

## Legislative Factsheet:

# Commercial Sex Demand Reduction

Restoring deterrence to SC Criminal Code for the crimes of Solicitation and Procurement

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**Language:** Replaces the labels for “prostitution” with “commercial sex” and “prostitute” with “provider of commercial sex”

**Problem:** The money sex buyers spend on commercial sex is the primary source of revenue that creates and sustains the underground sex economy. If sex buyers would stop buying; commercial sex and sex trafficking would end overnight. The SC statute addressing solicitation (sex buying) has lost its deterrent value. The first offense fine for solicitation is "up to \$200." This ranks SC 48 out of 50 states. The last time the fine structure was updated was 1986.

The statute addressing solicitation also includes commercial sex, and procurement (pimping). All three crimes are linked to the same fine structure. Penalties for commercial sex, solicitation and procurement should reflect the distinctive difference and level of criminal conduct of each crime.

Current first offense fines for: commercial sex, solicitation, procurement - up to \$200

**Solution:** Assign commercial sex, solicitation, and procurement to separate criminal codes. Align the penalties with the nature of the crime and any mitigating factors.

First offense: all misdemeanors

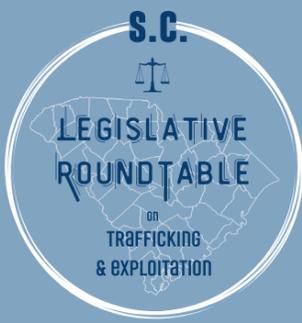
Commercial sex up to \$200 & or 30 days (no change)

Solicitation min \$250 up to \$1,000 & or 30 days

Procurement min \$500 up to \$1,500 & or 30 days

**Facts:** Commercial sex is one of the most physically dangerous occupations in US. Numerous studies reveal providers of commercial sex are assaulted and suffer physical harm at the hands of pimps and sex buyers. In one US study 82% of women providers of commercial sex said they were assaulted while in commercial sex. 100% in the same study said were threatened with a weapon. Another study reported 61% of surveyed women experienced Traumatic Brain Injury TBI while in commercial sex. Same level of TBI experienced by NFL retirees. Many if not most were sex trafficked as children. Commercial sex is a trap for a child from which they can't escape. The experience damages them such that it is difficult to leave when turn 18.

**Rationale:** The penalty should reflect the crime; the 3 parties (prostitution, solicitation, and procurement are very distinct in criminality and even possibly victimhood - the law must reflect this distinction.



# Legislative Factsheet:

## 13 STATES DIFFERENTIATING SOLICITATION FROM PROSTITUTION WITH HARSHER PENALTIES FOR SOLICITATION

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### FLORIDA Fla. Statute 796.07(2)

Prostitution	1st offense	up to \$500	Misdemeanor 2nd degree	& or up to 60 days
	2nd offense	up to \$1,000	Misdemeanor 1st degree	& or up to 1 year
	3rd offense	up to \$5,000	3rd Degree felony	& or up to 5 years
Solicitation	1 <sup>st</sup> offense	up to \$1,000	Misdemeanor 1 <sup>st</sup> degree	& or up to 1 year
	2 <sup>nd</sup> offense	up to \$5,000	3 <sup>rd</sup> Degree felony	& or up to 5 years
	3 <sup>rd</sup> offense	up to \$10,000	2 <sup>nd</sup> Degree felony	& or up to 15 years

**Title XLVI, Chapter 796, Section 07 2016**

**Civil penalties of \$5,000 after court costs - proceeds support safe houses, services**

<b>NORTH CAROLINA</b>	<b>Prostitution</b>	G.S. 14-204(a)	Class 1 Misdemeanor (first & following)
	<b>Solicitation</b>	G.S. 14-205.1	
	1st offense	Class 1 Misdemeanor probation, community svc. frequent penalty, fine at discretion of court	
	2nd & 3rd	<b>Class H Felony</b>	4-25 months

A person who willfully solicits a severely or profoundly mentally disabled person is guilty of a Class E felony.

<b>GEORGIA</b>	<b>Prostitution</b>	16-6-9	Misdemeanor	up to \$1,000
	<b>Solicitation</b>	16-6-12, 16-6-13	<b>Misdemeanor of a high and aggravated nature up to \$5,000</b>	

In addition to any other penalty authorized, a person convicted of an offense enumerated in [Code Sections 16-6-9](#) through [16-6-12](#) shall be fined \$2,500 if such offense was committed within 1,000 feet of any school building, school grounds, public place of worship, or playground or recreation center which is used primarily by persons under the age of 17 years.

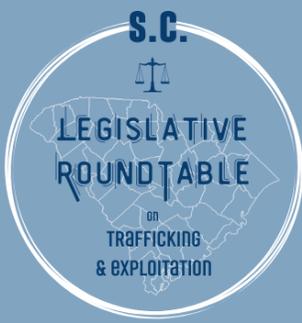
<b>Colorado</b>	Prostitution	18-7-201 C.R.S.	Class 3 Misdemeanor	\$50-\$750 up to 6 mos.
	Solicitation	19-7-202 C.R.S.	Class 3 Misdemeanor	\$50-\$750 up to 6 mos.
	Patronizing	19-7-205 C.R.S.	Class 1 Misdemeanor	\$500-\$750 up to 6-18 mos

**May be required to pay added fine up to \$5,000**

May be required to pay added fine up to \$5,000

<b>Arkansas</b>	Prostitution	5-70-102	First	Class B Misdemeanor
	Prostitution		Second & following	Class A Misdemeanor
	Solicitation	5-70-103	First	Class B Misdemeanor
			Second & following	Class A Misdemeanor

**Offenders of Solicitation required pay added \$250**



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## 13 STATES DIFFERENTIATING SOLICITATION FROM PROSTITUTION WITH HARSHER PENALTIES FOR SOLICITATION

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**Massachusetts** Solicitation 272:Sec 8 **Min. \$1,000 - \$5,000 up to 2 ½ yrs.**  
Prostitution 272, Sec 53A **Up to \$500 up to 1 yr.**

**Minnesota** 609.322, 609.324  
Prostitution in public place gross misdemeanor, up to \$3,000 up to 1 yr.  
Prostitution in not public place misdemeanor, up to \$1,000 up to 3 mos.  
Solicitation in public place **minimum \$1,500**  
Solicitation not public place **minimum \$500**  
**Adult sex-buyers pay additional fine of not less than \$500 up to \$1,000**

**Nebraska** Section 28-801.01  
Prostitution First Offense Up to \$1,000 up to 6 mos. Class II Misdemeanor  
Second Up to \$1,000 up to 1 yr. Class 1 Misdemeanor  
  
Solicitation First offense **Not less than \$250 Class 1 Misdemeanor**  
Second **Not less than \$500 Class IV Felony**  
Penalty may include mental health eval. & education programs at offender's expense

**New York** Prostitution 230.00 Class B Misdemeanor up to \$500 up to 3 mos.  
Solicitation 230.04 **Class A Misdemeanor up to \$1,000 up to 1 yr.**

**Kansas** Prostitution KSA Section 21-6419 Penalties 21-4502  
Solicitation KSA Section-6421 Penalties (amended 11-27-2017)  
  
Prostitution First Offense Class B Misdemeanor up to \$1,000 up to 6 mos.  
Solicitation First Offense **Class A misdemeanor not less than \$1,200 up to \$5,000 up to 1 yr.**  
Repeat Offenders **Level 9 Felony 11-12 mos. & 1 yr. probation**

**Texas**  
Solicitation Section 43.021 State Jail Felony up to \$10,000  
Prostitution Section 43.020 Class B Misdemeanor up to \$2,000

**Utah**  
Prostitution Section 76-10-1302 Class B Misdemeanor Up to \$1,000  
Patronizing Section 76-10-1303 Class A Misdemeanor Up to \$2,500



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### WASHINGTON STATE

Prostitution	RCW 9A.88.30	Misdemeanor
Patronizing	RCW 9A.88.110	Misdemeanor + <b>\$150</b>
	RCW 9A.88.120	Additional Penalties
	1 <sup>st</sup> Offense	<b>\$1,500</b>
	2 <sup>nd</sup> Offense	<b>\$2,500</b>
	3 <sup>rd</sup> Offense	<b>\$5,000</b>
Patronizing	RCW 9A.88.140	<b>Vehicle Impoundment (2012)</b>



## Legislative Factsheet:

# 50 STATES' SUMMARIES OF FIRST OFFENSE FINES SOLICITATION OF COMMERCIAL SEX

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### FINES UP TO \$250

West Virginia	61-8-5(b)	Misdemeanor	Min \$50, Up to \$100
Vermont	2632	Misdemeanor	Up to \$100
South Carolina	15-16-90,100,110	Misdemeanor	Up to \$200
Mississippi	97-29-51	Misdemeanor	Up to \$200
Kentucky	529-020	Class B Misdemeanor	Up to \$250

### FINES UP TO \$500

Arkansas	5-70-103	Class B misdemeanor	Up to \$500, +\$250 Safe Harbor Fund
Michigan	750.448, 750.451	Misdemeanor	Up to \$500
Ohio	2907.24	3 <sup>rd</sup> Degree Misdemeanor	Up to \$500
Maryland	Section 11-306	Misdemeanor	Up to \$500
New Mexico	30-9-3	Petty Misdemeanor	Up to \$500
Louisiana	LA Rev Stat 14:82.2		Up to \$500



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### FINES UP TO \$1,000

<b>Wyoming</b>	6-4-102	Misdemeanor	Up to \$750
<b>Rhode Island</b>	11-34.1-3	Misdemeanor	Min \$250, Up to \$1,000
<b>Idaho</b>	18-5614	Misdemeanor	Up to \$1,000
<b>New York</b>	230-04	Class A Misdemeanor	Up to \$1,000
<b>California</b>	Penal Code 647b PC	Misdemeanor	Up to \$1,000
<b>Florida</b>	796.07 (2f) (penalty 5a)	Misdemeanor 1 <sup>st</sup> degree	Up to \$1,000, Additional \$5,000 civil penalty after court costs
<b>Maine</b>	§853-B.	Class E Misdemeanor	Up to \$1,000
<b>Hawaii</b>	HI Rev Stat § 712-1200.5 (2021)	Petty misdemeanor	Min \$500, Up to \$1,000
<b>Minnesota</b>	609,324 Subd.3	Misdemeanor	Min \$500, Up to \$1,000
<b>Nevada</b>	201-354	Misdemeanor	Min \$400, Up to \$1,000 plus \$200 civil penalty
<b>New Jersey</b>	2C:-34.1	Disorderly persons offense	Up to \$1,000
<b>Nebraska</b>	21-801.01	Class 1 misdemeanor	Min \$250 Up to \$1,000
<b>Missouri</b>	567.030	Class B misdemeanor	Up to \$1,000
<b>Montana</b>	45-5-601		Up to \$1,000

### FINES UP TO \$1,500

<b>North Dakota</b>	12.1-29-06	Class B Misdemeanor	Up to \$1,500
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### FINES UP TO \$2,500

<b>Alaska</b>	AS 11.66.100	Class B misdemeanor	Up to \$2,000
<b>New Hampshire</b>	645.2	Misdemeanor A	Up to \$2,000
<b>South Dakota</b>	22-23-9	Class 1 Misdemeanor	Up to \$2,000
<b>Connecticut</b>	Sec. 53a-83	Class A misdemeanor	Up to \$2,000
<b>Utah</b>	76-10-1303	Class A Misdemeanor	Up to \$2,500
<b>Virginia</b>	18.2-346(B)	Class 1 Misdemeanor	Up to \$2,500
<b>Illinois</b>	Section 5/11-14.1	Class A misdemeanor	Up to \$2,500
<b>Oklahoma</b>	21-1029, 21-1031	Misdemeanor	Up to \$2,500
<b>Pennsylvania</b>	5902(e)	3 <sup>rd</sup> Degree Misdemeanor	Up to \$2,500
<b>Arizona</b>	Covered by cities and municipalities. Ex. Phoenix - Article 4, 23-52	Class one misdemeanor	15 days incarceration, plus fine up to \$2,500

### FINES UP TO \$5,000

<b>Georgia</b>	16-6-12	Misdemeanor high and aggravated nature	Up to \$5,000
<b>Indiana</b>	Section 35-45-4-3	Class A misdemeanor	Up to \$5,000
<b>Massachusetts</b>	Section 272:8	Misdemeanor	Min \$1,000, Up to \$5,000
<b>Kansas</b>	KSA Section-6421	Class A Misdemeanor	Min \$1,200, Up to \$5,000



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### FINES UP TO \$6,250

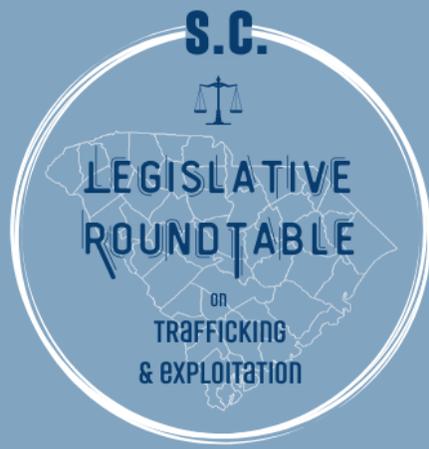
<b>Alabama</b>	Ala. Code §§ 13A-12-120/121	Class A misdemeanor	Up to \$6,000
<b>Iowa</b>	XVI-1-Chapter 725.1	Aggravated Misdemeanor	Min \$625, Up to \$6,250
<b>Oregon</b>	ORS 167.008	Class A Misdemeanor	Up to \$6,250

### FINES UP TO \$10,000

<b>Wisconsin</b>	944.33	Class A Misdemeanor (939.51)	Up to \$10,000
<b>Texas</b>	43.021	State Jail Felony	Up to \$10,000

### ADDITIONAL FINES

<b>Tennessee</b>	39-13-512(3)	Class B Misdemeanor	Up to \$500
	If 1 ½ mi. of K-12 school	Class A Misdemeanor	Min \$1,000 Up to \$2,500
<b>Colorado</b>	18-7-202 C.R.S.	Misdemeanor	Up to \$300, May be required to pay additional fine up to \$5,000
<b>North Carolina</b>	14-205.2	Class A1 Misdemeanor	At discretion of court
<b>Washington</b>	RCW 9A.88.110	Misdemeanor	Up to \$1,000
	RCW 9A.88.120(c)	Additional penalties on 1 <sup>st</sup> offense	\$1,500
<b>Delaware</b>	Section 1343	Misdemeanor	Mandatory Min \$500
- § 2321 vehicle impounded if used in commission of crime			



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## Roundtable Members



Fresh Start, Healing Heart



The S.C. Legislative Roundtable on Trafficking and Exploitation is a South Carolina Association of non-profits combatting human trafficking and exploitation.