



Legislation Text

File #: 17849, Version: 1

**Fiscal Note**

No significant fiscal impact is anticipated.

**Title**

Creating Section 26.0851 of the Madison General Ordinances to prohibit the use of the Internet for the solicitation of prostitution.

**Body**

DRAFTER'S ANALYSIS: Existing Sec. 26.08, MGO, prohibits loitering for the purposes of soliciting prostitution. It addresses those situations where individuals solicit prostitution in public places like streets and parking lots. While street-level solicitation still exists, it has become increasingly common for individuals to solicit prostitution services solely via the internet. This section prohibits the solicitation of prostitution and specifically addresses those situations where the internet is used to solicit prostitution services.

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The Common Council of the City of Madison do hereby ordain as follows:

1. Section 26.0851 entitled "Internet Solicitation of Prostitution" of the Madison General Ordinances is created to read as follows:

**"26.0851 INTERNET SOLICITATION OF PROSTITUTION.**

- (1) No person shall use the Internet to solicit prostitution. As used in this section:
  - (a) "Solicit" includes, but is not limited to, those circumstances where a person uses the internet in a manner and under circumstances manifesting a specific intent to induce, entice or procure another in order to commit an act of prostitution. Among the circumstances which may be considered in determining whether such intent is manifested are the following: that the person uses the internet to advertise prostitution services; that the person responds to queries about the advertised prostitution services; and that the person's response to queries about the advertised services further manifests an intent to induce, entice, solicit, or procure another to commit an act of prostitution. No arrest shall be made for a violation of this subsection unless the arresting officer first affords such persons an opportunity to explain such conduct, and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose.
  - (b) "Internet" refers to the public worldwide computer system which allows people to access web pages or services including, but not limited to, Craigslist, Facebook, MySpace, Twitter, Cupid, and other similar dating or networking services.
  - (c) "Advertised prostitution services" include words or phrases that, in the experience and training of the arresting officer, refer either directly or indirectly to prostitution services such as intercourse, acts of sexual gratification, masturbation, or sexual contact for anything of value."
- (2) Any person violating this section shall be subject to a forfeiture of not less than two hundred dollars (\$200) nor more than five thousand dollars (\$5,000), exclusive of costs."

2. Subdivision (a) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by creating therein the following:

"Solicitation of prostitution.	26.0851	\$500, 1st
		\$1000, 2nd w/in 5 yrs
		\$1500, 3rd w/in 5 yrs
		\$2000, 4th w/in 5 yrs"

EDITOR'S NOTE: New bail deposits must be approved by the Municipal Judge prior to adoption. These deposits have been so approved.