

Effective 5/10/2016

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, or the functional equivalent of 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" means the same as that term is 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" means the same as that term is 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) When law enforcement has referred the child to the division under Subsection (3)(b)(ii):
 - (i) the division shall provide services to the child under Title 62A, Chapter 4a, Child and Family Services; and
 - (ii) the child may not be subjected to delinquency proceedings under Title 62A, Chapter 7, Juvenile Justice Services, and Section 78A-6-601 through Section 78A-6-704.

Amended by Chapter 109, 2016 General Session