



## Legislation Details (With Text)

**File #:** 23-2577      **Version:** 1      **Name:**

**Type:** CONSENT AGENDA      **Status:** Agenda Ready

**File created:** 9/27/2023      **In control:** Police Department

**On agenda:** 10/11/2023      **Final action:**

**Title:** An ordinance amending Chapter 31, "Offenses - Miscellaneous," of the Dallas City Code by amending Sections 31-27; (1) adding definitions; (2) providing that both which 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; (3) organizing the section to make the language clearer; (4) providing an affirmative defense to prosecution; (5) providing a penalty not to exceed \$500.00; (6) providing a saving clause; (7) providing a severability clause; and (8) providing an effective date - Financing: No cost consideration to the City

**Sponsors:**

**Indexes:** 300

**Code sections:**

**Attachments:** 1. Ordinance

Date	Ver.	Action By	Action	Result
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**STRATEGIC PRIORITY:** Public Safety

**AGENDA DATE:** October 11, 2023

**COUNCIL DISTRICT(S):** N/A

**DEPARTMENT:** Police Department

**EXECUTIVE:** Jon Fortune

### SUBJECT

An ordinance amending Chapter 31, "Offenses - Miscellaneous," of the Dallas City Code by amending Sections 31-27; (1) adding definitions; (2) providing that both which 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; (3) organizing the section to make the language clearer; (4) providing an affirmative defense to prosecution; (5) providing a penalty not to exceed \$500.00; (6) providing a saving clause; (7) providing a severability clause; and (8) providing an effective date - Financing: No cost consideration to the City

### BACKGROUND

In an appeal of a municipal court dismissal of a citation issued pursuant to Dallas City Code, Section 31-27, *State v. Iqbal Jivani*, on July 27, 2023, the Dallas County Criminal Court of Appeals No. 1 ruled that Section 31-27 of the Dallas City Code is unconstitutional and in violation of the First Amendment to the United States Constitution. The court stated that the ordinance was overbroad

and vague. The Dallas Police Department has worked with the City Attorney's Office in drafting a revision to the ordinance.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On September 11, 2023, the Public Safety Committee was briefed in executive session regarding legal issues related to the appeal and Dallas City Code Chapter 31-27. The Dallas Police Department was available for questions during the briefing.

[The Public Safety Committee was briefed by memorandum regarding this matter on October 10, 2023. <https://cityofdallas.legistar.com/View.ashx?M=F&ID=12353776&GUID=D076BCF9-64FC-4EFD-8576-8B05136005A9>](https://cityofdallas.legistar.com/View.ashx?M=F&ID=12353776&GUID=D076BCF9-64FC-4EFD-8576-8B05136005A9)

**FISCAL INFORMATION**

No cost consideration to the City.