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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO CRIMINAL OFFENSES -- COMMERCIAL SEXUAL ACTIVITY

Introduced By: Representatives Sanchez, Stewart, and Henries

Date Introduced: January 26, 2024

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

3 **11-34.1-2. Prostitution.**

4 (a) A person is guilty of prostitution when such person engages, or agrees, or offers to
5 engage in sexual conduct with another person in return for a fee. Any person found guilty under
6 this section shall be deemed guilty of a misdemeanor and shall be subject to imprisonment for a
7 term not exceeding six (6) months, or to a fine of not less than two hundred fifty dollars (\$250) nor
8 more than one thousand dollars (\$1,000), or both.

9 (b) Any person found guilty of a subsequent offense under this section shall be subject to
10 imprisonment for a term of not more than one year, or a fine of not less than five hundred dollars
11 (\$500) nor more than one thousand dollars (\$1,000), or both.

12 (c) In any prosecution for a violation under this section, [where the immunity provided by](#)
13 [§ 11-34.1-15\(a\) is not applicable](#), it shall be an affirmative defense if the accused was forced to
14 commit a commercial sexual activity by:

15 (1) Being threatened or subjected to physical harm;

16 (2) Being physically restrained or threatened to be physically restrained;

17 (3) Being subject to threats of abuse of law or legal process;

18 (4) Being subject to destruction, concealment, removal, or confiscation, of any passport or
19 other immigration document or any other actual or purported governmental identification

1 document; or

2 (5) Being subject to intimidation in which the accused's physical well being was perceived
3 as threatened.

4 SECTION 2. Chapter 11-34.1 of the General Laws entitled "Commercial Sexual Activity"
5 is hereby amended by adding thereto the following section:

6 **11-34.1-15. Immunity from citation, arrest, or prosecution.**

7 (a) A person shall not be cited, arrested, or prosecuted for a violation of §§ 11-34.1-2, 11-
8 34.1-3, 11-34.1-4 or 11-34.1-6, if:

9 (1) The person witnessed or was a victim of, or becomes aware that another person was a
10 victim of one of the crimes listed in subsection (b) of this section, and reported it to law enforcement
11 in good faith, seeks or receives health care services as a result of the crime, or assists or attempts
12 to assist in the investigation or prosecution of the crime; and

13 (2) The evidence for citation, arrest or prosecution was gained through the person's good
14 faith report to law enforcement, assistance or attempted assistance in the investigation or
15 prosecution of the crime, or the person is receiving health care services as a result of the crime.

16 (b) A reported offense covered by this chapter shall include any offense prohibited by the
17 following chapters of the general laws: chapter 5 of title 11 ("assaults") chapter 18 of title 11,
18 ("fraud and false dealing"); chapter 23 of title 11 ("homicide"); chapter 26 of title 11
19 ("kidnapping"); chapter 37 of title 11 ("sexual assault"); chapter 39 of title 11 ("robbery"); chapter
20 41 of title 11 ("theft, embezzlement, false pretenses and misappropriation"); chapter 42 of title 11
21 ("threats and extortion"); chapter 57 of title 11 ("racketeer violence"); chapter 59 of title 11
22 ("stalking"); chapter 67.1 of title 11 ("human trafficking"); and section 11-9-1.3 ("child
23 pornography").

24 (c) If the victim or witness later withdraws their cooperation due to safety concerns,
25 physical or emotional health, or any other reason, the victim or witness shall not be charged under
26 or for any offense under this chapter or for any offense enumerated in subsection (b) of this section.
27 There is no requirement that a reported crime be prosecuted or result in a conviction for the
28 immunity provided in subsection (a) of this section to be applicable.

29 SECTION 3. Section 23-20.8-3 of the General Laws in Chapter 23-20.8 entitled "Licensing
30 of Massage Therapists" is hereby amended to read as follows:

31 **23-20.8-3. Practice of massage therapy — License required — Use of title limited —**
32 **Qualifications for licenses continuing education — Fees.**

33 (a) A person shall not practice, or hold himself or herself out to others as practicing massage
34 therapy, or as a massage therapist, without first receiving from the board a license to engage in that

1 practice.

2 (b) A person shall hold himself or herself out to others as a massage therapist when the
3 person adopts or uses any title or description, including: “massage therapist,” “masseur,”
4 “masseur,” “massagist,” “massotherapist,” “myotherapist,” “body therapist,” “massage
5 technician,” “massage practitioner,” or any derivation of those terms that implies this practice.

6 (c) It shall be unlawful to advertise the practice of massage therapy using the term massage
7 therapy, or any other term that implies a massage technique or method, in any public or private
8 publication or communication by a person not licensed by the state of Rhode Island department of
9 health as a massage therapist. Any person who holds a license to practice as a massage therapist in
10 this state may use the title “licensed massage therapist” and the abbreviation “LMT.” No other
11 persons may assume this title or use such abbreviation or any other word, letters, signs, or figures
12 to indicate that the person using the title is a licensed massage therapist. A massage therapist’s
13 name and license number must conspicuously appear on all of the massage therapist’s print and
14 electronic material. A massage therapist licensed under this chapter must have available his or her
15 license in all places of business practice.

16 (d)(1) The board shall, by rule, establish requirements for continuing education. The board
17 may establish such requirements to be completed and verified annually. The board shall require no
18 more than six (6) continuing education units annually.

19 (2) Applicants for annual licensure renewal shall meet continuing education requirements
20 as prescribed by the board. On application for renewal of license, massage therapists shall attest to
21 completion of six (6) continuing education units annually that may include, but not be limited to:

- 22 (i) Formal presentations;
- 23 (ii) Conferences;
- 24 (iii) Coursework from a massage school or program, accredited college/university; and/or
- 25 (iv) Self-study or online coursework.

26 The programs or offerings shall be approved or sponsored by a board-approved
27 organization.

28 (3) A licensee who fails to complete the continuing education requirements described
29 herein may be subject to disciplinary action pursuant to § 5-40-13.

30 (4) A license may be denied to any applicant who fails to provide satisfactory evidence of
31 completion of continuing education relevant to massage therapy as required herein.

32 (5) The board may waive the requirement for continuing education if the board is satisfied
33 that the applicant has suffered hardship that may have prevented meeting the educational
34 requirements.

1 (e) The fee for original application for licensure as a massage therapist and for annual
2 license renewal shall be as set forth in § 23-1-54. Fees for all other licenses under this chapter shall
3 be fixed in an amount necessary to cover the cost of administering this chapter.

4 (f) Any person applying for a license under this chapter shall undergo a national criminal
5 background check. Such persons shall apply to the bureau of criminal identification of the state
6 police or local police department for a national criminal background check. Fingerprinting shall be
7 required. Upon the discovery of any disqualifying information as defined in subsection (g), the
8 bureau of criminal identification of the state police or the local police department shall inform the
9 applicant, in writing, of the nature of the disqualifying information and, without disclosing the
10 nature of the disqualifying information, shall notify the board, in writing, that disqualifying
11 information has been found. In those situations in which no disqualifying information has been
12 found, the bureau of criminal identification shall inform the applicant and the board in writing of
13 this fact. An applicant against whom disqualifying information has been found may request that a
14 copy of the national criminal background report be sent to the board, which shall make a judgment
15 regarding the licensure of the applicant. The applicant shall be responsible for payment of the costs
16 of the national criminal background check.

17 (g) "Disqualifying information" means those offenses, including, but not limited to, those
18 defined in chapters 34, 34.1, and 37 of title 11, and § 23-17-37.

19 (h) Notwithstanding the above, any city or town may, by ordinance, regulate the opening,
20 the presence, the location, and the operation of any body-works business or any business providing
21 body-works services. Provided, however, no ordinance may impose additional qualifications
22 beyond those adopted by the department of health pursuant to this chapter respecting national
23 criminal background checks for persons applying for a license.

24 (i) A person shall not be cited, arrested, or prosecuted for a violation of this section if:

25 The person witnessed or was a victim of, or becomes aware that another person was a
26 victim of one of the crimes listed in subsection (j) of this section, and reported it to law enforcement
27 in good faith, seeks or receives health care services as a result of the crime, or assists or attempts
28 to assist in the investigation or prosecution of the crime; and

29 The evidence for citation, arrest or prosecution was gained through the person's good faith
30 report to law enforcement, assistance or attempted assistance in the investigation or prosecution of
31 the crime, or the person is receiving health care services as a result of the crime.

32 (j) A reported offense covered by this chapter shall include any offense prohibited by the
33 following chapters of the general laws: chapter 5 of title 11 ("assaults"); chapter 18 of title 11
34 ("fraud and false dealing"); chapter 23 of title 11 ("homicide"); chapter 26 of title 11

1 ("kidnapping"); chapter 37 of title 11 ("sexual assault"); chapter 39 of title 11 ("robbery"); chapter
2 41 of title 11 ("theft, embezzlement, false pretenses and misappropriation"); chapter 42 of title 11
3 ("threats and extortion"); chapter 57 of title 11 ("racketeer violence"); chapter 59 of title 11
4 ("stalking"); chapter 67.1 of title 11 ("human trafficking"); and section 11-9-1.3 ("child
5 pornography").

6 (k) If the victim or witness later withdraws their cooperation due to safety concerns,
7 physical or emotional health, or any other reason, the victim or witness shall not be charged under
8 or for any offense under this chapter or for any offense enumerated in subsection (b) of this section.
9 There is no requirement that a reported crime be prosecuted or result in a conviction for the
10 immunity provided in subsection (i) of this section to be applicable.

11 (l) A law enforcement officer shall not be immune from civil liability for citing or arresting
12 a person for a violation of 11-34.1-2, 11-34.1-3, 11-34.1-4 or 11-34.1-6 when the office knows or
13 should know that the person qualifies for protection under this section.

14 SECTION 4. 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 immunity to those people involved in commercial sexual activity
2 if they are victims or witnesses to various other offenses and would not grant immunity to law
3 enforcement officers for arresting those persons if they know or should know that the person is
4 eligible for immunity.

5 This act would take effect upon passage.

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