

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 134
PROPOSED COMMITTEE SUBSTITUTE H134-PCS30072-SA-11

Short Title: Soliciting Prostitution/Immunity for Minors.

(Public)

Sponsors:

Referred to:

March 4, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT A MINOR WHO IS SOLICITING AS A PROSTITUTE IS
3 IMMUNE FROM PROSECUTION FOR THE OFFENSE OF SOLICITATION OF
4 PROSTITUTION.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 14-205.1 reads as rewritten:

7 "**§ 14-205.1. Solicitation of prostitution.**

8 (a) Except as otherwise provided in this section, any person who solicits another for the
9 purpose of prostitution is guilty of a Class 1 misdemeanor for a first offense and a Class H
10 felony for a second or subsequent offense. Any person 18 years of age or older who willfully
11 solicits a minor for the purpose of prostitution is guilty of a Class G felony. Any person who
12 willfully solicits a person who is severely or profoundly mentally disabled for the purpose of
13 prostitution is guilty of a Class E felony. Punishment under this section may include
14 participation in a program devised for the education and prevention of sexual exploitation (i.e.
15 "John School"), where available. A person who violates this subsection shall not be eligible for
16 a disposition of prayer for judgment continued under any circumstances.

17 (b) Immunity From Prosecution for Minors. – Notwithstanding any other provision of
18 this section, if it is determined, after a reasonable detention for investigative purposes, that a
19 person suspected of or charged with a violation of this section is a minor who is soliciting as a
20 prostitute, that person shall be immune from prosecution under this section and instead shall be
21 taken into temporary protective custody as an undisciplined juvenile pursuant to Article 19 of
22 Chapter 7B of the General Statutes. Pursuant to the provisions of G.S. 7B-301, a law
23 enforcement officer who takes a minor into custody under this section shall immediately report
24 an allegation of a violation of G.S. 14-43.11 and G.S. 14-43.13 to the director of the department
25 of social services in the county where the minor resides or is found, as appropriate, which shall
26 commence an initial investigation into child abuse or child neglect within 24 hours pursuant to
27 G.S. 7B-301 and G.S. 7B-302."

28 **SECTION 2.** This act is effective when it becomes law and applies to violations
29 occurring on or after that date.



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