

Section 15-14-24. - Prostitution, patronizing of prostitute, promoting prostitution; adult and minor

A. *Definition:* As used in this section “sexual act” shall be as defined in § 15-17-2(N) of the Laguna Criminal Code.

B. *Offense:* It shall be unlawful engage in prostitution, which consists of any sexual act for which anything of value is given to or received by any person.

(1) Any law enforcement officer who takes a person under eighteen (18) years of age into custody for suspected prostitution shall immediately make a report to Laguna Social Services or an appropriate child protection agency.

(2) A person under eighteen (18) years of age suspected of or charged with engaging in prostitution shall be immune from prosecution for prostitution if it is found that the prohibited act was a direct result of being a trafficked minor, as defined by § 15-7-11.

C. *Sentence.* Any person convicted under Subsection B shall be sentenced as follows:

(1) *First offense:*

A jail term not to exceed thirty (30) days, and/or be ordered to pay a fine not to exceed five hundred dollars (\$500.00), provided that if the sentence is suspended in whole or in part or is deferred, the period of probation may extend beyond thirty (30) days but shall not exceed one (1) year.

(2) *Second and subsequent offense:*

A jail term of not less than (24) consecutive hours and not to exceed thirty (30) days, and/or be ordered to pay a fine not to exceed five hundred dollars (\$500.00), provided that if the sentence is suspended in whole or in part or is deferred, the period of probation may extend beyond thirty (30) days but shall not exceed one (1) year.

D. *Offense:* It shall be unlawful to engage in patronizing a prostitute, which consists of purposely:

(1) entering or remaining in any place where prostitution is practiced, encouraged or allowed with intent to engage in a sexual act with a prostitute; or

(2) hiring or offering to hire a prostitute, or one believed by the offeror to be a prostitute, to engage in a sexual act with the actor or another.

E. *Sentence.* Any person convicted under Subsection D shall be sentenced as follows:

(1) *First offense:*

A jail term not to exceed ninety (90) days, and/or be ordered to pay a fine not to exceed five hundred dollars (\$500.00), provided that if the sentence is suspended in whole or in part or is deferred, the period of probation may extend beyond ninety (90) days but shall not exceed one (1) year.

(2) *Second and subsequent offense:*

A jail term of not less than (24) consecutive hours and not to exceed ninety (90) days, and/or be ordered to pay a fine not to exceed five hundred dollars (\$500.00), provided that if the sentence is suspended in whole or in part or is deferred, the period of probation may extend beyond ninety (90) days but shall not exceed one (1) year.

F. *Offense:* It shall be unlawful to promote prostitution, which consists of any person, acting other than as a prostitute or patron of a prostitute, who purposely:

(1) Establishes, owns, maintains or manages a place where prostitution is practiced, encouraged or allowed, or participates in the establishment, ownership, maintenance or management thereof;

(2) Enters into any lease or rental agreement for any place intended for use as a place where prostitution is practiced, encouraged or allowed;

(3) Procures a prostitute for a place where prostitution is practiced, encouraged or allowed;

(4) Induces another to become a prostitute;

(5) Solicits a patron for a prostitute or for any place where prostitution is practiced, encouraged or allowed;

(6) Procures a prostitute for a patron and receives compensation therefor;

(7) Procures transportation for, pays for the transportation of, or transports a person within the Reservation with the intention of promoting that person's engaging in prostitution;

(8) Procures through promises, threats, duress, or fraud any person to come into the Reservation or causes a person to leave the Reservation for the purpose of prostitution;

(9) Accepts the earnings of a prostitute, or receives, levies, or appropriates money or anything of value from the proceeds of the earnings of a person engaged in prostitution;
or

(10) Under pretense of marriage, detains a person or takes a person into the Reservation or causes a person to leave the Reservation for the purpose of prostitution.

G. *Sentence.* Any person convicted under Subsection F shall be sentenced as follows:

(1) *First offense:*

A jail term not to exceed twelve (12) months, or the maximum allowable under federal law and/or be ordered to pay a fine not to exceed five thousand dollars (\$5,000.00), or the maximum allowable under federal law.

(2) *Second and subsequent offense:*

A jail term of not less than one hundred eighty (180) days and not to exceed twelve (12) months, or the maximum allowable under federal law and/or be ordered to pay a fine not to exceed five thousand dollars (\$5,000.00), or the maximum allowable under federal law.

H. *Offense.* It shall be unlawful for a person to patronize (as defined under Subsection D), or to promote prostitution (as defined under Subsection F) with, a person under eighteen (18) years of age regardless of whether the person engaging in patronizing or promoting knew the age of the victim at the time of the offense.

(1) It is not a defense to prosecution under this section that a police officer was posing as a minor.

(2) This offense is a “sex offense” under Section 15-17-2.M, notwithstanding any exception under Section 15-17-2.M(1).

I. *Sentence.* Any person convicted under Subsection H shall be sentenced to the maximum penalty allowable under federal law and required to register as a sex offender.

(Res. No. 111-16, Effective 1/1/2017)