



## Legislation Text

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**File #:** 140163, **Version:** 1

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140163  
SUBSTITUTE 1

ALD. DONOVAN

A substitute ordinance prohibiting prostitution and related or similar activities.

106-34.5 cr

This ordinance provides that no person shall:

1. Have, offer to have or request or agree to have nonmarital sexual intercourse for anything of value.
2. Commit, offer to commit or request to commit an act of sexual gratification, in public or in private, involving the sex organ of one person and the mouth or anus of another person for anything of value.
3. Masturbate a person, offer to masturbate a person or request to be masturbated by a person for anything of value.
4. Commit, offer to commit or request to commit an act of sexual contact for anything of value.
5. Enter or remain in any place of prostitution with intent to have nonmarital sexual intercourse or to commit an act of sexual gratification, in public or in private, involving any of the acts listed in items 1 to 4.
6. Solicit another to commit any of the acts listed in items 1 to 4.
7. Direct or transport another person to a prostitute, or direct or transport a prostitute to another person, with intent to facilitate the other person in having non-marital intercourse or committing an act of sexual gratification, in public or in private, involving the sex organ of one person and the mouth or anus of another, masturbation or sexual contact with a prostitute.

This ordinance further provides that circumstances which may be considered in determining whether a violation has occurred include, but are not limited to:

1. Attempting to determine the presence of a police officer by exposing or touching, of seeking to expose or touch, an intimate body part of another or of one's self, or asking, soliciting, encouraging or attempting to procure another to do the same.
2. Inquiring in any manner as to whether another person is a police officer.

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

Part 1. Section 106-34.5 of the code is created to read:

**106-34.5. Prostitution. 1. PROHIBITED CONDUCT.** It shall be unlawful for any person to commit any of the following:

- a. Have, offer to have or request or agree to have nonmarital sexual intercourse for anything of value.
- b. Commit, offer to commit or request to commit an act of sexual gratification, in public or in private, involving the sex organ of one person and the mouth or anus of another person for anything of value.
- c. Masturbate a person, offer to masturbate a person or request to be masturbated by a person for anything of value.
- d. Commit, offer to commit or request to commit an act of sexual contact for anything of value.
- e. Enter or remain in any place of prostitution with intent to have nonmarital sexual intercourse or to commit an act of sexual gratification, in public or in private, involving any of the acts listed in pars. a to d.
- f. Solicit another to commit any of the acts listed in pars. a to d.
- g. Direct or transport another person to a prostitute, or direct or transport a prostitute to another person, with intent to facilitate the other person in having non-marital intercourse or committing an act of sexual gratification, in public or in private, involving the sex organ of one person and the mouth or anus of another, masturbation or sexual contact with a prostitute.

**2. EVIDENCE OF VIOLATION.** Circumstances which may be considered in determining whether a violation of this section has occurred include, but are not limited to:

- a. Attempting to determine the presence of a police officer by exposing or touching, of seeking to expose or touch, an intimate body part of another or of one's self, or asking, soliciting, encouraging or attempting to procure another to do the same.
- b. Inquiring in any manner as to whether another person is a police officer.

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: \_\_\_\_\_

Police Department

LRB151851-2  
Jeff Osterman  
05/19/2014