

WASHINGTON COUNTY JUSTICE COURT, WASHINGTON COUNTY, UTAH  
**NOTIFICATION OF ENHANCEMENT – CLASS-B-MISDEMEANOR PROSTITUTION, PATRONIZING A  
PROSTITUTE, AIDING PROSTITUTION OR SEXUAL SOLICITATION**

Defendant: \_\_\_\_\_, Case No. \_\_\_\_\_

**IF YOU ARE CONVICTED of the offense of Prostitution, Patronizing a Prostitute, Aiding Prostitution or Sexual Solicitation, this conviction may be used to make a later charge of the same offense more serious by raising the classification of that offense. This form provides notification of the current provisions of Utah State Law regarding enhancement; minimum/maximum penalties applicable to the different classifications of offenses; and the specific elements of your current charges. It does not notify you of other collateral consequences.**

**ELEMENTS**

[ ] Prostitution 76-10-1302: A individual is guilty of Class B Misdemeanor prostitution when the individual: (a) engages in any sexual activity with another individual for a fee, or the functional equivalent of a fee; (b) is an inmate of a house of prostitution; or (c) loiters in or within view of any public place for the purpose of being hired to engage in sexual activity.

[ ] Patronizing a Prostitute 76-10-1303: A person is guilty of Class B Misdemeanor patronizing a prostitute when the person: (a) pays or offers or agrees to pay another person a fee, or the functional equivalent of a fee, for the purpose of engaging in an act of sexual activity; or (b) enters or remains in a house of prostitution for the purpose of engaging in sexual activity.

[ ] Aiding Prostitution 76-10-1304(1): A person is guilty of Class B Misdemeanor aiding prostitution if the person: (a)(i) solicits a person to patronize a prostitute; (ii) procures or attempts to procure a prostitute for a patron; or (iii) leases or otherwise permits a place controlled by the actor, alone or in association with another, to be used for prostitution or the promotion of prostitution; or (iv) provides any service or commits any act that enables another person to commit a violation of this Subsection (1)(a); or (b) solicits, receives, or agrees to receive any benefit for committing any of the acts prohibited by Subsection (1)(a).

[ ] Sexual Solicitation 76-10-1313: A person is guilty of Class B Misdemeanor sexual solicitation when the person (a) offers or agrees to commit any sexual activity with another person for a fee, or the functional equivalent of a fee; (b) pays or offers or agrees to pay a fee to another person to commit any sexual activity; or (c) with intent to engage in sexual activity for a fee or to pay another person to commit any sexual activity for a fee engages in, offers or agrees to engage in, or requests or directs another to engage in any of the following acts: (i) exposure of a person's genitals, the buttocks, the anus, the pubic area, or the female breast below the top of the areola; (ii) masturbation; (iii) touching of a person's genitals, the buttocks, the anus, the pubic area, or the female breast; or (iv) any act of lewdness.

**ENHANCEMENT**

76-10-1302(b), 76-10-1303(3), 76-10-1304(2), and 76-10-1313(b): Prostitution, patronizing a prostitute, aiding prostitution, and sexual solicitation are Class A Misdemeanors if the person has been convicted before of the same offense or a conviction under local ordinance adopted under Section 76-10-1307, unless the later offense is otherwise classified as a Third Degree Felony under 76-10-1309 below.

76-10-1309: Prostitution, patronizing a prostitute and sexual solicitation are Third Degree Felonies if the person at the time of the offense is an HIV positive individual and the person: (1) has actual knowledge of the fact; or (2) has previously been convicted of prostitution, patronizing a prostitute, or sexual solicitation.

A person convicted of the above offenses shall be required to submit to a mandatory test to determine if the offender is an HIV positive individual in accordance with 76-10-1311, and will be subject to the notification requirements provided in 76-10-1312.

**PENALTIES**

**Minimum/Maximum Sentences**

|                      |                          |        |  |
|----------------------|--------------------------|--------|--|
| Class B Misdemeanor: | 0 days to 6 months jail  | AND/OR | \$0 to \$1,950 fines and surcharges, plus interest |
| Class A Misdemeanor: | 0 days to 1 year jail    | AND/OR | \$0 to \$4,793 fines and surcharges, plus interest |
| Third Degree Felony: | 0 days to 5 years prison | AND/OR | \$0 to \$9,543 fines and surcharges, plus interest |

*I understand the foregoing Notification of Enhancement as explained here and as orally explained to me.*

\_\_\_\_\_(Date) \_\_\_\_\_(Defendant's signature)