

28 (a) ~~[he]~~ engages in any sexual activity with another ~~[person]~~ individual for a fee;
29 (b) is an inmate of a house of prostitution; or
30 (c) loiters in or within view of any public place for the purpose of being hired to
31 engage in sexual activity.

32 (2) ~~[Prostitution]~~ (a) Except as provided in Subsection (2)(b) and Section 76-10-1309,
33 prostitution is a class B misdemeanor. ~~[However, any person]~~

34 (b) An individual who is convicted ~~[a second time, and on all subsequent convictions,]~~
35 of a subsequent offense of prostitution under this section or under a local ordinance adopted in
36 compliance with Section 76-10-1307 is guilty of a class A misdemeanor~~[-except as provided in~~
37 ~~Section 76-10-1309].~~

38 (3) A child is not subject to a delinquency proceeding for prostitution unless the child
39 has been referred to the Division of Child and Family Services on at least one prior occasion
40 for an alleged act of prostitution.

Legislative Review Note
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Office of Legislative Research and General Counsel