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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

A N A C T

RELATING TO CRIMINAL OFFENSES -- COMMERCIAL SEXUAL ACTIVITY

Introduced By: Representatives Millea, McKiernan, Craven, Jacquard, and Solomon

Date Introduced: February 26, 2020

Referred To: House Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-34.1-7 of the General Laws in Chapter 11-34.1 entitled
2 "Commercial Sexual Activity" is hereby amended to read as follows:

3 **11-34.1-7. Pandering or permitting prostitution -- Not allowed.**

4 (a) It shall be unlawful for any person, by any promise or threat, by abuse of person, or by
5 any other device or scheme, to cause, induce, persuade, or encourage a person to become a
6 prostitute or to come into this state or leave this state for the purpose of prostitution. It shall be
7 unlawful for any person to receive or give, or agree to receive or give, any money or thing of value
8 for procuring or attempting to procure any person to become a prostitute or to come into this state
9 or leave this state for the purpose of prostitution.

10 (b) It shall be unlawful for any person to knowingly permit, allow, transport, or offer or
11 agree to receive any person into any place, structure, house, building, room, or business for the
12 purpose of committing any commercial sexual activity, or knowingly permit any person to remain
13 in the premises for those purposes, or to, in any way, aid or abet or participate in any of the acts or
14 things enumerated in this chapter. Any person, knowing a person to be a prostitute, who shall live
15 or derive support or maintenance, in whole or in part, from the earnings or proceeds of commercial
16 sexual activity, from moneys loaned, advanced to, or charged against the prostitute by a landlord,
17 manager, owner of a spa or business, or any other place where commercial sexual activity is
18 practiced or allowed, or who shall share in the earnings, proceeds, or moneys shall be guilty of the
19 crime of permitting prostitution.

1 (c) Every person who commits any of the offenses described in subsection (a) of this
2 section, or who assists, abets, or aids another to commit any of those offenses, shall be guilty of
3 pandering. Every person who commits any of the offenses described in subsection (b) of this section
4 or who assists, abets, or aids another to commit any of those offenses, shall be guilty of permitting
5 prostitution. For the first offense in violation of this section, that person shall be punished by
6 imprisonment for ~~not less than one year and~~ not more than five (5) years and a fine of not ~~less than~~
7 ~~two thousand dollars (\$2,000), nor~~ more than five thousand dollars (\$5,000). For every subsequent
8 offense in violation of this section, that person shall be punished by imprisonment for ~~not less than~~
9 ~~three (3) years and~~ not more than ten (10) years and a fine of not ~~less than five thousand dollars~~
10 ~~(\$5,000), nor~~ more than ten thousand dollars (\$10,000).

11 (d) Any proceeds derived directly from a violation of this section are subject to seizure and
12 forfeiture and further proceedings shall be required for their forfeiture as is prescribed by law in
13 chapter 21 of title 12.

14 SECTION 2. Section 12-5.1-1 of the General Laws in Chapter 12-5.1 entitled "Interception
15 of Wire and Oral Communications" is hereby amended to read as follows:

16 **12-5.1-1. Definitions.**

17 As used in this chapter:

18 (1) "Aggrieved person" means an individual who was a party to any intercepted wire,
19 electronic, or oral communication or against whom the interception was directed.

20 (2) "Communications common carrier" has the same meaning given the term "common
21 carrier" by 47 U.S.C. § 153(10).

22 (3) "Contents", when used with respect to any wire, electronic, or oral communication,
23 includes any information concerning the identity of the parties to that communication or the
24 existence, substance, purport, or meaning of that communication.

25 (4) "Designated offense" means the offenses of:

26 (i) Murder, robbery, kidnapping, extortion, assault with a dangerous weapon, and assault
27 with intent to rob or murder;

28 (ii) Arson in the first degree, arson in the second degree, or arson in the third degree;

29 (iii) Bribery or larceny involving the receipt of stolen property of a value of more than five
30 hundred dollars (\$500);

31 (iv) Any violation of chapter 28 of title 21 where the offense is punishable by imprisonment
32 for more than one year;

33 (v) Any violation of chapters 19, 47, or 51 of title 11, where the offense is punishable by
34 imprisonment for more than one year;

- 1 (vi) The lending of money at a rate of interest in violation of law;
- 2 (vii) Being a fugitive from justice for any of the offenses provided in this subdivision; ~~and~~
- 3 (viii) Any violation of § 11-34.1-7 -- Pandering or permitting prostitution – Not allowed;
- 4 (ix) Any violation of chapter 67.1 of title 11 -- Uniform Act on Prevention of and Remedies
- 5 for Human Trafficking, where the offense is punishable by imprisonment for more than one year;
- 6 or
- 7 ~~(viii)~~(x) Conspiracy to commit any of the offenses provided in this subdivision.

8 (5) "Electronic communication" means any transfer of signs, signals, writing, images,

9 sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio,

10 electromagnetic, photoelectronic or photooptical system, but does not include:

- 11 (i) Any wire or oral communication;
- 12 (ii) Any communication made through a tone-only paging device; or
- 13 (iii) Any communication from a tracking device.

14 (6) "Electronic communication service" means any service which provides to users the

15 ability to send or receive wire or electronic communications.

16 (7) "Electronic, mechanical, or other device" means any device or apparatus which can be

17 used to intercept wire, electronic, or oral communications other than:

18 (i) Any telephone or telegraph instrument, equipment, or facility or any component of

19 telephone or telegraph instruments, equipment, or facilities, furnished to the subscriber or user by

20 a provider of wire or electronic communication service in the ordinary course of its business, and

21 being used by the subscriber or user in the ordinary course of business, or by an investigative or

22 law enforcement officer in the ordinary course of his or her duties; or

23 (ii) A hearing aid or similar device which is being used to correct subnormal hearing to

24 normal.

25 (8) "Intercept" means aural or other acquisition of the contents of any wire, electronic, or

26 oral communication through the use of any electronic, mechanical, or other device.

27 (9) "Investigative or law enforcement officer" means any officer of the United States, this

28 state, or a political subdivision of this state, who is empowered by law to conduct investigations of,

29 or to make arrests for, the designated offenses, the attorney general, and his or her assistants.

30 (10) "Oral communications" means any oral communication uttered by a person exhibiting

31 an expectation that the communication is not subject to interception under circumstances justifying

32 that expectation, but the term does not include any electronic communication.

33 (11) "Person" means any individual, partnership, association, joint stock company, trust,

34 or corporation, whether or not any of the foregoing is an officer, agent, or employee of the United

1 States, a state, or a political subdivision of a state.

2 (12) "User" means any person or entity who:

3 (i) Uses an electronic communication service; and

4 (ii) Is duly authorized by the provider of the service to engage in that use; photooptical or
5 photoelectronic facilities for the transmission of electronic communications, and any computer
6 facilities or related electronic equipment for the electronic storage of the communications.

7 (13) "Wire communications" means any aural transfer made in whole or in part through
8 the use of facilities for the transmission of communications by the aid of wire, cable, or other like
9 connection between the point of origin and the point of reception, (including the use of the
10 connection in a switching station) furnished or operated by any person engaged in providing or
11 operating the facilities for the transmission of communications. The term includes any electronic
12 storage of the communication.

13 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would provide for criminal penalties for permitting commercial sexual activity
2 and allows for the use of wire taps in instances of human trafficking and where commercial sexual
3 activity is permitted on a premises.

4 This act would take effect upon passage.

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