

# SENATE . . . . No. 281

---

---

To accompany the petition of Joseph P. Walsh that provision be made for repressing prostitution. Legal Affairs.

---

---

## The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Nineteen.

### AN ACT

Relative to the Repression of Prostitution.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. That from and after the passage  
2 of this act it shall be unlawful: —

3 (a) To keep, set up, maintain or operate any  
4 place, structure, building or conveyance for the  
5 purpose of prostitution, lewdness or assignation;

6 (b) To occupy any place, structure, building or  
7 conveyance for the purpose of prostitution, lewd-  
8 ness or assignation or for any person to permit  
9 any place, structure, building or conveyance  
10 owned by him or under his control to be used for  
11 the purpose of prostitution, lewdness or assigna-  
12 tion with knowledge or reasonable cause to know  
13 that the same is, or is to be, used for such purpose;

14     (c) To receive or to offer or agree to receive  
15 any person into any place, structure, building or  
16 conveyance for the purpose of prostitution, lewd-  
17 ness or assignation or to permit any person to  
18 remain there for such purpose;

19     (d) To direct, take or transport, or to offer or  
20 agree to take or transport, any person to any  
21 place, structure or building or to any other person  
22 with knowledge or reasonable cause to know that  
23 the purpose of such directing, taking or trans-  
24 porting is prostitution, lewdness or assignation;

25     (e) To procure or to solicit or to offer to pro-  
26 cure or solicit for the purpose of prostitution,  
27 lewdness or assignation;

28     (f) To reside n, enter or remain in any place,  
29 structure or building or to enter or remain in  
30 any conveyance, for the purpose of prostitution,  
31 lewdness or assignation;

32     (g) To engage in prostitution, lewdness or  
33 assignation or to aid or abet prostitution, lewd-  
34 ness or assignation by any means whatsoever.

1     SECTION 2. That the term "prostitution" shall  
2 be construed to include the offering or receiving  
3 of the body for sexual intercourse for hire, and,  
4 shall also be construed to include the offering or  
5 receiving of the body for indiscriminate sexual  
6 intercourse without hire. That the term "lewd-  
7 ness" shall be construed to include any indecent  
8 or obscene act. That the term "assignation"  
9 shall be construed to include the making of any  
10 appointment or engagement for prostitution or

11 lewdness or any act in furtherance of such ap-  
12 pointment or engagement.

1 SECTION 3. That in the trial of any person  
2 charged with a violation of any of the provisions  
3 of section one of this act, testimony of a prior  
4 conviction, or testimony concerning the reputa-  
5 tion of any place, structure or building and of  
6 the person or persons who reside in or frequent  
7 the same and of the defendant shall be admissible  
8 in evidence in support of the charge.

1 SECTION 4. That any person who shall be  
2 found to have committed two or more violations of  
3 any of the provisions of section one of this act  
4 within a period of one year next preceding the  
5 date named in an indictment, information or  
6 charge of violating any of the provisions of sec-  
7 tion one of this act shall be deemed guilty in the  
8 first degree. That any person who shall be found  
9 to have committed a single violation of any of  
10 the provisions of this act shall be deemed guilty  
11 in the second degree.

1 SECTION 5. (a) That any person who shall be  
2 deemed guilty in the first degree, as set forth in  
3 section four, shall be subject to imprisonment in,  
4 or commitment to, any penal or reformatory insti-  
5 tution in this state for not less than one nor more  
6 than three years: *provided*, that in case of a com-  
7 mitment to a reformatory institution the commit-  
8 ment shall be made for an indeterminate period of

9 time of not less than one nor more than three  
10 years in duration, and the board of managers or  
11 directors of the reformatory institution shall have  
12 authority to discharge or to place on parole any  
13 person so committed after the service of the mini-  
14 mum term, or any part thereof, and to require  
15 the return to the said institution for the balance  
16 of the maximum term of any person who shall  
17 violate the terms or conditions of the parole.

18 (b) That any person who shall be deemed  
19 guilty in the second degree, as set forth in section  
20 four, shall be subject to imprisonment for not  
21 more than one year: *provided*, that the sentence  
22 imposed, or any part thereof, may be suspended;  
23 and *provided, further*, that the defendant may be  
24 placed on probation in the care of a probation  
25 officer designated by law or theretofore appointed  
26 by the court upon the recommendation of five  
27 responsible citizens.

28 (c) That probation or parole shall be granted  
29 or ordered in the case of a person infected with  
30 venereal disease only on such terms and condi-  
31 tions as shall insure medical treatment therefor  
32 and prevent the spread thereof, and the court  
33 may order any convicted defendant to be ex-  
34 amined for venereal disease.

35 (d) That no girl or woman who shall be con-  
36 victed under this act shall be placed on proba-  
37 tion or on parole in the care or charge of any per-  
38 son except a woman probation officer.

39 (e) That persons convicted of violating sec-  
40 tions.....of the criminal code, nineteen

41 hundred and . . . . ., of this state shall be dealt  
42 with as provided in this section, and in the prose-  
43 cutions of such persons the provisions of sections  
44 two, three, four and six shall be applicable.

1 SECTION 6. That prosecutions for the viola-  
2 tion of any of the provisions of section one of  
3 this act shall be tried in the courts of this state  
4 wherein misdemeanors (offences) are triable ex-  
5 cept as to such courts the jurisdiction of which  
6 is so limited by the constitution of this state as  
7 that the said jurisdiction cannot by statute be  
8 extended to include criminal actions of the char-  
9 acter herein described.

1 SECTION 7. That the declaration by the courts  
2 of any of the provisions of this act as being in  
3 violation of the constitution of this state shall not  
4 invalidate the remaining provisions.

1 SECTION 8. That all laws or parts of laws in  
2 conflict with the provisions of this act, be and the  
3 same are hereby repealed.

