

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

§ 1341. Definitions.

(a) “Sexual conduct” means any of the following:

(1) “Sexual intercourse” means sexual intercourse in its ordinary meaning and it means:

(i) Any intrusion of penetration, however slight, of any part of another person's body into the genital opening of another person: emission is not required, or

(ii) Any penetration of the vagina or anus, however slight by an object, when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished by a health professional with the consent of a patient for medically recognized treatment of, or diagnostic purposes for that patient; or

(iii) An act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex.

(2) Masturbation, manual or instrumental, of one person by another.

(b) “Sexual exploitation” means causing by misrepresentation, coercion, threat of force, money, personal gain or otherwise, a person to offer or provide sexual services for pay.

(c) “Sexual services” means any form of sexual conduct including intercourse, penetration, or any touching of any person, by oneself or another, for the purpose of sexual arousal or gratification, aggression, degradation or other similar purpose. This does not include sexual conduct engaged in as part of any stage performance, play or other entertainment open to the public.

(d) “Commit prostitution” means to engage in sexual conduct for money or a fee but does not include sexual conduct engaged in as part of any stage performance, play or other entertainment open to the public.

(e) “Known prostitute or procurer” means a person who within one year previous to the date of arrest for violation of this section, has within the knowledge of the arresting officer been convicted in the Commonwealth court of an offense involving prostitution.

(f) “Public place” is an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, beaches, driveways, parking lots, automobiles (whether moving or not), and building open to the general public including those which serve food or drink, or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

Source: PL 8-14, § 2; amended by PL 11-19, § 2.

Commission Comment: PL 8-14 took effect February 16, 1993. According to PL 8-14, § 1:

Section 1. Purpose and Findings. The Legislature finds that there is a proliferation of individuals engaging in prostitution and business estab-

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lishments operating in the Commonwealth which offer sexual services of employees in addition to, or in lieu of, legitimate entertainment. The Legislature further finds that such activities are corrosive to the morals, health and welfare of the people of the Commonwealth and present a danger to the stability of traditional family life. It is therefore the purpose of this legislation to discourage prostitution, promoting prostitution and the sexual exploitation of workers for profit and to penalize employers who employ persons for the purpose of offering or providing sexual services for pay.

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).

In subsection (b) of this section, after the words "personal gain or otherwise, a" the letters "per" have been revised to read "person" to correct a manifest clerical or typographical error.