

**HUMAN TRAFFICKING AND  
PROSTITUTION:  
NEW LAW, NEW WAY OF THINKING**

RACHEL B. LARSEN  
CHILD ABUSE RESOURCE PROSECUTOR  
NC CONFERENCE OF DISTRICT ATTORNEYS

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**Prostitution**

- Performance of, offer of, or agreement to perform vaginal intercourse, any sexual act as defined in 14-27.1, or any sexual contact as defined by 14-27.1, for the purpose of sexual arousal or gratification for any money or other consideration
- Class 1 misdemeanor (14-204)

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**First Offender Conditional Discharge**

- Available under prostitution section
- Must not have been previously convicted of or placed on probation for a violation of this section
- After defendant pleads guilty to or is found guilty of prostitution, the court shall offer this deferred-type option

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**First Offender Conditional Discharge**

- No judgment entered and with consent of defendant
- Defendant is placed on probation for 12 months and must complete certain mandatory conditions (14-204(b)(3)), plus any additional conditions (14-204(b)(4)) imposed
- Upon a violation of probation, the court may enter judgment on original finding of guilt

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**Safe Harbor: Immunity for Minors**

- Immunity from prosecution for prostitution for minors
- If detained by law enforcement and later determined to be under 18 years old, law enforcement must take them into temporary protective custody as an undisciplined juvenile
- Law enforcement must report the allegation of a violation of 14-43.11 or 14-43.13 to DSS
- DSS shall conduct an investigation into child abuse or child neglect within 24 hours

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**Solicitation of Prostitution**

- 14-205.1
- Class I misdemeanor for first offense
- Class H felony for second or subsequent offense
- Class G felony when defendant is 18 years of age or older and victim is a minor
- Class E felony when victim is severely or profoundly mentally disabled
- Not eligible for PJC

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Patronizing a Prostitute

- 14-205.2
- Engages in listed sexual activity or enters and remains in a place of prostitution with the intent to engage in listed sexual activity
- Class A1 misdemeanor for first offense
- Class G felony for second or subsequent offense
- Class F felony when defendant is 18 years of age or older and victim is a minor
- Class D felony when victim is severely or profoundly mentally disabled

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RACHEL B. LARSEN  
CHILD ABUSE  
RESOURCE PROSECUTOR  
NC CONFERENCE OF DISTRICT ATTORNEYS  
919-890-1500  
Rachel.B.Larsen@nccourts.org

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