

HOUSE BILL 26-024

By Senator(s) Esparza, Velasco
also Representative(s) Weiss, Bennett

AN ACT

CONCERNING THE DEREGULATION AND DE-
CRIMINALIZATION OF PROSTITUTION

Be It Enacted by the General Assembly of the State of San Andreas:

SECTION 1. SHORT TITLE.

This act shall be known and cited as the “Adult Prostitution Legalization Act.”

SECTION 2. LEGISLATIVE FINDINGS AND INTENT.

(a) The General Assembly finds that:

- (I) Criminal prohibition of consensual adult prostitution has contributed to unsafe working conditions, exploitation, and barriers to public health oversight;
 - (II) Regulation of consensual adult commercial sexual activity promotes public safety, health monitoring, and transparency;
 - (III) The State has a compelling interest in protecting minors and preserving school environments from exposure to adult-oriented commercial activity;
 - (IV) Legalization accompanied by zoning restrictions and licensing requirements better protects communities than unregulated underground activity.
- (b) It is the intent of the General Assembly to legalize and regulate prostitution between consenting adults while prohibiting such activity near schools and locations primarily serving minors.
- (c) The General Assembly further finds that regulation of adult commercial activity should balance worker safety, community standards, and protection of minors while avoiding unnecessary criminalization of consensual adult conduct.

SECTION 3. DEFINITIONS.

As used in this Act:

- (a) “Prostitution” means consensual sexual activity between adults in exchange for compensation.
- (b) “Sex worker” means an individual age eighteen (18) years or older who voluntarily engages in prostitution.
- (c) “Commercial sexual establishment” means any business location where prostitution services are arranged or conducted.
- (d) “School” means any public or private elementary, middle, or secondary school serving persons under eighteen years of age.

(e) “Voluntary participation” means engagement in prostitution free from force, fraud, coercion, intimidation, debt bondage, or abuse of legal or economic vulnerability.

SECTION 4. LEGALIZATION OF CONSENSUAL ADULT PROSTITUTION.

(a) Consensual prostitution between adults age eighteen or older is lawful within the State of San Andreas when conducted in compliance with this Act.

(b) No person may be prosecuted solely for engaging in consensual prostitution consistent with this Act.

(c) This Act does not legalize:

(I) Prostitution involving minors;

(II) Human trafficking;

(III) Coercion, force, or exploitation;

(IV) Prostitution conducted outside licensed or permitted areas as required by law.

(d) A sex worker operating independently shall not be subject to criminal penalty solely for failure to obtain a business license where licensing requirements apply primarily to commercial establishments rather than individual workers.

(e) A sex worker retains the unrestricted right to refuse or discontinue services at any time, and such refusal shall not constitute breach of contract or grounds for civil or criminal liability.

SECTION 5. TIME RESTRICTIONS NEAR SCHOOLS.

(a) Prostitution or operation of a commercial sexual establishment within the vicinity of a school shall be permitted only between the hours of seven o’clock post meridiem (7:00 p.m.) and seven o’clock ante meridiem (7:00 a.m.).

(b) Prostitution or operation of a commercial sexual establishment occurring between the hours of 7:00 a.m. and 7:00 p.m. in areas adjacent to a school shall constitute a violation of this section.

(c) Local governments may adopt stricter operational time restrictions; however, they shall not prohibit lawful activity authorized under this Act during the hours permitted in subsection (a).

(d) Nothing in this section shall permit prostitution or the operation of a commercial sexual establishment during school-sponsored events on school property outside the hours specified in subsection (a).

(e) For purposes of this section, “vicinity of a school” shall mean any location visible from school grounds.

SECTION 6. LICENSING AND LOCAL REGULATION.

(a) Counties and municipalities may establish licensing systems regulating:

(I) Business operation hours;

(II) Health and safety standards;

(III) Zoning requirements;

(IV) Workplace protections.

- (b) Licensing regulations shall not criminalize consensual adult activity otherwise lawful under this Act.
- (c) Local regulations adopted pursuant to this section shall be reasonable and shall not operate to effectively prohibit lawful consensual prostitution throughout the jurisdiction.
- (d) Licensing authorities shall require commercial sexual establishments to adopt written anti-trafficking policies, employee age verification procedures, and reporting protocols for suspected coercion or exploitation.
- (e) Local governments may establish designated adult commercial zones for licensed commercial sexual establishments, provided such zoning regulations do not effectively prohibit lawful activity authorized under this Act.

SECTION 7. PUBLIC HEALTH AND SAFETY.

- (a) Licensed establishments shall comply with state public health regulations.
- (b) Participation in health education or safety programs may be required as a condition of establishment licensure; however, mandatory medical testing of individual sex workers shall not be required absent generally applicable public health law.
- (c) Licensed establishments shall implement workplace safety measures including panic alert systems, security protocols, and policies permitting workers to refuse or terminate services at any time without penalty.
- (d) Licensed establishments shall provide workers with written notice of workplace rights, including the right to refuse services and protections against coercion or retaliation.
- (e) Establishments operating under this Act shall maintain policies requiring age verification of all workers and customers to ensure compliance with minimum age requirements.

SECTION 7.5. PRIVACY PROTECTIONS.

- (a) Licensing systems shall protect the confidentiality of sex workers and shall prohibit public disclosure of personal identifying information except as required by court order.
- (b) Government records identifying licensed sex workers shall not be publicly searchable databases.

SECTION 8. PENALTIES.

- (a) Violation of time restrictions near schools established in Section 5 of this Act constitutes a Class A misdemeanor.
- (b) Any prostitution involving a minor or coercion shall remain subject to felony prosecution under existing law.
- (c) Repeated violations of the time restrictions established in Section 5 may result in suspension or revocation of any applicable business license issued by a local authority.

SECTION 9. REPEAL OF EXISTING PROSTITUTION OFFENSE.

- (a) Repeal. Section S.A.R.S. 2-03-01, Prostitution, is hereby repealed in its entirety.

(b) Former Statutory Language Repealed. The following provision is repealed: ~~A person is guilty of prostitution when they knowingly engage in or offer to engage in a sexual act in exchange for payment or other goods and services. Any person in violation of this section commits a Class C misdemeanor.~~

(c) Conforming Amendments.

(I) Any reference within the San Andreas Revised Statutes to criminal liability under S.A.R.S. 2-03-01 shall be deemed void upon the effective date of this Act.

(II) Consensual prostitution between adults shall thereafter be governed exclusively by the provisions of the Regulated Adult Prostitution Legalization and Public Safety Act.

(d) Savings Clause. Nothing in this section shall:

(I) Affect prosecutions or convictions finalized prior to the effective date of this Act; or

(II) Be construed to repeal or modify statutes relating to human trafficking, coercion, prostitution involving minors, or related criminal offenses.

SECTION 10. AUTOMATIC SEALING AND RELIEF FOR PRIOR PROSTITUTION CONVICTIONS.

(a) Automatic Record Sealing. Any arrest, charge, citation, or conviction entered solely under S.A.R.S. 2-03-01 (Prostitution) for conduct that is no longer criminal under this Act shall be automatically sealed.

(b) Eligibility.

(I) Relief under this section applies only where the offense involved consensual conduct between adults;

(II) This section shall not apply to offenses involving:

(A) Minors;

(B) Human trafficking;

(C) Coercion or force; or

(D) Promotion or exploitation offenses remaining unlawful under state law.

(c) Court and Agency Duties. Within one hundred eighty (180) days of the effective date of this Act:

(I) Courts shall identify eligible cases and enter sealing orders without requiring a petition from the affected individual;

(II) Law enforcement agencies shall seal related arrest records;

(III) The Department of Public Safety, and the San Andreas Bureau of Investigation shall update all criminal history databases accordingly.

(d) Legal Effect of Sealing. Upon sealing:

(I) The offense shall be deemed never to have occurred for all civil purposes; however, such records shall remain accessible to the Department of Human Services for the purpose of conducting background checks for foster care or adoption placements;

(II) The individual may lawfully state that they have not been arrested for or convicted of the sealed offense;

(III) The record shall not be disclosed except by court order for limited law enforcement purposes.

(e) No Filing Fee Required. No person eligible for relief under this section shall be required to pay filing fees, court costs, or administrative charges.

(f) Optional Expungement Petition. An individual whose record is sealed under this section may petition the court for permanent expungement after one (1) year, which shall be granted absent good cause shown.

(g) The Department of Public Safety shall coordinate with local governments to ensure that individuals eligible for record sealing under this section receive notice of their eligibility.

SECTION 10.5. CIVIL PROTECTIONS.

(a) Lawful participation in consensual prostitution under this Act shall not constitute lawful grounds for denial of housing, employment, or professional licensing unless directly related to job duties established by law.

SECTION 10.6. IMPLEMENTATION TRAINING.

(a) The Department of Public Safety shall develop training for law enforcement agencies regarding distinctions between lawful consensual prostitution and criminal trafficking or exploitation offenses.

(b) Training developed under this section shall include instruction on identifying signs of human trafficking and distinguishing coercion from lawful consensual activity.