



Legislation Text

File #: 180007, Version: 0

180007
ORIGINAL

ALD. DONOVAN, BORKOWSKI, PEREZ, AND STAMPER

An ordinance relating to the penalty for loitering-soliciting prostitutes.

106-35-1-a am

106-35-1-b am

106-35-2 am

This ordinance:

1. Amends the definitions of “known area of prostitution” and “known prostitute” to extend the time limit of convictions for prostitution from 3 years to 5 years.

2. Adds to the list of factors that may be considered in determining whether a person is loitering or driving in any public place in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution the following:

a. The solicitation of any individual for the purpose of prostitution or

b. Any other evidence which may demonstrate intent.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 106-35-1-a and b of the code is amended to read:

106-35. Loitering-Soliciting Prostitutes.

1. In this section:

a. “Known area of prostitution” means a public place where within ~~[[3]]~~ 5 years previous to the date of arrest for violation of this section, and within the knowledge of the arresting officer, a person had been arrested for a violation which lead to a conviction in Milwaukee municipal court or Milwaukee County circuit court of an offense involving prostitution.

b. “Known prostitute” means a person who, within ~~[[3]]~~ 5 years previous to the date of arrest for violation of this section, had within the knowledge of the arresting officer been convicted in Milwaukee municipal court or Milwaukee County circuit court of an offense involving prostitution.

Part 2. Section 106-35-2 of the code is amended to read:

2. Any person who loiters or drives in any public place in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution shall forfeit not less than \$500 nor more than \$5,000 or upon default of payment be imprisoned for not more than 80 days. ~~[[Among the circumstances which]]~~ Factors that may be

considered in determining whether such purpose is manifested are the following: that the person frequents, either on foot or in a motor vehicle, a known area of prostitution; beckons to stop or attempts to stop, or engages known prostitutes in conversation; ~~[[øf]]~~ stops the motor vehicle the person is the operator of and picks up or attempts to pick up a known prostitute >>; solicits any individual to engage in prostitution-related activity; or any other evidence which may prove such purpose is manifested<<. The violator's conduct must be such as to demonstrate a specific intent to induce, entice, solicit or procure another to commit an act of prostitution. No arrest may be made for a violation of this section unless the arresting officer first affords the person an opportunity to explain the person's conduct, and no one shall be convicted of violating this section if it appears at trial that the explanation given was true and disclosed a lawful purpose.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

City Attorney's Office

LRB 171108-1

John Ledvina

04/17/2018