CHAPTER 12.1-29
PROSTITUTION

12.1-29-01. Promoting prostitution.

1. A person is guilty of an offense if he:
   a. Operates a prostitution business or a house of prostitution;
   b. Induces or otherwise intentionally causes another to become engaged in sexual activity as a business; or
   c. Knowingly procures a prostitute for a prostitution business or a house of prostitution.
2. The offense is a class C felony if it is under subdivision b or c of subsection 1 or if it is under subdivision a and the actor owns, controls, manages, or otherwise supervises the prostitution business or house of prostitution. Otherwise the offense is a class A misdemeanor.

12.1-29-02. Facilitating prostitution.

1. A person is guilty of an offense if the person:
   a. Knowingly solicits a person to patronize a prostitute;
   b. Knowingly procures a prostitute for a patron;
   c. Knowingly leases or otherwise permits a place controlled by the actor, alone or in association with others, to be regularly used for prostitution, promoting prostitution, or facilitating prostitution, or fails to make reasonable effort to abate such use by ejecting the tenant, notifying law enforcement authorities, or taking other legally available means; or
   d. Knowingly induces or otherwise intentionally causes another to remain a prostitute. A person who is supported in whole or substantial part by the proceeds of prostitution, other than the prostitute or the prostitute's minor child or a person whom the prostitute is required by law to support, is presumed to be knowingly inducing or intentionally causing another to remain a prostitute.
2. The offense is a class A felony if the actor intentionally causes another to remain a prostitute by force, coercion, threat, or deception, or the prostitute is the actor's spouse or ward, or a person for whose care, protection, or support the actor is responsible. Otherwise it is a class C felony.

12.1-29-03. Prostitution.

An adult is guilty of prostitution, a class B misdemeanor, if the adult:

1. Is an inmate of a house of prostitution or is otherwise engaged in sexual activity as a business;
2. Solicits another person with the intention of being hired to engage in sexual activity; or
3. Agrees to engage in sexual activity with another for money or other items of pecuniary value.

12.1-29-04. Testimony of spouse in prostitution offenses.

Testimony of a person against his or her spouse shall be admissible to prove offenses under this chapter involving that spouse's prostitution.

12.1-29-05. Definitions.

In this chapter:

1. A "house of prostitution" is any place where prostitution is regularly carried on by a person under the control, management, or supervision of another.
2. An "inmate" is a prostitute who acts as such in or through the agency of a house of prostitution.
3. A "prostitute" is a person who engages in sexual activity for hire.

4. A "prostitution business" is any business which derives funds from prostitution regularly carried on by a person under the control, management, or supervision of another.
5. "Sexual activity" means sexual act or sexual contact as those terms are defined in section 12.1-20-02.

12.1-29-06. Hiring an individual to engage in sexual activity.

An individual who hires or offers or agrees to hire another individual with the intention of engaging in sexual activity is guilty of:

1. A class B misdemeanor for a first offense; and
2. A class A misdemeanor for a second or subsequent offense within ten years.

12.1-29-07. (Effective January 1, 2016 through July 31, 2017) Offender education program.

A sentence for an offense under section 12.1-29-06 may include an order for the offender to participate in an offender education program on the negative consequences of the commercial sex industry, including health and legal consequences and the impact on communities, survivors, spouses, and children. The court may order the offender to pay the cost of the offender education program.