

SOLICITATION

Prostitution - Pandering

Charges | Arrest | Penalties | Disorderly Conduct

In California, **Prostitution** is a crime that falls under the category of *Disorderly Conduct*. **Solicitation for Prostitution** (also known as either *Solicitation* or *Prostitution*) is charged as a **misdemeanor**, while **Pandering** or **Pimping** is charged as a **felony**. According to the California Penal Code, Solicitation, Prostitution, Pandering, and Loitering are defined as follows:

- **Solicitation** - Also known as *Solicitation for Prostitution*, the act of directing or asking someone to **exchange money for sexual activity** is defined under Section 647(b) of the California Penal Code.
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- **Prostitution** - The act of exchanging money for sexual activity is known as *Prostitution* and defined under Section 653.20(a) of the California Penal Code.
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- **Pandering** - The crime committed by a "pimp", *Pandering* is defined under Section 266(i) of the California Penal Code and is best described as:
 - Solicitation of customers for prostitution services
 - Recruitment of prostitutes for hire
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- **Loitering** - Defined under Section 653.20(c) of the California Penal Code, *Loitering* means to linger without a lawful reason for the purpose of committing a crime or engaging in prostitution. Loitering is a "non-priorable" and lesser charge crime which means it is not subject to Jail Enhancement Penalties.

CALIFORNIA ARRESTS

Arrests for *prostitution, solicitation, pandering, or loitering* in California occur on a regular basis and are the result the increasing number of illegal sexual services for hire that occur all over the state.

It's Not What You Think

The advertisement may read, "*Masseuse*", "*Personal Escort*", or "*Call Girl*", but it most likely should read, "**Prostitute for Hire!**" Regardless of whether you are *providing sex* in exchange for money or *receiving sex* in exchange for payment, you are participating in a criminal offense punishable by California law! If you are found *guilty of prostitution in California*, you could face **stiff penalties** and end up with a **criminal record**.

In the major California cities, especially **Los Angeles** (*including LA County*) and **San Francisco**, law enforcement agencies have been making numerous prostitution arrests using any number of undercover methods, including:

- **Sting Operations** - Wearing provocative clothing and posing as prostitutes, police officers use this roadside method to lure would-be customers off the street and into the bedroom, only to be arrested for prostitution.
- **Prostitution Ring Breakups** - Using the reverse tactic from *sting operations*, police officers pose as customers seeking to find sex for hire. Once inside the supposed **massage parlors** or with the **personal escort**, the police will make arrests upon determining the falsehood of the organization.
- **Sex Online** - Websites galore offer services for companionship as a cover up for prostitution. Acting as potential customers for these Internet-based sites, law enforcement agencies are able to distinguish the legal from the illegal and make **prostitution arrests** accordingly. In Los Angeles, law enforcement is especially targeting online personal profile ads, such as those seen on Craig's List.org. With increasing Internet usage, sex-oriented websites are under close scrutiny for suspicious illegal sexual activities.

Who Gets Arrested

In California, both the *prostitute* and the "*John*" are aggressively prosecuted for prostitution and solicitation. Innocent citizens with no criminal history can find themselves accused and arrested of one of these crimes simply by being at the wrong place at the wrong time.

PENALTIES

The range of *penalties for a Solicitation or Prostitution charge* can include:

- Community Service
- County Jail
- Probation
- AIDS Testing
- Fines
- Counseling (court-enforced)
- Cal Trans (physical labor)
- Loss of employment for those with licenses or government / security clearances
- Jail Enhancements: Additional jail time for defendants with prior related criminal charges

Sex Matters

Prostitution charges apply to individuals of either gender, regardless of whether the sexual acts are performed by *heterosexuals* or *homosexuals*. However, the majority of California prostitution cases involve female prostitutes with male clients. Illegal in most parts of the country, prostitution, pandering, and solicitation are legal in a handful of states with few condoning licensed houses of prostitution.

In some states, because of overwhelming pressure from the public many prosecutors will stop at nothing to get a conviction. It is important to secure an experienced criminal attorney in preparation for a solid defense.

PROSTITUTION DEFENSE

There are many defenses available to the crimes of prostitution, solicitation, pandering, and loitering. Each case is different and defenses to these crimes depend on what type of evidence is available. The prosecutor must prove at least one the following elements existed to successfully obtain a prostitution conviction:

- Solicit (*strongly urge or entice*) for an act of prostitution
- Agree to engage in an act of prostitution
- Engage in an act of prostitution

The prosecution will attempt to prove there was an *agreement to engage in an act of prostitution*. This is usually achieved by means of a recording device during conversations between an undercover cop and the accused. If a record of the conversation cannot be produced, the agreement may be difficult to prove. If the accused has no money on them, the prosecution may have a difficult time proving the specific intent to engage in an act of prostitution.

Your first line of defense is to contact a skilled California criminal attorney right away. Your lawyer will evaluate the evidence and witnesses, question the appropriate persons, and work with you on building your case, and will act immediately to preserve any evidence favorable to the defense.