

HOUSE No. 3499

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act decriminalizing prostitution.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Natalie Higgins</i>	<i>4th Worcester</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>

<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Bud Williams</i>	<i>11th Hampden</i>

HOUSE No. 3499

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 3499) of Kay Khan and others relative to decriminalizing prostitution. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act decriminalizing prostitution.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 7 of chapter 4, as appearing in the 2014 Official Edition, is hereby
2 amended by adding the following 2 clauses:-

3 Sixtieth, “Commercial sexual exploitation” shall mean any actual or attempted abuse of a
4 position of vulnerability, differential power, or trust, for sexual purposes, including, but not
5 limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

6 Sixty-first, “Commercial sexual exploitation victim”, a person who is subjected to actual
7 or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes,
8 including, but not limited to, profiting monetarily, socially or politically, including, but not
9 limited to a prostitute, common street walker, common night walker, or a person who engages,
10 agrees to engage or offers to engage in sexual conduct with another person in return for a fee or
11 in exchange for food, shelter, clothing, education or care.

12 SECTION 2. Section 66A of chapter 10 of the General Laws, as so appearing, is hereby
13 amended by inserting after the figure “265”, in line 20, the following words:- and a commercial
14 sexual exploitation victim.

15 SECTION 3. Section 21 of chapter 119 of the General Laws, as so appearing, is hereby
16 amended by striking out, in lines 94 and 95, the words “, in violation of subsection (a) of section
17 53A of chapter 272,”.

18 SECTION 4. Section 39L of said chapter 119 is hereby repealed.

19 SECTION 5. Section 20M of chapter 233 of the General Laws, as appearing in the 2014
20 Official Edition, is hereby amended by inserting after the figure “265”, in line 15, the following
21 words:- or a commercial sexual exploitation victim.

22 SECTION 6. Section 8 of chapter 272 of the General Laws, as appearing in the 2014
23 Official Edition, is hereby amended by striking out the word “shall”, in line 2, and inserting in
24 place thereof the following words:- , except a commercial sexual exploitation victim whose body
25 is solicited, shall.

26 SECTION 7. Section 53 of said chapter 272, as so appearing, is hereby amended by
27 striking out subsection (a) and inserting in place thereof the following subsection:-

28 (a) Whoever commits offensive and disorderly acts or language, accosts or annoy another
29 person, lewd, wanton and lascivious persons in speech or behavior, keepers of noisy and
30 disorderly houses, and persons guilty of indecent exposure shall be punished by imprisonment in
31 a jail or house of correction for not more than 6 months, or by a fine of not more than \$200, or by
32 both such fine and imprisonment.

33 SECTION 8. Said chapter 272 is hereby amended by striking out subsection 53A and
34 inserting in place thereof the following section:-

35 (a) Whoever pays, agrees to pay or offers to pay another person to engage in sexual
36 conduct, shall be punished by imprisonment in the house of correction for not more than 2 and
37 one-half years or by a fine of not less than \$1,000 and not more than \$5,000, or by both such
38 imprisonment and fine, whether such sexual conduct occurs or not.

39 (b) Whoever pays, agrees to pay or offers to pay any person with the intent to engage in
40 sexual conduct with a child under the age of 18, or whoever is paid, agrees to pay or agrees that a
41 third person be paid in return for aiding a person who intends to engage in sexual conduct with a
42 child under the age of 18, shall be punished by imprisonment in the state prison for not more
43 than 10 years, or in the house of correction for not more than 2 and one-half years and by a fine
44 of not less than \$3,000 and not more than \$10,000, or by both such imprisonment and fine,
45 whether such sexual conduct occurs or not; provided, however, that a prosecution commenced
46 under this section shall not be continued without a finding or placed on file.