



Legislation Text

File #: 17850, Version: 1

Fiscal Note

No significant fiscal impact is anticipated.

Title

Creating Section 26.0852 of the Madison General Ordinances to prohibit the use of the Internet for the solicitation of prostitutes.

Body

DRAFTER'S ANALYSIS: Existing Sec. 26.085, MGO, prohibits loitering for the purposes of soliciting prostitution. It addresses those situations where individuals solicit prostitutes in public places like streets and parking lots. While street-level solicitation still exists, it has become increasingly common for individuals to solicit prostitutes solely via the internet. This section prohibits the solicitation of prostitutes and specifically addresses those situations where the internet, as opposed to the street, is used to identify and contact individuals for the purpose of engaging in an act of prostitution.

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

Sec. 26.0852 entitled "Internet Solicitation of Prostitutes" of the Madison General Ordinances is created to read as follows:

"26.0852 INTERNET SOLICITATION OF PROSTITUTES.

- (1) No person shall use the Internet to solicit prostitutes. 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 solicit or procure another 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 identify individuals who advertise or provide prostitution services; that the person calls, e-mails, or otherwise contacts the individual to further inquire about prostitution services; and that the person's contact with the individual further manifests an intent to 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 prostitutes.	26.0852	\$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.