

**HOUSE . . . . . No. 3499**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Kay Khan***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

**An Act decriminalizing prostitution.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/18/2017</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>3/27/2017</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>3/23/2017</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>2/2/2017</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>	<i>3/27/2017</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>3/27/2017</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>	<i>3/24/2017</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>3/22/2017</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>3/24/2017</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>2/3/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>3/24/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/1/2017</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	<i>2/2/2017</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>3/24/2017</i>
<i>Natalie Higgins</i>	<i>4th Worcester</i>	<i>3/24/2017</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/2/2017</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>3/24/2017</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>3/24/2017</i>

<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>3/27/2017</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>2/3/2017</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>	<i>3/22/2017</i>
<i>Bud Williams</i>	<i>11th Hampden</i>	<i>3/27/2017</i>

**HOUSE . . . . . No. 3499**

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By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 3499) of Kay Khan and others relative to decriminalizing prostitution. The Judiciary.

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**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
\_\_\_\_\_

An Act decriminalizing prostitution.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Section 7 of chapter 4, as appearing in the 2014 Official Edition, is hereby  
2 amended by adding the following 2 clauses:-

3           Sixtieth, “Commercial sexual exploitation” shall mean any actual or attempted abuse of a  
4 position of vulnerability, differential power, or trust, for sexual purposes, including, but not  
5 limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

6           Sixty-first, “Commercial sexual exploitation victim”, a person who is subjected to actual  
7 or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes,  
8 including, but not limited to, profiting monetarily, socially or politically, including, but not  
9 limited to a prostitute, common street walker, common night walker, or a person who engages,  
10 agrees to engage or offers to engage in sexual conduct with another person in return for a fee or  
11 in exchange for food, shelter, clothing, education or care.

12 SECTION 2. Section 66A of chapter 10 of the General Laws, as so appearing, is hereby  
13 amended by inserting after the figure “265”, in line 20, the following words:- and a commercial  
14 sexual exploitation victim.

15 SECTION 3. Section 21 of chapter 119 of the General Laws, as so appearing, is hereby  
16 amended by striking out, in lines 94 and 95, the words “, in violation of subsection (a) of section  
17 53A of chapter 272,”.

18 SECTION 4. Section 39L of said chapter 119 is hereby repealed.

19 SECTION 5. Section 20M of chapter 233 of the General Laws, as appearing in the 2014  
20 Official Edition, is hereby amended by inserting after the figure “265”, in line 15, the following  
21 words:- or a commercial sexual exploitation victim.

22 SECTION 6. Section 8 of chapter 272 of the General Laws, as appearing in the 2014  
23 Official Edition, is hereby amended by striking out the word “shall”, in line 2, and inserting in  
24 place thereof the following words:- , except a commercial sexual exploitation victim whose body  
25 is solicited, shall.

26 SECTION 7. Section 53 of said chapter 272, as so appearing, is hereby amended by  
27 striking out subsection (a) and inserting in place thereof the following subsection:-

28 (a) Whoever commits offensive and disorderly acts or language, accosts or annoy another  
29 person, lewd, wanton and lascivious persons in speech or behavior, keepers of noisy and  
30 disorderly houses, and persons guilty of indecent exposure shall be punished by imprisonment in  
31 a jail or house of correction for not more than 6 months, or by a fine of not more than \$200, or by  
32 both such fine and imprisonment.

33 SECTION 8. Said chapter 272 is hereby amended by striking out subsection 53A and  
34 inserting in place thereof the following section:-

35 (a) Whoever pays, agrees to pay or offers to pay another person to engage in sexual  
36 conduct, shall be punished by imprisonment in the house of correction for not more than 2 and  
37 one-half years or by a fine of not less than \$1,000 and not more than \$5,000, or by both such  
38 imprisonment and fine, whether such sexual conduct occurs or not.

39 (b) Whoever pays, agrees to pay or offers to pay any person with the intent to engage in  
40 sexual conduct with a child under the age of 18, or whoever is paid, agrees to pay or agrees that a  
41 third person be paid in return for aiding a person who intends to engage in sexual conduct with a  
42 child under the age of 18, shall be punished by imprisonment in the state prison for not more  
43 than 10 years, or in the house of correction for not more than 2 and one-half years and by a fine  
44 of not less than \$3,000 and not more than \$10,000, or by both such imprisonment and fine,  
45 whether such sexual conduct occurs or not; provided, however, that a prosecution commenced  
46 under this section shall not be continued without a finding or placed on file.