

ORDINANCE NO. _____

An ordinance amending Chapter 31, “Offenses - Miscellaneous,” of the Dallas City Code by amending Section 31-27; adding definitions; providing that both factors must be considered when determining whether a person has manifested the purpose and intent of inducing, enticing, soliciting, or procuring another to commit an act of prostitution; organizing the section to make the language clearer; providing an affirmative defense to prosecution; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date. Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 31-27, “Manifesting the Purpose of Engaging in Prostitution,” of Article I, “General,” of Chapter 31, “Offenses - Miscellaneous,” of the Dallas City Code is amended to read as follows:

“SEC. 31-27. MANIFESTING THE PURPOSE OF ENGAGING IN PROSTITUTION.

(a) In this section:

(1) KNOWN PROSTITUTE OR PANDERER means a person who, within one year previous to the date of arrest for violation of this section, has, within the knowledge of the arresting officer, been convicted of prostitution, promotion of prostitution, or compelling prostitution, or declared himself or herself to be a prostitute or panderer or available for the act of prostitution.

(2) PROSTITUTION has the meaning given that term in the Texas Penal Code.

(3) PUBLIC PLACE has the meaning given that term in the Texas Penal Code.

(4) A LOCATION FREQUENTED BY PERSONS WHO ENGAGE IN PROSTITUTION OR SOLICITATION OF PROSTITUTION means a geographic area identified by the Dallas Police Department as having an elevated risk for prostitution-related activity.

(b) A person commits an offense if the person, while ~~[he loiters]~~ in a public place, manifests ~~[in a manner and under circumstances manifesting]~~ the purpose and intent of inducing, enticing, soliciting, or procuring another to commit an act of prostitution.

(c) The following factors must ~~[Among the circumstances which may]~~ be considered when ~~[in]~~ determining whether a person has manifested the purpose and intent of inducing, enticing, soliciting, or procuring another to commit an act of prostitution ~~[such purpose is manifested]~~:

(1) that the ~~[such]~~ person is a known prostitute or panderer or is in a location frequented by persons who engage in prostitution or solicitation of prostitution; and ~~[;]~~

(2) either:

(A) repeatedly beckons to, stops or attempts to stop, or engages passers-by in conversation; ~~[;]~~ or

(B) repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms, or any other bodily gesture; or ~~[;]~~

(C) repeatedly interferes with the free passage of other persons.

(d) A peace officer may not ~~[No]~~ arrest a person ~~[shall be made]~~ for a violation of this ~~[sub]section unless the~~ ~~[arresting]~~ officer has given the ~~[first affords such]~~ person an opportunity to explain the person's ~~[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].~~

(e) It is an affirmative defense to prosecution under this section if the explanation given the arresting officer under Subsection (d) is true and discloses a lawful purpose.

~~[(b) For the purpose of this section, a "known prostitute or panderer" is a person who, within one year previous to the date of arrest for violation of this section, has within the knowledge of the arresting officer been convicted of prostitution, promotion of prostitution, aggravated promotion of prostitution, or compelling prostitution.~~

~~(c) The definition of prostitution in the Texas Penal Code shall apply to this section.]”~~

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 3. That Chapter 31 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 6. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

TAMMY L. PALOMINO, Interim City Attorney

By _____
Assistant City Attorney

Passed _____