

**Substitute Senate Bill No. 153**

**Public Act No. 10-115**

**AN ACT PROVIDING A SAFE HARBOR FOR EXPLOITED CHILDREN.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 53a-82 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) A person sixteen years of age or older is guilty of prostitution when such person engages or agrees or offers to engage in sexual conduct with another person in return for a fee.

(b) In any prosecution for an offense under this section, it shall be an affirmative defense that the actor was coerced into committing such offense by another person in violation of section 53a-192a.

(c) In any prosecution of a person sixteen or seventeen years of age for an offense under this section, there shall be a presumption that the actor was coerced into committing such offense by another person in violation of section 53a-192a.

~~[(c)]~~ (d) Prostitution is a class A misdemeanor.

Sec. 2. Section 53a-86 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) A person is guilty of promoting prostitution in the first degree when he knowingly:  
(1) Advances prostitution by compelling a person by force or intimidation to engage in prostitution, or profits from coercive conduct by another; or (2) advances or profits from prostitution of a person less than ~~[sixteen]~~ eighteen years old.

(b) Promoting prostitution in the first degree is a class B felony. Any person found guilty under subdivision (2) of subsection (a) of this section shall be sentenced to a term of imprisonment of which nine months of the sentence imposed may not be suspended or reduced by the court.

Sec. 3. Section 53a-87 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) A person is guilty of promoting prostitution in the second degree when he knowingly [~~(1) Advances~~] advances or profits from prostitution by managing,

supervising, controlling or owning, either alone or in association with others, a house of prostitution or a prostitution business or enterprise involving prostitution activity by two or more prostitutes. ] or (2) advances or profits from prostitution of a person less than eighteen years old. ]

(b) Promoting prostitution in the second degree is a class C felony.

Sec. 4. Section 53a-84 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) In any prosecution for prostitution in violation of section 53a-82, as amended by this act, or patronizing a prostitute in violation of section 53a-83 or 53a-83a, the sex of the two parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, and it shall be no defense that: (1) Such persons were of the same sex; or (2) the person who received, agreed to receive or solicited a fee was a male and the person who paid or agreed or offered to pay such fee was a female.

(b) In any prosecution for patronizing a prostitute in violation of section 53a-83 or 53a-83a, promoting prostitution in violation of section 53a-86, 53a-87 or 53a-88, as amended by this act, or permitting prostitution in violation of section 53a-89, it shall be no defense that the person engaging or agreeing to engage in sexual conduct with another person in return for a fee could not be prosecuted for a violation of section 53a-82, as amended by this act, on account of such person's age.

Approved June 7, 2010