

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1122 Session of
2024

INTRODUCED BY HUGHES, STREET, COLLETT, FONTANA, SAVAL, HAYWOOD,
COSTA, SCHWANK, CAPPELLETTI AND BREWSTER, APRIL 5, 2024

REFERRED TO JUDICIARY, APRIL 5, 2024

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in public indecency, further providing
3 for prostitution and related offenses.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 5902(a.1)(4), (c) and (e.1)(4) of Title
7 18 of the Pennsylvania Consolidated Statutes are amended and the
8 section is amended by adding a subsection to read:

9 § 5902. Prostitution and related offenses.

10 * * *

11 (a.1) Grading of offenses under subsection (a).--An offense
12 under subsection (a) constitutes a:

13 * * *

14 [(4) Felony of the third degree if the person who
15 committed the offense knew that he or she was human
16 immunodeficiency virus (HIV) positive or manifesting acquired
17 immune deficiency syndrome (AIDS).]

18 * * *

(c) Grading of offenses under subsection (b).--

(1) An offense under subsection (b) constitutes a felony of the third degree if:

(i) the offense falls within paragraphs (b)(1), (b)(2) or (b)(3);

(ii) the actor compels another to engage in or promote prostitution; or

(iv) the actor promotes prostitution of his spouse, child, ward or any person for whose care, protection or support he is responsible. ; or

(v) the person knowingly promoted prostitution of another who was HIV positive or infected with the AIDS virus.]

(2) Otherwise the offense is a misdemeanor of the second degree.

* * *

(e.1) Grading of offenses under subsection (e).--An offense under subsection (e) constitutes a:

* * *

[(4) Felony of the third degree if the person who committed the offense knew that he or she was human immunodeficiency virus (HIV) positive or manifesting acquired immune deficiency syndrome (AIDS).]

* * *

(e.3) Resentencing.--

(1) Upon a petition to the court of common pleas that originally entered an order of sentence, a person convicted and sentenced under the former subsection (a.1)(4), (c)(1)(v) or (e.1)(4) and to which the following apply may be resentenced to a misdemeanor grade as provided under

1 subsection (a.1), (c) or (e.1) based on the established facts
2 as determined by the court at the time of conviction:

3 (i) The person has completed the sentence and any
4 ordered supervision.

5 (ii) The person is not currently serving a sentence
6 or under supervision on any other matter.

7 (2) Upon a petition to the court of common pleas that
8 originally entered an order of sentence, a person convicted
9 and sentenced under the former subsection (a.1)(4), (c)(1)(v)
10 or (e.1)(4) who is currently serving the imposed sentence or
11 under supervision as part of the imposed sentence shall be
12 resentenced to a misdemeanor grade as provided under
13 subsection (a.1), (c) or (e.1) based on the established facts
14 as determined by the court at the time of conviction.

15 (3) Any modification of sentence under paragraph (1) or
16 (2) shall not exceed the original sentence imposed by the
17 court.

18 * * *

19 Section 2. This act shall take effect in 60 days.