

**TITLE 6: CRIMES AND CRIMINAL PROCEDURE**  
**DIVISION 1: CRIMES AGAINST THE PERSON**

**§ 1349. Prostitution Loitering.**

A person is guilty of prostitution loitering if he or she remains in a public place and intentionally solicits, induces, entices, or procures another to commit prostitution. Among the circumstances which may be considered in determining whether the actor intends such prohibited conduct are that he or she:

(a) Repeatedly beckons to, stops or attempts to stop, or engages passersby in conversation; or

(b) Repeatedly stops or attempts to stop motor vehicle operators by hailing, waving or arms or any other bodily gesture; or

(c) Circles an area in a motor vehicle and repeatedly beckons to, contacts, or attempts to stop pedestrians; or

(d) Is a known prostitute or procurer, or

(e) Inquires whether a potential patron, procurer or prostitute is a police officer, searches for articles that would identify a police officer, or requests the touching or exposing of genitals or female breasts to prove that the person is not a police officer.

**Source:** PL 11-19, § 4.

**Commission Comment:** PL 11-19 took effect July 9, 1998. According to PL 11-19, § 1:

Section 1. Findings and Purpose. The Legislature finds that it is in the interest of the Commonwealth to provide for the safety of the public by enforcing tighter controls on prostitution activity and by removing this activity from the streets. Prostitutes openly soliciting potential patrons in the streets, especially in areas frequented by tourists, harms other legitimate businesses in the area and contributes to an unsavory perception of the CNMI by outside observers.

The Legislature further finds that prostitution provides an opportunity for foreign criminal organizations to establish an economic base in the Commonwealth. Law enforcement agencies have noted an increased presence of organized crime in the Commonwealth together with the rise of prostitution. Prostitution also contributes to the increased incidence of crimes of violence as prostitutes and their promoters compete for customers and territory. Prostitution also provides the opportunity for the transmission of diseases which can destroy lives and families and pose an incalculable hazard to public health in the Commonwealth.

For all of these reasons it is imperative that the Legislature enact legislation to enhance the enforcement of anti-prostitution laws in the Commonwealth. It is therefore the purpose of this legislation to bolster enforcement of anti-prostitution laws, increase penalties and provide additional funding for enforcement.

It is also the purpose of this legislation to cure prior defects in the law. (See, *CNMI v. Liarta*, (Super. Ct. Crim Case No. 93-133, et al. Jan. 20, 1994.) This legislation is modeled upon various provisions of the Seattle Municipal Code which has repeatedly withstood constitutional challenge (See, e.g., *Seattle v. Jones*, 79 Wn.2d 626, 488 P.2d 750 (1971), aff'g 3 Wn.App. 431, 475 P.2d 790 (1970); *State v. VJW*, 37 Wn.App. 428, 680 P.2d 1068 (1984).