

HOUSE BILL NO. 1523

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice

on _____)

(Patron Prior to Substitute--Delegate Taylor)

A BILL to amend and reenact §§ 16.1-69.48:6, 17.1-275.13, and 18.2-346.01 of the Code of Virginia, relating to prostitution; solicitation; penalties.

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-69.48:6, 17.1-275.13, and 18.2-346.01 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-69.48:6. Fees for offenses related to sex trafficking.

The court shall order any person convicted of a ~~misdemeanor~~ violation of § 18.2-346.01 ~~or of § 18.2-348₂ or 18.2-349~~ to pay a ~~\$100~~ \$1,000 fee, ~~which shall be deposited into the Virginia Prevention of Sex Trafficking Fund to be used in accordance with § 9.1-116.4.~~

§ 17.1-275.13. Additional fee for offenses related to sex trafficking.

In addition to the fees provided for by §§ 17.1-275.1, 17.1-275.2, 17.1-275.7, 17.1-275.10, and 17.1-275.12, any person convicted of a misdemeanor violation of § 18.2-346.01 or of § 18.2-348₂ or 18.2-349 shall be ordered to pay a ~~\$100~~ \$1,000 fee, and any person convicted of a violation of clause (ii), (iii), or (iv) of § 18.2-48, or of § 18.2-368, or any felony violation of the laws pertaining to commercial sex trafficking or prostitution offenses pursuant to Article 3 (§ 18.2-346 et seq.) of Chapter 8, with the exception of § 18.2-361, shall be ordered to pay a ~~\$500~~ \$2,500 fee. ~~All fees collected pursuant to this section shall be deposited into the Virginia Prevention of Sex Trafficking Fund to be used in accordance with § 9.1-116.4.~~

§ 18.2-346.01. Prostitution; solicitation; commercial exploitation of a minor; penalties.

A. Any person who offers money or its equivalent to another for the purpose of engaging in sexual acts enumerated in § 18.2-346 and thereafter does any substantial act in furtherance thereof is guilty of

27 solicitation of prostitution, which is punishable as a Class 1 misdemeanor, except as provided in
28 subsections B and C.

29 ~~However, any~~ B. Any person who solicits prostitution from a minor ~~(i) 16 years of age or older is~~
30 ~~guilty of a Class 6 felony or (ii) younger than 16 years of age is guilty of a Class 5 felony.~~

31 C. Any person who commits a third or subsequent offense under subsection A is guilty of a Class
32 6 felony.

33 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
34 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
35 **appropriation is _____ for periods of imprisonment in state adult correctional facilities;**
36 **therefore, Chapter 2 of the Acts of Assembly of 2022, Special Session I, requires the Virginia**
37 **Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-**
38 **19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is _____ for**
39 **periods of commitment to the custody of the Department of Juvenile Justice.**

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