



Legislation Text

File #: 181155, Version: 2

181155
SUBSTITUTE 2

ALD. STAMPER, COGGS, DONOVAN, PEREZ AND BORKOWSKI

A substitute ordinance relating to the penalties for loitering-soliciting prostitutes.

106-35 rc

This ordinance increases the penalty range for loitering-soliciting prostitutes from \$500-\$5,000 to \$2,500-\$5,000.

Whereas, According to scholarly publications, one potentially successful response to eradicating street prostitution is to target clients of prostitutes, thereby reducing the demand for street prostitution; and

Whereas, With this understanding, the Common Council desires to enhance fines for solicitation, particularly for loitering-soliciting prostitutes, to the maximum supported by State statutes; now, therefore

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

Part 1. Section 106-35 of the code is repealed and recreated to read:

106-35. Loitering-Soliciting Prostitutes. 1. DEFINITIONS. In this section:

a. "Known area of prostitution" means a public place where within 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 led 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 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.

c. "Public place" means an area generally visible to public view and includes, but is not limited to, streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots and buildings open to the general public including those which serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds surrounding them.

2. PROHIBITED CONDUCT. It shall be unlawful for any person to loiter or drive 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.

3. EVIDENCE OF VIOLATION. 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. Factors that may be considered in determining whether the purpose referred to in sub. 2 is manifested are the following:

- a. That the person frequents, either on foot or in a motor vehicle, a known area of prostitution.
- b. That the person repeatedly beckons to stop or attempts to stop, or engages known prostitutes in conversation.
- c. That the person stops the motor vehicle the person is the operator of and picks up or attempts to pick up a known prostitute.
- d. That the person solicits any individual to engage in prostitution-related activity.
- e. Any other evidence which may prove such purpose is manifested.

4. PENALTY. Any person who violates any provision of this section shall, upon conviction, forfeit not less than \$2,500 nor more than \$5,000, together with the costs of prosecution, and in default of payment shall be imprisoned as provided by law.

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: _____

Dana J. Zelazny
LRB172705-3
April 5, 2018