

PROPOSED CITY OF SPRINGFIELD ORDINANCE FOR SOLICITATION OF PROSTITUTION

Soliciting--Penalty.

Any person who by any overt acts in or upon the public ways or in any hotel, motel or other public place of accommodation or on public conveyances or in any establishment licensed to sell alcoholic beverages, who solicits for another person to perform any act of prostitution shall upon conviction be fined not less than \$750.00 nor more than \$1,500.00 for the first offense and be fined not less than \$1,500.00 nor more than \$3,000.00 for the second offense and shall be punished as a misdemeanor for each subsequent offense by incarceration in the county jail for a term not to exceed six months or by both fine and imprisonment.

Fines under this ordinance shall be assessed by the court and shall be collected by the City Treasurer. The City Treasurer shall retain 10% of the penalty to cover the costs involved in administering the Section. The City Treasurer shall remit the remainder of the fine each month to Springfield Office of Planning and Economic Development. The Office of Planning and Economic Development shall make annual grants of these funds to sexual assault organizations providing community-based services to survivors of prostitution.

"Sexual assault organization" means any not-for-profit organization providing comprehensive community-based services to survivors of prostitution. "Community based services" include, but are not limited to, direct crisis intervention through 24-hour response, medical and legal advocacy, counseling, information and referral services, training and community education.

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Street solicitation for prostitution.

(a) For the purposes of this section:

(1) "Public place" means any street, sidewalk, bridge, alley or alleyway, plaza, park, driveway, parking lot, or transportation facility or the doorways and entranceways to any building which fronts on any of the aforesaid places, or a motor vehicle in or on any such place, or any other public way.

(2) "Prostitution," "pandering" and "soliciting for a prostitute" have the same meanings given them in the Illinois Criminal Code, as amended.

(b) Any person who remains or wanders about in a public place and repeatedly beckons to, or repeatedly attempts to engage, passersby in conversation, or repeatedly interferes with the free passage of other persons, for the purpose of soliciting for a prostitute, shall be guilty of a violation of this section.

(c) Any person who remains or wanders about in a public place and repeatedly beckons to, or repeatedly stops, or repeatedly attempts to stop, or repeatedly attempts to engage passersby in conversation, or repeatedly stops or attempts to stop motor vehicles, or repeatedly interferes with the free passage of other persons, for the purpose of pandering shall be guilty of a violation of this section.

(d)(1) A motor vehicle that is used in the violation of this section or Section 8-8-050, or in the commission of prostitution as defined in Section 11-14 of the Criminal Code of 1961, soliciting for a prostitute as defined in Section 11-15 of such code, soliciting for a juvenile prostitute as defined in Section 11-18 of such code, or patronizing a juvenile prostitute as defined in Section 11-18.1 of such code, shall be subject to seizure and impoundment under this subsection. The owner of record of such vehicle shall be liable to the city for an administrative penalty of \$1,000.00 in addition to fees for the towing and storage of the vehicle.

(2) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the city or its agents. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under Section 2-14-132 of this code.

(3) The provisions of Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.

(e) Any person who responds to the beckoning of a prostitute in a public place by inquiring about, negotiating for, accepting an offer of or engaging in an act of prostitution, or by allowing another into his or her motor vehicle for purposes of inquiring about, negotiating for, accepting an offer of or engaging in an act of prostitution, shall be guilty of a violation of this section.

(f) A person who violates any provision of this section shall be fined not less than \$750.00 nor more than \$1,500.00, imprisoned for a period of not less than 20 days and not more than six months, or both fined and imprisoned. In addition to the foregoing penalties, the corporation counsel shall request that a violator be required to perform a minimum of 100 hours community service. To the extent allowed by law, personnel of the department of police shall prevent and oppose the release of any person charged with a violation of this section on bond secured by that person's own recognizance.

(g) If any provision or part of this ordinance shall be found unconstitutional or outside the corporate powers of the City of Springfield, the remaining provisions shall continue in full force and effect.