

ORDINANCE #69291
Board Bill No. 153
Committee Substitute

An ordinance pertaining to prostitution loitering; shall be codified as Section 15.34.040 of the Revised Code of the City of St. Louis and containing a penalty, severability and emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. The following new section shall be codified as Section 15.34.040 of the Revised Code of the City of St. Louis.

SECTION TWO. Definitions. As used in this Section, the following words and/or phrases shall have the meanings as set forth herein:

1. "Known prostitute or procurer" means a person who within one (1) year previous to the date of arrest for violation of this section, has within the knowledge of the arresting officer been convicted in St. Louis Municipal Court or a Missouri Circuit Court of an offense involving prostitution.

2. "Public place" is an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), 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 enclosing them.

SECTION THREE. A person is guilty of prostitution loitering if he or she remains in a public place and intentionally solicits, induces, entices, or procures another to commit prostitution.

SECTION FOUR. Among the circumstances which may be considered in determining whether the actor intends such prohibited conduct are that he or she:

1. Repeatedly beckons to, stops or attempts to stop, or engages passersby in conversation; or
2. Repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture; or
3. Circles an area in a motor vehicle and repeatedly beckons to, contacts, or attempts to stop pedestrians caught soliciting prostitution services; or
4. Is a known prostitute or procurer; or
5. Inquires whether a potential patron, procurer or prostitute is a police officer, searches for articles that would identify a police officer, or requests the touching or exposing of genitals or female breasts to prove that the person is not a police officer.

SECTION FIVE. Penalty Clause.

Any person guilty of a violation of this section may be diverted to an approved social service or probation agency and undergo counseling and/or rehabilitation services, as approved by the Court. Upon any subsequent conviction under this section, the penalty shall be a sentence of up to ninety (90) days in jail and up to a \$500 fine.

SECTION SIX. Severability Clause.

The provisions of this ordinance shall be severable. In the event that any provision of this ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of this ordinance are valid unless the court finds the valid provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed that the Board of Aldermen would have enacted the valid provisions without the void ones or unless the Court finds that the valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

SECTION SEVEN. Emergency Clause.

This being an ordinance for the preservation of public peace, health, and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon its passage and approval by the mayor.

Approved: November 16, 2012