



SPONSOR: Rep. K. Williams & Sen. Poore
Reps. Dukes, Longhurst, Michael Smith; Sens. Hansen,
Hocker, Lawson, Richardson

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 347

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:

Section 1. Amend Chapter 5, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underlining as follows:

§ 1343. Patronizing a prostitute prohibited.

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

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

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

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

~~(b) Patronizing a prostitute is a misdemeanor. The minimum mandatory fine shall be \$500. This fine shall not be suspended.~~

(b) Except as provided in subsections (c), (d), and (f) of this section, a person who violates subsection (a) of this section is guilty of a Class G Felony. The minimum mandatory fine is \$1,000. This fine may not be suspended.

(c) A person who violates subsection (a) of this section and has been convicted of the same offense in the previous 5 years is guilty of a Class F Felony. The minimum mandatory fine is \$2,000. This fine may not be suspended.

(d) A person who violates subsection (a) of this section by agreeing to engage in sexual conduct with a person younger than 18 years of age, regardless of whether the actor knows the age of the person at the time of the offense, is guilty of a Class D Felony.

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

22 ~~(e) (f) (1) Any person found guilty of patronizing a prostitute~~ A person who violates subsection (a) of this section
23 and such crime has occurred on or within 1,000 feet of the property of any school, residence, church, ~~synagogue~~ synagogue,
24 or other place of worship ~~shall be~~ is guilty of a ~~class A misdemeanor~~ class F Felony. The minimum mandatory fine shall be
25 ~~\$1,000~~ \$2,000. This fine shall not be suspended.

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

SYNOPSIS

This Act makes patronizing a prostitute a Class G felony with a mandatory minimum fine of \$1,000 unless the actor has been convicted of the same offense in the last 5 years, in which case it is a Class F felony with a mandatory minimum fine of \$2,000. This Act makes patronizing a prostitute by agreeing to engage in sexual contact with a person younger than 18 years of age, regardless of whether the actor knows the age of the person at the time of the offense, a class D Felony. This Act also makes patronizing a prostitute within 1,000 feet of any school, residence, church, synagogue, or other place of worship a class F Felony with a minimum mandatory fine of \$2,000.