loitering for the purpose of prostitution. A person would be guilty of this offense if the person loiters in a public place in a manner and under circumstances manifesting the purpose of engaging or promoting prostitution. This offense would be punishable as a disorderly persons offense.

This bill was prefiled for introduction in the 1996 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.