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HOUSE OF REPRESENTATIVES  
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 264

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO PATRONIZING A PROSTITUTE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 1343, Title 11 of the Delaware Code by making deletions as shown by strike through and  
2 insertions as shown by underline as follows:

3 § 1343. Patronizing a prostitute prohibited.

4 (a) A person is guilty of patronizing a prostitute when:

5 (1) Pursuant to a prior agreement or understanding, the person pays a fee to another person as compensation  
6 for that person's having engaged in sexual conduct with the person; or

7 (2) The person pays or agrees to pay a fee to another person pursuant to an agreement or understanding that in  
8 return therefor that person or a third person will engage in sexual conduct with the person; or

9 (3) The person solicits or requests another person to engage in sexual conduct with the person in return for a  
10 fee.

11 (b) (1) Patronizing a prostitute is a ~~misdemeanor~~. misdemeanor, except as set forth under paragraph (b)(2) of this  
12 section. The minimum mandatory fine shall be \$500. This fine shall not be suspended.

13 (2) Patronizing a prostitute is a class E felony if the person from whom prostitution is sought is a minor. It is  
14 not a defense that the minor consented to engage in commercial sexual activity or that the defendant believed the minor  
15 was an adult.

16 (c) Whenever any vehicle, as defined in § 2321 of this title, has been used in, or in connection with, the offense of  
17 patronizing a prostitute, it shall forthwith be seized and taken into custody by the peace officer or officers having  
18 knowledge of the facts of such use.

19 (d) Vehicle seizure shall apply in the case of a defendant who has a previous conviction for the same offense in the  
20 previous 5 years. For the purpose of this section, "prior offense" shall be defined as a conviction of § 1343 of this title.

21 (e) (1) Any person found guilty of patronizing a prostitute and such crime has occurred on or within 1,000 feet of  
22 the property of any school, residence, church, synagogue or other place of worship shall be guilty of a class A  
23 ~~misdemeanor.~~ misdemeanor, unless the person from whom prostitution is sought is a minor, in which case the offense is a  
24 class E felony. The minimum mandatory fine shall be \$1,000. This fine shall not be suspended.

25 (2) It shall not be a defense to prosecution for a violation of this section that the person was unaware that the  
26 prohibited conduct took place on or within 1,000 feet of any school property, residence, church, synagogue or other  
27 place of worship.

#### SYNOPSIS

This Act makes the crime of “patronizing a prostitute” a class E felony rather than a misdemeanor where the person from whom prostitution is sought is a minor.