

P.L. 2001-32

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An Act

To prohibit prostitution and related activities in the Republic.

BE IT ENACTED BY THE NITIJELA OF THE MARSHALL ISLANDS:

**Section 1. Short Title.**

This Act may be cited as the Prostitution Prohibition Act 2001.

**Section 2. Definitions.**

In this Act, unless the context otherwise requires:

(1) "Engaging in prostitution" and its grammatical variations, occurs when the person engages or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by the person or by a third person.

(2) "Patronizing prostitution" and its grammatical variations, occurs when the person

(a) pursuant to a prior understanding, gives something of value to another person as compensation for that other person or a third person to be, or having, engaged in sexual conduct with that other person or with another;

(b) gives or agrees to give something of value to another person on an understanding that in return therefor that person or a third person will engage in sexual conduct with the person or with another; or

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(c) solicits or requests another person to engage in sexual conduct with the person or with another, or to secure a third person to engage in sexual conduct with the person or with another, in return for something of value.

(3) "Promoting prostitution" , and its grammatical variations, occurs when the person, acting other than as a prostitute or a patron of a prostitute, knowingly

(a) causes or aids a person to commit or engage in prostitution; or

(b) procures or solicits patrons for prostitution; or

(c) provides persons or premises for prostitution purposes; or

(d) operates or is involved in the operation, management, supervision, control, or ownership of a house of prostitution or a prostitution enterprise; or

(e) accepts or receives or agrees to accept or receive something of value pursuant to an agreement or understanding with any other person whereby the person participates or is to participate in the proceeds of prostitution activity; or

(f) engages in any conduct designed to institute, aid or facilitate an act or enterprise of prostitution.

(4) "Sexual conduct" occurs when there is

(a) "Sexual intercourse" which means any penetration, however slight, of the female sex organ by the male sex organ, whether or not an

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5 emission results; or

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7 (b) "Deviate sexual intercourse" which means any sexual act involving  
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9 the genitals of one person and the mouth, hand, tongue or anus of  
10 another person; or

11 (c) "Sexual contact" which means any touching, manual or otherwise,  
12 of the anus or genitals of one person by another, done for the  
13 purpose of arousing or gratifying sexual desire of either party.

14 (5) "Something of value" means any money or property, or any token, object or  
15 article exchangeable for money or property.

16 (6) The term "compelling" includes

17 (a) the use of forcible compulsion;

18 (b) the use of a drug or intoxicating substance to render a person  
19 incapable of controlling his conduct or appreciating its nature; or

20 (c) withholding or threatening to withhold a narcotic drug from a drug  
21 dependent person.

22 (7) "Premises" includes any house, room, building, vehicles, ships, boats,  
23 watercrafts, vessels or other structures.

24 (8) "proceeds of prostitution" means something of value as defined in this Act.

25 **Section 3. Offenses and Penalties.**

26 (1) Any person who engages in prostitution commits a crime and shall upon  
27 conviction be punishable by a fine of up to \$5,000 or a term of imprisonment not exceeding 2

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years, or both.

(2) Any person who patronizes prostitution commits a crime and shall upon conviction be punishable by a fine of up to \$5,000 or a term of imprisonment not exceeding 2 years, or both.

(3) Any person who promotes prostitution commits a crime and shall upon conviction be punishable by a fine of up to \$10,000 or a term of imprisonment not exceeding 5 years, or both.

(4) In addition to all criminal penalties, the Foreign Investment Business License of a person convicted of any crime under this Section shall, where applicable, be revoked by the Registrar of Corporations.

(5) A person convicted of a crime under the provisions of this Act shall forfeit to the Republic any proceeds of prostitution derived by such person in connection with the unlawful act for which the conviction was made.

**Section 4. Prostitution houses deemed public nuisances.**

(1) Any room, building or other structure regularly used for prostitution activity prohibited by this Act is a public nuisance.

(2) The Attorney-General may, in addition to all criminal penalties, prosecute a suit to enjoin the nuisance. If the court finds that the owner of the room, building or structure knew or had reason to believe that the premises were being used regularly for such prostitution activity, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one year.

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(3) All persons, including owners, lessees, officers, agents, inmates or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance.

**Section 5. Effective Date**

This Act shall take effect on the date of certification in accordance with Article IV, Section 21 of the Constitution.

Certificate

I hereby certify:

(1) that the Nitijela Bill No. 50 N.D.2 has been passed by the Nitijela of the Marshall Islands on the 19<sup>th</sup> day of September, 2001; and

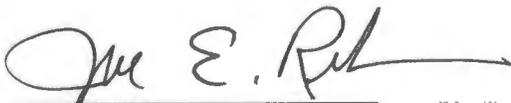
(2) that I am satisfied that Nitijela Bill No. 50 N.D.2 has been passed in accordance with the Constitution of the Republic of the Marshall Islands and the Rules of the Nitijela .

I hereby place my signature before the Clerk of the Nitijela this 18<sup>th</sup> day of October, 2001.

Attest:



Litokwa Tomeing, Speaker  
Nitijela of the Marshall Islands



Joe E. Riklon, Clerk  
Nitijela of the Marshall Islands