

ASSEMBLY, No. 1407

STATE OF NEW JERSEY 222nd LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2026 SESSION

Sponsored by:

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**Assemblywoman Fantasia, Assemblyman Karabinchak, Assemblywomen
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SYNOPSIS

Upgrades penalties for certain prostitution crimes; creates crimes of leader of prostitution network and participant in prostitution network.

CURRENT VERSION OF TEXT

As reported by the Assembly Judiciary Committee with technical review.



1 AN ACT concerning prostitution, amending N.J.S.2C:34-1 and
2 N.J.S.2C:43-12, and supplementing Title 2C of the New Jersey
3 Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. N.J.S.2C:34-1 is amended to read as follows:
9 2C:34-1. Prostitution and Related Offenses.

10 a. As used in this section:

11 "House of prostitution" [is] means any place where prostitution
12 or promotion of prostitution is regularly carried on by one person
13 under the control, management, or supervision of another.

14 "Promoting prostitution" is:

15 (1) Owning, controlling, managing, supervising, or otherwise
16 keeping, alone or in association with another, a house of
17 prostitution or a prostitution business;

18 (2) Procuring a prostitute for a house of prostitution or place in
19 a house of prostitution for one who would be a prostitute;

20 (3) Encouraging, inducing, or otherwise purposely causing
21 another to become or remain a prostitute;

22 (4) Soliciting a person to patronize a prostitute;

23 (5) Procuring a prostitute for a patron;

24 (6) Transporting a person into or within this State with purpose
25 to promote that person's engaging in prostitution, or procuring or
26 paying for transportation with that purpose; or

27 (7) Knowingly leasing or otherwise permitting a place
28 controlled by the actor, alone or in association with others, to be
29 regularly used for prostitution or promotion of prostitution, or
30 failure to make a reasonable effort to abate such use by ejecting the
31 tenant, notifying law enforcement authorities, or other legally
32 available means.

33 **[(1)]** "Prostitution" is sexual activity with another person in
34 exchange for something of economic value, or the offer or
35 acceptance of an offer to engage in sexual activity in exchange for
36 something of economic value.

37 **[(2)]** "Sexual activity" includes, but is not limited to, whether
38 between persons of the same or opposite sex, sexual intercourse,
39 including genital-genital, oral-genital, anal-genital, and oral-anal
40 contact**],** whether between persons of the same or opposite sex**];**
41 masturbation; touching of the genitals, buttocks, or female breasts;
42 sadistic or masochistic abuse and other deviate sexual relations.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 **【(3)"House of prostitution" is any place where prostitution or**
2 **promotion of prostitution is regularly carried on by one person**
3 **under the control, management or supervision of another.**
- 4 (4) "Promoting prostitution" is:
- 5 (a) Owning, controlling, managing, supervising or otherwise
6 keeping, alone or in association with another, a house of
7 prostitution or a prostitution business;
- 8 (b) Procuring an inmate for a house of prostitution or place in a
9 house of prostitution for one who would be an inmate;
- 10 (c) Encouraging, inducing, or otherwise purposely causing
11 another to become or remain a prostitute;
- 12 (d) Soliciting a person to patronize a prostitute;
- 13 (e) Procuring a prostitute for a patron;
- 14 (f) Transporting a person into or within this State with purpose
15 to promote that person's engaging in prostitution, or procuring or
16 paying for transportation with that purpose; or
- 17 (g) Knowingly leasing or otherwise permitting a place
18 controlled by the actor, alone or in association with others, to be
19 regularly used for prostitution or promotion of prostitution, or
20 failure to make a reasonable effort to abate such use by ejecting the
21 tenant, notifying law enforcement authorities, or other legally
22 available means.】
- 23 b. A person commits an offense if:
- 24 (1) The actor engages in prostitution as a patron;
- 25 (2) The actor promotes prostitution;
- 26 (3) The actor knowingly promotes prostitution of a child under
27 18 whether or not the actor mistakenly believed that the child was
28 18 years of age or older, even if such mistaken belief was
29 reasonable;
- 30 (4) The actor knowingly promotes prostitution of the actor's
31 child, ward, or any other person for whose care the actor is
32 responsible;
- 33 (5) The actor compels another to engage in or promote
34 prostitution;
- 35 (6) The actor promotes prostitution of the actor's spouse;
- 36 (7) The actor knowingly engages in prostitution with a person
37 under the age of 18, or if the actor enters into or remains in a house
38 of prostitution for the purpose of engaging in sexual activity with a
39 child under the age of 18, or if the actor solicits or requests a child
40 under the age of 18 to engage in sexual activity. It shall be no
41 defense to a prosecution under this paragraph that the actor
42 mistakenly believed that the child was 18 years of age or older,
43 even if such mistaken belief was reasonable; or
- 44 (8) The actor engages in prostitution by personally offering
45 sexual activity in exchange for something of economic value.
- 46 c. Grading of offenses under subsection b.

1 (1) An offense under paragraphs (3) or (4) of subsection b.
2 constitutes a crime of the first degree **【if the offense falls within**
3 **paragraph (3) or (4) of that subsection】**.

4 (2) An offense under paragraph (7) of subsection b. constitutes a
5 crime of the second degree **【if the offense falls within paragraph (7)**
6 **of that subsection】**.

7 (3) An offense under paragraphs (5) or (6) of subsection b.
8 constitutes a crime of the **【third degree if the offense falls within**
9 **paragraph (5) or (6) of that subsection】** second degree. A
10 defendant sentenced under this paragraph shall be sentenced to a
11 term of imprisonment. The term of imprisonment shall include a
12 mandatory minimum term of one-third to one-half of the sentence
13 imposed, or five years, whichever is greater, during which time the
14 defendant shall not be eligible for parole.

15 (4) An offense under paragraph (2) of subsection b. constitutes a
16 crime of the **【third】** second degree **【if the conduct falls within**
17 **subparagraph (a), (b), (c), (f), or (g) of paragraph (4) of subsection**
18 **a. Otherwise the offense is a crime of the fourth degree】**. A
19 defendant sentenced under this paragraph shall be sentenced to a
20 term of imprisonment. The term of imprisonment shall include a
21 mandatory minimum term of one-third to one-half of the sentence
22 imposed, or five years, whichever is greater, during which time the
23 defendant shall not be eligible for parole.

24 (5) An offense under paragraph (1) of subsection b. constitutes a
25 **【disorderly persons offense if the offense falls within paragraph (1)**
26 **of that subsection except that a second or third conviction for such**
27 **an offense constitutes a】** crime of the fourth degree, **【and】** except
28 that a fourth or subsequent conviction **【for such an offense】**
29 constitutes a crime of the third degree.

30 In addition, where a motor vehicle was used in the commission
31 of any offense under paragraph (1) of subsection b. the court shall
32 suspend for six months the driving privilege of any such offender
33 who has a valid driver's license issued by this State. Upon
34 conviction, the court shall immediately collect the offender's
35 driver's license and shall forward it, along with a report stating the
36 first and last day of the suspension imposed pursuant to this
37 paragraph, to the New Jersey Motor Vehicle Commission.

38 (6) An offense under paragraph (8) of subsection b. constitutes a
39 disorderly persons offense **【if the offense falls within paragraph (8)**
40 **of that subsection】**, except that a second or subsequent conviction
41 **【for such an offense】** constitutes a crime of the fourth degree.

42 d. Presumption from living off prostitutes. A person, other
43 than the prostitute or the prostitute's minor child or other legal
44 dependent incapable of self-support, who is supported in whole or
45 substantial part by the proceeds of prostitution is presumed to be
46 knowingly promoting prostitution.

1 e. It is an affirmative defense to prosecution for a violation of
2 this section that, during the time of the alleged commission of the
3 offense, the defendant was a victim of human trafficking pursuant
4 to section 1 of P.L.2005, c.77 (C.2C:13-8) or compelled by another
5 to engage in sexual activity, regardless of the defendant's age.

6 f. (1) Any fine set forth in N.J.S.2C:43-3 that is imposed upon
7 a person by a municipal court for a conviction of a disorderly
8 persons offense under this section shall be collected,
9 notwithstanding the procedures for the collection of fines and
10 restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4), by the
11 municipal court administrator and paid into the municipal treasury
12 of the municipality in which the offense was committed.

13 (2) In addition to any fine, fee, assessment, or penalty
14 authorized under the provisions of Title 2C of the New Jersey
15 Statutes, a person convicted of an offense of prostitution or related
16 offense under paragraph (2), (3), (4), (5), (6), or (7) of subsection b.
17 shall be assessed a penalty of at least \$10,000 but not more than
18 \$50,000, except if the offense involved promotion of the
19 prostitution of a child under the age of 18, the penalty shall be at
20 least \$25,000. All penalties provided for in this subsection,
21 collected as provided for the collection of fines and restitutions in
22 section 3 of P.L.1979, c.396 (C.2C:46-4), shall be forwarded to the
23 Department of the Treasury to be deposited in the "Human
24 Trafficking Survivor's Assistance Fund" established by section 2 of
25 P.L.2013, c.51 (C.52:17B-238).
26 (cf: P.L.2013, c.51, s.9)

27
28 2. (New section) a. A person is a leader of a prostitution
29 network if the person conspires with others as an organizer,
30 supervisor, financier, manager, or recruiter to effectuate the
31 violation of subsection b. of N.J.S.2C:34-1 or to engage for profit in
32 a scheme or course of conduct that allows the person to be
33 supported in whole or substantial part by the proceeds of
34 prostitution.

35 A person who is a leader of prostitution network is guilty of a
36 crime of the second degree. Notwithstanding the provisions of
37 subsection a. of N.J.S.2C:43-3, the court may impose a fine not to
38 exceed \$250,000 or five times the profit seized from the defendant
39 in connection with the prostitution network at the time of the arrest,
40 whichever is greater.

41 b. A person is a participant in a prostitution network if the
42 person conspires with others as a participant, reports to or takes
43 general direction from another, and engages for profit or commits
44 other criminal activity in a scheme or course of conduct to facilitate
45 the violation of subsection b. of N.J.S.2C:34-1. A person who is a
46 participant in a prostitution network is guilty of a crime of the third
47 degree.

1 c. Notwithstanding the provisions of N.J.S.2C:1-8, a conviction
2 of leader of prostitution network or participant in a prostitution
3 network shall not merge with the conviction for any offense which
4 is the object of the conspiracy. Nothing contained in this section
5 shall prohibit the court from imposing an extended term pursuant to
6 N.J.S.2C:43-7; nor shall this section be construed in any way to
7 preclude or limit the prosecution or conviction of any person for
8 conspiracy under N.J.S.2C:5-2, or any prosecution or conviction for
9 any other offense.

10 d. It shall not be necessary in any prosecution under this
11 section for the State to prove that any intended profit was actually
12 realized. The trier of fact may infer that a particular scheme or
13 course of conduct was undertaken for profit from all of the
14 attending circumstances, including but not limited to the number of
15 persons involved in the scheme or course of conduct, the actor's net
16 worth and expenditures in relation to the actor's legitimate sources
17 of income, the number of persons engaged in prostitution, or the
18 amount of cash or currency involved.

19 e. (1) It shall not be a defense to a prosecution under
20 subsection a. of this section that persons engaged in prostitution
21 were brought into or transported in this State solely for ultimate
22 transportation to another jurisdiction where prostitution is lawful;
23 nor shall it be a defense that any profit was intended to be made in
24 another jurisdiction.

25 (2) It shall be an affirmative defense to a prosecution under
26 subsection b. of this section that, during the time of the alleged
27 commission of the offense created by subsection b. of this section,
28 the defendant was a victim of human trafficking.

29

30 3. N.J.S.2C:43-12 is amended to read as follows:

31 2C:43-12. Supervisory Treatment--Pretrial Intervention.

32 a. Public policy. The purpose of N.J.S.2C:43-12 through
33 N.J.S.2C:43-22 is to effectuate a Statewide program of Pretrial
34 Intervention. It is the policy of the State of New Jersey that
35 supervisory treatment should ordinarily be limited to persons who
36 have not previously been convicted of any criminal offense under
37 the laws of New Jersey, or under any criminal law of the United
38 States, or any other state when supervisory treatment would:

39 (1) Provide applicants, on an equal basis, with opportunities to
40 avoid ordinary prosecution by receiving early rehabilitative services
41 or supervision, when such services or supervision can reasonably be
42 expected to deter future criminal behavior by an applicant, and
43 when there is apparent causal connection between the offense
44 charged and the rehabilitative or supervisory need, without which
45 cause both the alleged offense and the need to prosecute might not
46 have occurred; or

47 (2) Provide an alternative to prosecution for applicants who
48 might be harmed by the imposition of criminal sanctions as

- 1 presently administered, when such an alternative can be expected to
2 serve as sufficient sanction to deter criminal conduct; or
- 3 (3) Provide a mechanism for permitting the least burdensome
4 form of prosecution possible for defendants charged with
5 "victimless" offenses, other than defendants who were public
6 officers or employees charged with offenses that involved or
7 touched their office or employment; or
- 8 (4) Provide assistance to criminal calendars in order to focus
9 expenditure of criminal justice resources on matters involving
10 serious criminality and severe correctional problems; or
- 11 (5) Provide deterrence of future criminal or disorderly behavior
12 by an applicant in a program of supervisory treatment.
- 13 b. (1) Admission of an applicant into a program of supervisory
14 treatment shall be measured according to the applicant's amenability
15 to correction, responsiveness to rehabilitation and the nature of the
16 offense.
- 17 (2) There shall be a presumption against admission into a
18 program of supervisory treatment for:
- 19 (a) a defendant who was a public officer or employee whose
20 offense involved or touched upon his public office or employment;
21 **[and]**
- 22 (b) a defendant charged with any crime or offense involving
23 domestic violence, as defined in subsection a. of section 3 of
24 P.L.1991, c.261 (C.2C:25-19) if the defendant committed the crime
25 or offense while subject to a temporary or permanent restraining
26 order issued pursuant to the provisions of the "Prevention of
27 Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et
28 al.) or if the crime or offense charged involved violence or the
29 threat of violence. For purposes of this subparagraph, a crime or
30 offense involves violence or the threat of violence if the victim
31 sustains serious or significant bodily injury as defined in subsection
32 b. or d. of N.J.S.2C:11-1, or the actor is armed with and uses a
33 deadly weapon or threatens by word or gesture to use a deadly
34 weapon as defined in subsection c. of N.J.S.2C:11-1, or threatens to
35 inflict serious or significant bodily injury; and
- 36 (c) a defendant charged with any crime or offense pursuant to
37 paragraphs (1), (2), (3), (4), (5), (6), or (7) of subsection b. of
38 N.J.S.2C:34-1 or section 2 of P.L. , c (C.)(pending before
39 the Legislature as this bill).
- 40 c. The decision and reasons therefor made by the designated
41 judges (or assignment judges), prosecutors and program directors in
42 granting or denying applications for supervisory treatment, in
43 recommending and ordering termination from the program or
44 dismissal of charges, in all cases shall be reduced to writing and
45 disclosed to the applicant.
- 46 d. If an applicant desires to challenge the decision of the
47 prosecutor or program director not to recommend enrollment in a
48 program of supervisory treatment the proceedings prescribed under

1 N.J.S.2C:43-14 and in accordance with the Rules of Court shall be
2 followed.

3 e. Referral. At any time prior to trial but after the filing of a
4 criminal complaint, or the filing of an accusation or the return of an
5 indictment, with the consent of the prosecutor and upon written
6 recommendation of the program director, the assignment judge or a
7 judge designated by him may postpone all further proceedings
8 against an applicant and refer said applicant to a program of
9 supervisory treatment approved by the Supreme Court. Prosecutors
10 and program directors shall consider in formulating their
11 recommendation of an applicant's participation in a supervisory
12 treatment program, among others, the following criteria:

- 13 (1) The nature of the offense;
- 14 (2) The facts of the case;
- 15 (3) The motivation and age of the defendant;
- 16 (4) The desire of the complainant or victim to forego
17 prosecution;
- 18 (5) The existence of personal problems and character traits which
19 may be related to the applicant's crime and for which services are
20 unavailable within the criminal justice system, or which may be
21 provided more effectively through supervisory treatment and the
22 probability that the causes of criminal behavior can be controlled by
23 proper treatment;
- 24 (6) The likelihood that the applicant's crime is related to a
25 condition or situation that would be conducive to change through
26 his participation in supervisory treatment;
- 27 (7) The needs and interests of the victim and society;
- 28 (8) The extent to which the applicant's crime constitutes part of a
29 continuing pattern of anti-social behavior;
- 30 (9) The applicant's record of criminal and penal violations and
31 the extent to which he may present a substantial danger to others;
- 32 (10) Whether or not the crime is of an assaultive or violent
33 nature, whether in the criminal act itself or in the possible injurious
34 consequences of such behavior;
- 35 (11) Consideration of whether or not prosecution would
36 exacerbate the social problem that led to the applicant's criminal
37 act;
- 38 (12) The history of the use of physical violence toward others;
- 39 (13) Any involvement of the applicant with organized crime;
- 40 (14) Whether or not the crime is of such a nature that the value
41 of supervisory treatment would be outweighed by the public need
42 for prosecution;
- 43 (15) Whether or not the applicant's involvement with other
44 people in the crime charged or in other crime is such that the
45 interest of the State would be best served by processing his case
46 through traditional criminal justice system procedures;

1 (16) Whether or not the applicant's participation in pretrial
2 intervention will adversely affect the prosecution of codefendants;
3 and

4 (17) Whether or not the harm done to society by abandoning
5 criminal prosecution would outweigh the benefits to society from
6 channeling an offender into a supervisory treatment program.

7 The prosecutor and the court, in formulating their
8 recommendations or decisions regarding an applicant's participation
9 in a supervisory treatment program, shall give due consideration to
10 the victim's position on whether the defendant should be admitted.

11 f. Review of Supervisory Treatment Applications; Procedure
12 Upon Denial. Each applicant for supervisory treatment shall be
13 entitled to full and fair consideration of his application. If an
14 application is denied, the program director or the prosecutor shall
15 precisely state his findings and conclusion which shall include the
16 facts upon which the application is based and the reasons offered
17 for the denial. If the applicant desires to challenge the decision of a
18 program director not to recommend, or of a prosecutor not to
19 consent to, enrollment into a supervisory treatment program, a
20 motion shall be filed before the designated judge (or assignment
21 judge) authorized pursuant to the Rules of Court to enter orders.

22 g. Limitations. (1) Supervisory treatment may occur only once
23 with respect to any defendant and any person who has previously
24 received supervisory treatment under section 27 of P.L.1970, c.226
25 (C.24:21-27), a conditional discharge pursuant to N.J.S.2C:36A-1, a
26 conditional dismissal pursuant to P.L.2013, c.158 (C.2C:43-13.1 et
27 al.), or was granted a dismissal due to successful participation in the
28 Veterans Diversion Program pursuant to P.L.2017, c.42 (C.2C:43-
29 23 et al.), or the Mental Health Diversion Program pursuant to
30 P.L.2023 c.188 (C.2C:43-32 et al.), shall not be eligible for
31 supervisory treatment under this section.

32 (2) Except as otherwise provided in paragraph (3) of this
33 subsection, supervisory treatment, as provided herein, shall be
34 available to a defendant irrespective of whether the defendant
35 contests his guilt of the charge or charges against him.

36 (3) Admission into supervisory treatment shall be available to the
37 following defendants only upon entering a plea of guilty:

38 (a) a defendant charged with a first or second degree crime;

39 (b) a defendant charged with any crime if the defendant had
40 previously been convicted of a first or second degree crime; (c) a
41 defendant charged with a third or fourth degree crime involving
42 domestic violence, as defined in subsection a. of section 3 of
43 P.L.1991, c.261 (C.2C:25-19); or (d) a defendant charged with any
44 disorderly persons or petty disorderly persons offense involving
45 domestic violence, as defined in subsection a. of section 3 of
46 P.L.1991, c.261 (C.2C:25-19) if the defendant committed the
47 offense while subject to a temporary or permanent restraining order

1 issued pursuant to the provisions of the "Prevention of Domestic
2 Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.).

3 For any such defendant, following the plea of guilty the plea
4 shall be held in an inactive status pending termination of
5 supervisory treatment pursuant to subsection d. or e. of
6 N.J.S.2C:43-13. Upon successful completion of the program of
7 supervisory treatment the charges shall be dismissed.

8 h. Termination. Termination of supervisory treatment under
9 this section shall be immediately reported to the assignment judge
10 of the county who shall forward such information to the
11 Administrative Director of the Courts.

12 i. Appointment of Program Directors; Authorized Referrals.
13 Programs of supervisory treatment and appointment of the program
14 directors require approval by the Supreme Court with the consent of
15 the assignment judge and prosecutor. Referrals of participants from
16 supervisory treatment programs may be to any public or private
17 office or agency, including but not limited to, programs within the
18 probation service of the court, offering counseling or any other
19 social service likely to aid in the rehabilitation of the participant
20 and to deter the commission of other offenses.

21 j. Health Care Professional Licensing Board Notification. The
22 program director shall promptly notify the State Board of Medical
23 Examiners when a State licensed physician or podiatrist has been
24 enrolled in a supervisory treatment program after he has been
25 charged with an offense involving drugs or alcohol.

26 The Attorney General shall develop guidelines to ensure the
27 uniform exercise of discretion by prosecutors in formulating their
28 recommendations on participation in a supervisory treatment
29 program by an applicant charged with a crime or offense involving
30 domestic violence, as defined in subsection a. of section 3 of
31 P.L.1991, c.261 (C.2C:25-19).

32 (cf: P.L.2023, c.188, s.12)

33
34 4. This act shall take effect immediately.