

Effective 5/13/2014

Superseded 5/12/2015

76-10-1302 Prostitution.

- (1) An individual is guilty of prostitution when the individual:
 - (a) engages in any sexual activity with another individual for a fee;
 - (b) is an inmate of a house of prostitution; or
 - (c) loiters in or within view of any public place for the purpose of being hired to engage in sexual activity.
- (2)
 - (a) Except as provided in Subsection (2)(b) or Section 76-10-1309, prostitution is a class B misdemeanor.
 - (b) Except as provided in Section 76-10-1309, an individual who is convicted a second time, and on all subsequent convictions, of a subsequent offense of prostitution under this section or under a local ordinance adopted in compliance with Section 76-10-1307, is guilty of a class A misdemeanor.
- (3)
 - (a) As used in this Subsection (3):
 - (i) "Child" is as defined in Section 76-10-1301.
 - (ii) "Child engaged in prostitution" means a child who engages in conduct described in Subsection (1).
 - (iii) "Child engaged in sexual solicitation" means a child who offers or agrees to commit or engage in any sexual activity with another person for a fee under Subsection 76-10-1313(1) (a) or (c).
 - (iv) "Division" means the Division of Child and Family Services created in Section 62A-4a-103.
 - (v) "Receiving center" is as defined in Section 62A-7-101.
 - (b) Upon encountering a child engaged in prostitution or sexual solicitation, a law enforcement officer shall:
 - (i) conduct an investigation;
 - (ii) refer the child to the division;
 - (iii) if an arrest is made, bring the child to a receiving center, if available; and
 - (iv) contact the child's parent or guardian, if practicable.
 - (c) If a law enforcement officer refers a child to the division under Subsection (3)(b)(ii), the division shall:
 - (i) check the division's records to verify whether law enforcement referred the child to the division under Subsection (3)(b)(ii) on a prior occasion; and
 - (ii) provide the information described in Subsection (3)(c)(i) to the law enforcement officer.
 - (d) If law enforcement has not referred the child to the division under Subsection (3)(b)(ii) on at least one prior occasion, the division shall provide services to the child under Title 62A, Chapter 4a, Child and Family Services.
 - (e) If law enforcement has referred the child to the division under Subsection (3)(b)(ii) on at least one prior occasion the child may be subject to delinquency proceedings under Title 62A, Chapter 7, Juvenile Justice Services, and Section 78A-6-601 through Section 78A-6-704.