

ASSEMBLY, No. 1206

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen LeFEVRE and BLEE

1 AN ACT concerning prostitution, amending N.J.S.2C:34-1 and  
2 R.S.53:1-15 and supplementing Title 2C of the New Jersey  
3 Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. N.J.S.2C:34-1 is amended to read as follows:

9 2C:34-1. Prostitution and Related Offenses.

10 a. As used in this section:

11 (1) "Prostitution" is sexual activity with another person in  
12 exchange for something of economic value, or the offer or acceptance  
13 of an offer [made in or within view of a public place] to engage in  
14 sexual activity in exchange for something of economic value.

15 (2) "Sexual activity" includes, but is not limited to, sexual  
16 intercourse, including genital-genital, oral-genital, anal-genital, and  
17 oral-anal contact, whether between persons of the same or opposite  
18 sex; masturbation; touching of the genitals, buttocks, or female  
19 breasts; sadistic or masochistic abuse and other deviate sexual  
20 relations.

21 (3) "House of prostitution" is any place where prostitution or  
22 promotion of prostitution is regularly carried on by one person under  
23 the control, management or supervision of another.

24 (4) "Promoting prostitution" is:

25 (a) Owning, controlling, managing, supervising or otherwise  
26 keeping, alone or in association with another, a house of prostitution  
27 or a prostitution business;

28 (b) Procuring an inmate for a house of prostitution or place in a  
29 house of prostitution for one who would be an inmate;

30 (c) Encouraging, inducing, or otherwise purposely causing another  
31 to become or remain a prostitute;

32 (d) Soliciting a person to patronize a prostitute;

33 (e) Procuring a prostitute for a patron;

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 (f) Transporting a person into or within this State with purpose to  
2 promote that person's engaging in prostitution, or procuring or paying  
3 for transportation with that purpose; or

4 (g) Leasing or otherwise permitting a place controlled by the actor,  
5 alone or in association with others, to be regularly used for  
6 prostitution or promotion of prostitution, or failure to make a  
7 reasonable effort to abate such use by ejecting the tenant, notifying  
8 law enforcement authorities, or other legally available means.

9 [(5) "Public place" means any place to which the public or any  
10 substantial group thereof has access.]

11 b. A person commits an offense if:

12 (1) The actor engages in prostitution;

13 (2) The actor promotes prostitution;

14 (3) The actor knowingly promotes prostitution of a child under 18  
15 whether or not the actor mistakenly believed that the child was 18  
16 years of age or older, even if such mistaken belief was reasonable;

17 (4) The actor knowingly promotes prostitution of the actor's child,  
18 ward, or any other person for whose care the actor is responsible;

19 (5) The actor compels another to engage in or promote  
20 prostitution;

21 (6) The actor promotes prostitution of the actor's spouse; or

22 (7) The actor knowingly engages in prostitution with a person  
23 under the age of 18, or if the actor enters into or remains in a house of  
24 prostitution for the purpose of engaging in sexual activity with a child  
25 under the age of 18, or if the actor solicits or requests a child under  
26 the age of 18 to engage in sexual activity. It shall be no defense to a  
27 prosecution under this paragraph that the actor mistakenly believed  
28 that the child was 18 years of age or older, even if such mistaken belief  
29 was reasonable.

30 c. Grading of offenses under subsection b.

31 (1) An offense under subsection b. constitutes a crime of the  
32 second degree if the offense falls within paragraph (3) or (4) of that  
33 subsection.

34 (2) An offense under subsection b. constitutes a crime of the third  
35 degree if the offense falls within paragraph (5), (6) or (7) of that  
36 subsection.

37 (3) An offense under paragraph (2) of subsection b. constitutes a  
38 crime of the third degree if the conduct falls within subparagraph (a),  
39 (b), or (c) of paragraph (4) of subsection a. Otherwise the offense is  
40 a crime of the fourth degree.

41 (4) An offense under subsection b. constitutes a disorderly persons  
42 offense if the offense falls within paragraph (1) of that subsection.

43 d. Presumption from living off prostitutes. A person, other than  
44 the prostitute or the prostitute's minor child or other legal dependent  
45 incapable of self-support, who is supported in whole or substantial  
46 part by the proceeds of prostitution is presumed to be knowingly

1 promoting prostitution.  
2 (cf: P.L.1991, c.211, s.1)

3  
4 2. R.S.53:1-15 is amended to read as follows:

5 53:1-15. The sheriffs, chiefs of police, members of the State Police  
6 and any other law enforcement agencies and officers shall, immediately  
7 upon the arrest of any person for an indictable offense, or of any  
8 person believed to be wanted for an indictable offense, or believed to  
9 be an habitual criminal, or within a reasonable time after the filing of  
10 a complaint by a law enforcement officer charging any person with an  
11 indictable offense, or upon the arrest of any person for shoplifting,  
12 pursuant to N.J.S.2C:20-11, or upon the arrest of any person for  
13 prostitution, pursuant to N.J.S.2C:34-1, or the conviction of any  
14 other person charged with a nonindictable offense, where the identity  
15 of the person charged is in question, take the fingerprints of such  
16 person, according to the fingerprint system of identification established  
17 by the Superintendent of State Police and on the forms prescribed, and  
18 forward without delay two copies or more of the same, together with  
19 photographs and such other descriptions as may be required and with  
20 a history of the offense committed, to the State Bureau of  
21 Identification.

22 Such sheriffs, chiefs of police, members of the State Police and any  
23 other law enforcement agencies and officers shall also take the  
24 fingerprints, descriptions and such other information as may be  
25 required of unknown dead persons and as required by section 2 of  
26 P.L.1982, c.79 (C.2A:4A-61) of juveniles adjudicated delinquent and  
27 shall forward same to the State Bureau of Identification.

28 Any person charged in a complaint filed by a law enforcement  
29 officer with an indictable offense, who has not been arrested, or any  
30 person charged in an indictment, who has not been arrested, shall  
31 submit himself to the identification procedures provided herein either  
32 on the date of any court appearance or upon written request of the  
33 appropriate law enforcement agency within a reasonable time after the  
34 filing of the complaint. Any person who refuses to submit to such  
35 identification procedures shall be a disorderly person.

36 (cf: P.L.1994, c.56, s.4)

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38 3. (New section) Loitering for the purpose of engaging in  
39 prostitution. a. As used in this section, "public place" means any  
40 place to which the public has access, including but not limited to any  
41 public street, sidewalk, bridge, alley, plaza, park, boardwalk,  
42 driveway, parking lot or transportation facility, public library or the  
43 doorways and entrance ways to any building which fronts on any of  
44 the aforesaid places, or a motor vehicle in or on any such place.

45 b. A person commits a disorderly persons offense if he:

46 (1) wanders, remains or prowls in a public place with the purpose

1 of engaging in prostitution or promoting prostitution as defined in  
2 N.J.S.2C:34-1; and

3 (2) engages in conduct that, under the circumstances, manifests a  
4 purpose to engage in prostitution or promoting prostitution as defined  
5 in N.J.S.2C:34-1.

6 c. Conduct that may, where warranted under the circumstances, be  
7 deemed adequate to manifest a purpose to engage in prostitution or  
8 promoting prostitution includes, but is not limited to, conduct such as  
9 the following:

10 (1) Repeatedly beckoning to or stopping pedestrians or motorists  
11 in a public place;

12 (2) Repeatedly attempting to stop, or repeatedly attempting to  
13 engage passers-by in conversation;

14 (3) Repeatedly stopping or attempting to stop motor vehicles.

15 d. The element described in paragraph (1) of subsection b. of this  
16 section may not be established solely by proof that the actor engaged  
17 in the conduct that is used to satisfy the element described in  
18 paragraph (2) of subsection b. of this section.

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20 4. This act shall take effect immediately.

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25 Proposes several changes to the laws governing prostitution.