

Prostitution Laws of Delaware

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§ 1342: Prostitution; class B misdemeanor

(a)

(1) A person is guilty of prostitution when the person engages or agrees or offers to engage in sexual conduct with another person in return for a fee.

(2) Prostitution is a class B misdemeanor.

(b)

(1) Any person found guilty of an act of prostitution when such crime has occurred on or within 1,000 feet of the property of any school, residence, church, synagogue or other place of worship shall be guilty of a class A misdemeanor. The minimum mandatory fine shall be \$500. This fine shall not be suspended.

(2) It shall not be a defense to prosecution for a violation of this section that the person was unaware that the prohibited conduct took place on or within 1,000 feet of any school property, residence, church, synagogue or other place of worship.

§ 1343: Patronizing a prostitute prohibited

(a) A person is guilty of patronizing a prostitute when:

(1) Pursuant to a prior agreement or understanding, the person pays a fee to another person as compensation for that person's having engaged in sexual conduct with the person; or

(2) The person pays or agrees to pay a fee to another person pursuant to an agreement or understanding that in return therefor that person or a third person will engage in sexual conduct with the person; or

(3) The person solicits or requests another person to engage in sexual conduct with the person in return for a fee.

(b) Patronizing a prostitute is a misdemeanor. The minimum mandatory fine shall be \$500. This fine shall not be suspended.

(c) Whenever any vehicle, as defined in § 2321 of this title, has been used in, or in connection with, the offense of patronizing a prostitute, it shall forthwith be seized and taken into custody by the peace officer or officers having knowledge of the facts of such use.

(d) Vehicle seizure shall apply in the case of a defendant who has a previous conviction for the same offense in the previous 5 years. For the purpose of this section, "prior offense" shall be defined as a conviction of § 1343 of this title.

(e)

(1) Any person found guilty of patronizing a prostitute and such crime has occurred on or within

1,000 feet of the property of any school, residence, church, synagogue or other place of worship shall be guilty of a class A misdemeanor. The minimum mandatory fine shall be \$1,000. This fine shall not be suspended.

(2) It shall not be a defense to prosecution for a violation of this section that the person was unaware that the prohibited conduct took place on or within 1,000 feet of any school property, residence, church, synagogue or other place of worship.

§ 1344: Prostitution and patronizing a prostitute; no defense

In any prosecution for prostitution it is not defense that the persons were of the same sex, or that the person who received, agreed to receive or solicited a fee was a male and the person who paid, agreed or offered to pay the fee was a female.

§ 1345: Screening for sexually transmissible diseases

(a) Any person convicted under § 1342 or § 1343 of this title shall be ordered to undergo testing for sexually transmitted diseases, abbreviated "STD", as designated by the Department of Health and Social Services in its rules and regulations.

(b) The result of any STD test conducted pursuant to this subsection shall not be a public record for purposes of Chapter 100 of Title 29.

(c) The result of any STD testing conducted pursuant to this section shall only be released by the Division of Public Health to the defendant, the defendant's spouse and the court issuing the order for testing except as otherwise permitted under § 711 of Title 16.

(d) The cost of testing under this section shall be paid by the defendant tested unless the Court has determined that the defendant is an indigent person.

(e) Filing of a notice of appeal shall not automatically stay an order that the defendant submit to STD testing.

§ 1351: Promoting prostitution in the third degree; class F felony

A person is guilty of promoting prostitution in the third degree when the person knowingly advances or profits from prostitution.

Promoting prostitution in the third degree is a class F felony.

§ 1352: Promoting prostitution in the second degree; class E felony

A person is guilty of promoting prostitution in the second degree when the person knowingly:

(1) Advances or profits from prostitution by managing, supervising, controlling or owning, either alone or in association with others, a house of prostitution or a prostitution business or enterprise involving prostitution activity by 2 or more prostitutes; or

(2) Advances or profits from prostitution of a person less than 18 years old. Promoting prostitution in the second degree is a class E felony.

§ 1353: Promoting prostitution in the first degree; class C felony

A person is guilty of promoting prostitution in the first degree when the person knowingly:

(1) Advances prostitution by compelling a person by force or intimidation to engage in prostitution or profits from such coercive conduct by another; or

(2) Advances or profits from prostitution of a person less than 16 years old.

Promoting prostitution in the first degree is a class C felony.

§ 1354: Promoting prostitution; attempt to promote prostitution; corroboration

A person shall not be convicted of promoting prostitution or of an attempt to promote prostitution solely on the uncorroborated testimony of a person whose prostitution activity the person is alleged to have advanced or attempted to advance or from whose prostitution activity the person is alleged to have profited or attempted to profit.

§ 1355: Permitting prostitution; class B misdemeanor

A person is guilty of permitting prostitution when, having possession or control of premises which the person knows are being used for prostitution purposes, the person fails to halt or abate such use within a reasonable period of time.

Permitting prostitution is a class B misdemeanor.

§ 1356: Definitions relating to prostitution

As used in §§ 1342-1355 of this title:

(1) "Advance prostitution." A person advances prostitution when, acting other than as a prostitute or as a patron thereof, the person knowingly causes or aids a person to commit or engage in prostitution, procures or solicits patrons for prostitution, provides persons or premises for prostitution purposes, operates or assists in the operation of a house of prostitution or a prostitution enterprise or engages in any other conduct designed to institute, aid or facilitate an act or enterprise of prostitution.

(2) "Profit from prostitution." A person profits from prostitution when, acting other than as a prostitute receiving compensation for personally rendered prostitution services, the person accepts or receives money or other property pursuant to an agreement or understanding with any person whereby the person participates or is to participate in the proceeds of prostitution activity.

(3) "School" means any preschool, kindergarten, elementary school, secondary school, vocational technical school or any other institution which has as its primary purpose the education or instruction of children under 18 years of age.

(4) "Sexual conduct" means any act designed to produce sexual gratification to either party. It is not limited to intercourse or deviate sexual intercourse.