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HOUSE BILL 196

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Tim D. Lewis

AN ACT

RELATING TO CRIMINAL LAW; INCREASING PENALTIES FOR PATRONIZING
PROSTITUTES, PROMOTING PROSTITUTION AND ACCEPTING THE EARNINGS
OF A PROSTITUTE; PROVIDING FOR INCREASED PENALTIES ON
SUBSEQUENT OFFENSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 30-9-3 NMSA 1978 (being Laws 1963,
Chapter 303, Section 9-12, as amended) is amended to read:

"30-9-3. PATRONIZING PROSTITUTES.--

A. Patronizing prostitutes consists of:

~~[A.]~~ (1) entering or remaining in a house of
prostitution or any other place where prostitution is
practiced, encouraged or allowed with intent to engage in a
sexual act with a prostitute; or

~~[B.]~~ (2) knowingly hiring or offering to hire

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1 a prostitute, or one believed by the offeror to be a
2 prostitute, to engage in a sexual act with the actor or
3 another.

4 B. As used in this section, "a sexual act" means
5 sexual intercourse, cunnilingus, fellatio, masturbation of
6 another, anal intercourse or the causing of penetration to any
7 extent and with any object of the genital or an anal opening of
8 another, whether or not there is any emission.

9 C. Whoever commits patronizing prostitutes is
10 guilty of a [~~petty~~] misdemeanor, unless such crime is a second
11 or subsequent conviction, in which case such person is guilty
12 of a [~~misdemeanor~~] fourth degree felony."

13 **SECTION 2.** Section 30-9-4 NMSA 1978 (being Laws 1963,
14 Chapter 303, Section 9-13, as amended) is amended to read:

15 "30-9-4. PROMOTING PROSTITUTION.--

16 A. Promoting prostitution consists of any person,
17 acting other than as a prostitute or patron of a prostitute:

18 [~~A.-~~] (1) knowingly establishing, owning,
19 maintaining or managing a house of prostitution or a place
20 where prostitution is practiced, encouraged or allowed, or
21 participating in the establishment, ownership, maintenance or
22 management thereof;

23 [~~B.-~~] (2) knowingly entering into any lease or
24 rental agreement for any premises [~~which~~] that a person
25 partially or wholly owns or controls, knowing that [~~such~~] the

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1 premises are intended for use as a house of prostitution or as
2 a place where prostitution is practiced, encouraged or allowed;

3 [G-] (3) knowingly procuring a prostitute for
4 a house of prostitution or for a place where prostitution is
5 practiced, encouraged or allowed;

6 [D-] (4) knowingly inducing another to [~~become~~
7 ~~a prostitute~~] engage in prostitution;

8 [E-] (5) knowingly soliciting a patron for a
9 prostitute or for a house of prostitution or for any place
10 where prostitution is practiced, encouraged or allowed;

11 [F-] (6) knowingly procuring a prostitute for
12 a patron and receiving compensation therefor;

13 [G-] (7) knowingly procuring transportation
14 for, paying for the transportation of or transporting a person
15 within the state with the intention of promoting that person's
16 engaging in prostitution;

17 [H-] (8) knowingly procuring through promises,
18 threats, duress or fraud any person to come into the state or
19 causing a person to leave the state for the purpose of
20 prostitution; or

21 [I-] (9) under pretense of marriage, knowingly
22 detaining a person or taking a person into the state or causing
23 a person to leave the state for the purpose of prostitution.

24 B. Whoever commits promoting prostitution is, for a
25 first offense, guilty of a [~~fourth~~] third degree felony and,

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1 for a second or subsequent offense, guilty of a second degree
2 felony."

3 SECTION 3. Section 30-9-4.1 NMSA 1978 (being Laws 1981,
4 Chapter 233, Section 4) is amended to read:

5 "30-9-4.1. ACCEPTING EARNINGS OF A PROSTITUTE.--

6 A. Accepting the earnings of a prostitute consists
7 of accepting, receiving, levying or appropriating money or
8 anything of value, without consideration, from the proceeds of
9 the earnings of a person engaged in prostitution with the
10 knowledge that the person is engaged in prostitution and that
11 the earnings are derived from engaging in prostitution, or
12 knowingly owning or knowingly managing a house or other place
13 where prostitution is practiced or allowed and living or
14 deriving support or maintenance, in whole or in part, from the
15 earnings or proceeds of a person engaged in prostitution at
16 that house or place.

17 B. Whoever commits accepting the earnings of a
18 prostitute is, for a first offense, guilty of a [fourth] third
19 degree felony and, for a second or subsequent offense, guilty
20 of a second degree felony."

21 SECTION 4. EFFECTIVE DATE.--The effective date of the
22 provisions of this act is July 1, 2013.