

Introduced by: Councilmember Burnett, *with Dorsey, Costello, Bullock, Harry, Pines*

Prepared by: Department of Legislative Reference Date: January 17, 2018

Referred to: PUBLIC SAFETY Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

*Middleton
Scheffler
Cohen,
Stokes,
Sheed
Clarke
Reisinger*

CITY COUNCIL 180180

A BILL ENTITLED

AN ORDINANCE concerning

Police Ordinances – Prohibiting the Purchase of Prostitution

FOR the purpose of prohibiting the purchase of prostitution in Baltimore City; defining certain terms; establishing certain penalties; setting a special effective date; and generally relating to the purchase of prostitution.

By adding
Article 19 - Police Ordinances
Section(s) 28-1 to 28-4, to be under the new subtitle name
"Subtitle 28. Purchasing Prostitution."
Baltimore City Code
(Edition 2000)

*Bud Delaney
by Dorsey*

By adding
Article 1. Mayor, City Council, and Municipal Agencies
Sections 41-14(2)(§ 28-2.)
Baltimore City Revised Code
(Edition 2000)

[Signature]
[Signature]
[Signature]

e.v. ent

Robert Stokes

[Signature]

Lee Dabell

Margaret Clark

[Signature]

[Signature]

Sharon Martin

No. _____


****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

- _____ Baltimore City Public School System
- _____ Baltimore Development Corporation
- _____ City Solicitor
- _____ Comptroller's Office
- _____ Department of Audits
- _____ Department of Finance
- _____ Department of General Services
- _____ Department of Housing and Community Development
- _____ Department of Human Resources
- _____ Department of Planning
- _____ Other: _____
- _____ Other: _____
- _____ Other: _____
- _____ Board of Estimates
- _____ Board of Ethics
- _____ Board of Municipal and Zoning Appeals
- _____ Comm. for Historical and Architectural Preservation
- _____ Commission on Sustainability
- _____ Employees' Retirement System
- _____ Other: _____
- _____ Other: _____
- _____ Other: _____
- _____ Environmental Control Board
- _____ Fire & Police Employees' Retirement System
- _____ Labor Commissioner
- _____ Parking Authority Board
- _____ Planning Commission
- _____ Wage Commission
- _____ Other: _____
- _____ Other: _____
- _____ Other: _____

Boards and Commissions

- _____ Department of Public Works
- _____ Department of Real Estate
- _____ Department of Recreation and Parks
- _____ Department of Transportation
- _____ Fire Department
- _____ Health Department
- _____ Mayor's Office of Employment Development
- _____ Mayor's Office of Human Services
- _____ Mayor's Office of Information Technology
- _____ Office of the Mayor
- _____ Police Department
- _____ Other: _____
- _____ Other: _____
- _____ Other: _____
- _____ Department of Public Works
- _____ Department of Real Estate
- _____ Department of Recreation and Parks
- _____ Department of Transportation
- _____ Fire Department
- _____ Health Department
- _____ Mayor's Office of Employment Development
- _____ Mayor's Office of Human Services
- _____ Mayor's Office of Information Technology
- _____ Office of the Mayor
- _____ Police Department
- _____ Other: _____
- _____ Other: _____
- _____ Other: _____

F R O M	Name & Title	Dr. Leana Wen, Commissioner	Health Department	
	Agency Name & Address	Health Department 1001 E. Fayette Street Baltimore, Maryland 21201		
	Subject	CB 18-0180 – Police Ordinances – Prohibiting the Purchase of Prostitution		

To: President and Members
of the City Council
c/o 409 City Hall

February 16, 2018

The Baltimore City Health Department (BCHD) is pleased to have the opportunity to review Council Bill 18-0180 – Police Ordinances – Prohibiting the Purchase of Prostitution. The purpose of this bill is to prohibit the purchase of prostitution, to define the terms, and to establish certain penalties.

Prostitution is the act or practice of engaging in sexual activity with someone for payment. Individuals engaging in prostitution are not a homogenous group. They come from a variety of social, economic, and philosophical backgrounds and work in a range of settings, including streets/cars, massage parlors, brothels, hotels, and bars. In addition, they are often divided into streetwalkers – those who openly solicit on the street – and “call-girls” or “escorts”. Streetwalkers are more likely to be socially, economically, and politically disadvantaged.¹

A large percentage of streetwalkers are physically assaulted, raped, and experience violence in the course of work. There is a **strong link between prostitution and drug and alcohol use**. In addition, **people engaging in prostitution are at increased risk of transmitting HIV and other sexually transmitted diseases** such as syphilis and gonorrhea^{2,3}. Studies show that 50% of female sex workers have at least one mental health disorder with mood and anxiety disorders being the most common⁴. There is limited current research on individuals engaging in prostitution in the United States. **Prohibiting the purchase of prostitution will decrease the negative effects sex workers face.**

While persons engaging in prostitution often have significant medical needs, they often struggle to access health care because they do not qualify for health insurance through traditional avenues (employer-based, Medicare, or Medicaid). Furthermore, societal and cultural stigma surrounding sex workers significantly limits access to social support services.

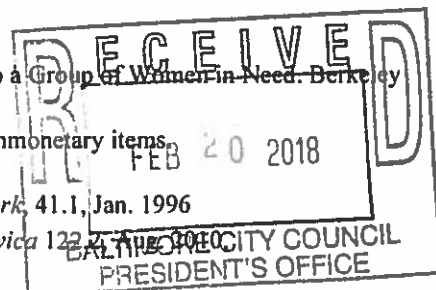
F

¹ Prostitution and the American Health Care System: Denying Access to a Group of Women in Need. Berkeley Journal of Gender, Law & Justice Volume 11.1, September 2013.

² CDC. HIV Risk Among Persons Who Exchange Sex for Money or nonmonetary items. <https://www.cdc.gov/hiv/group/sexworkers.html>

³ Understanding the social needs of streetwalking prostitutes. *Social Work*, 41.1, Jan. 1996

⁴ The mental health of female sex workers. *Acta Psychiatrica Scandinavica* 122.2, Aug 2010



BCHD strongly supports this legislation, and appreciates the opportunity to discuss this important issue. We will be present at the hearing to answer any questions the Council may have on this matter.



Catherine Pugh
Mayor

BALTIMORE POLICE DEPARTMENT



Darryl De Sousa
Police Commissioner Designee

February 16, 2018

Honorable President and Members of the Baltimore City Council
Room 400, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Attention: Natawna Austin, Executive Secretary

**Re: City Council Bill No. 18-0180
Police Ordinances – Prohibiting the Purchase of Prostitution**

Dear Council President Young and Members of the City Council:

The Baltimore Police Department (BPD) has reviewed Council Bill 18-0180. This legislation is for the purpose of prohibiting the purchase of prostitution in Baltimore City; defining certain terms; establishing certain penalties; setting a special effective date; and generally relating to the purchase of prostitution.

The BPD supports this bill.

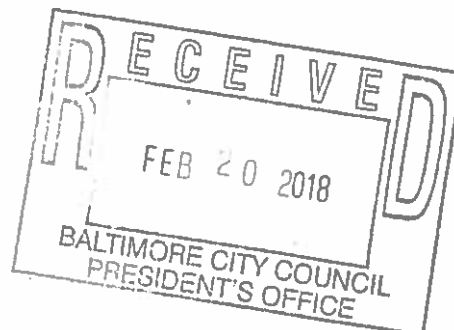
Strengthening prohibitions on the purchase of prostitution, and creating a citywide ordinance directly addressing the issue, allows for a necessary and valuable tool to help the victims of this serious crime, as well as alleviate the burden that prostitution causes for the communities in which it occurs.

The BPD looks forward to working with the City Council on this important matter.

Sincerely,


James A. Gillis
Chief of Staff





CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

ANDRE M. DAVIS, CITY SOLICITOR
100 N. Holliday Street
Suite 101, City Hall
Baltimore, Maryland 21202

February 14, 2018

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary, Natawna B. Austin
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 18-0180 – Police Ordinances – Prohibiting the Purchase
of Prostitution

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 18-0180 for form and legal sufficiency. The bill would prohibit the purchase of prostitution in Baltimore City; define certain terms; establish certain penalties; and set a special effective date.

The bill is consistent with Article II, Sections 27 and 48 of the City Charter which authorize the Mayor and City Council to “exercise within the limits of Baltimore City all the power commonly known as the Police Power to the same extent as the State has or could exercise that power within the limits of Baltimore City,” and “to provide civil and criminal fines and penalties for the violation of any ordinance, rule or regulations established by the City under or in the execution of any power granted by this Article II.”

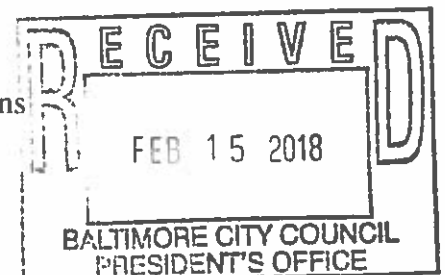
Therefore, the Law Department approves the bill for form and legal sufficiency.

Very truly yours, *elc*

Ashlea H. Brown

Ashlea H. Brown
Assistant Solicitor

cc: Andre M. Davis, City Solicitor
Karen Stokes, Director, Mayor’s Office of Government Relations
Kyron Banks, Mayor’s Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Victor Tervalo, Chief Solicitor
Avery Aisenstark, Director of Legislative Reference



CITY OF BALTIMORE

CATHERINE F. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

BILL SYNOPSIS

Committee: Public Safety

Bill CC 18-0180

Police Ordinances – Prohibiting the Purchase of Prostitution

Sponsor: Councilmember Burnett, et al

Introduced: January 22, 2018

Purpose:

For the purpose of prohibiting the purchase of prostitution in Baltimore City, defining certain terms; establishing certain penalties; setting a special effective date; and generally relating to the purchase of prostitution.

Effective: 180 days after enactment

Hearing Date/Time/Location: February 20, 2018 at 9:00 AM in the Council Chambers

Agency Reports

Department of Law
Police Department
Health Department

Favorable

Analysis

Current Law

Article 19 of the Baltimore City Code establishes misdemeanor crimes. Article 1 Section 41 of the Baltimore City Code allows for charging certain crimes by citation.

Background

Prostitution is a serious problem, particularly in urban areas. The commercialization of sex acts can have serious public health consequences and can lead to violence.

Criminal prosecutions of prostitution have focused on the sex workers who perform the acts and receive money. Many critics have argued that it is unfair to not prosecute the customers who procure the acts and pay the money.

CC 18-0180 amends the Police Ordinances by creating a new crime of purchasing prostitution, and allows charging by Civil Citation. Penalties are a \$500 fine for the first offense and \$750 for each subsequent offense.

Additional Information

Fiscal Note: Not Available

Information Source(s): Bill File

Analysis by: Richard G. Krummerich *RK* Direct Inquiries to: 410-396-1266
Analysis Date: February 15, 2018

**CITY OF BALTIMORE
COUNCIL BILL 18-0180
(First Reader)**

Introduced by: Councilmembers Burnett, Scott, President Young, Councilmembers Dorsey, Costello, Bullock, Henry, Pinkett, Middleton, Schleifer, Cohen, Stokes, Sneed, Clarke, Reisinger

Introduced and read first time: January 22, 2018

Assigned to: Public Safety Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Police Department, Health Department

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Police Ordinances – Prohibiting the Purchase of Prostitution**

3 FOR the purpose of prohibiting the purchase of prostitution in Baltimore City; defining certain
4 terms; establishing certain penalties; setting a special effective date; and generally relating to
5 the purchase of prostitution.

6 BY adding

7 Article 19 - Police Ordinances
8 Section(s) 28-1 to 28-4, to be under the new subtitle name,
9 “Subtitle 28. Purchasing Prostitution.”
10 Baltimore City Code
11 (Edition 2000)

12 BY adding

13 Article 1. Mayor, City Council, and Municipal Agencies
14 Sections 41-14(2)(§ 28-2.)
15 Baltimore City Revised Code
16 (Edition 2000)

17 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the**
18 **Laws of Baltimore City read as follows:**

19 **Baltimore City Code**

20 **Article 19. Police Ordinances**

21 **SUBTITLE 28. PURCHASING PROSTITUTION**

22 **§ 28-1. DEFINITIONS.**

23 (A) *IN GENERAL.*

24 **IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.**

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 18-0180

1 (B) *PROSTITUTION.*

2 "PROSTITUTION" MEANS THE PERFORMANCE OF A SEXUAL ACT, SEXUAL CONTACT, OR
3 VAGINAL INTERCOURSE, AS THESE TERMS ARE DEFINED IN STATE CRIMINAL LAW ARTICLE
4 § 3-301, FOR HIRE.

5 (C) *PURCHASE.*

6 "PURCHASE" MEANS TO OFFER OR AGREE TO PAY MONEY OR SOMETHING OF VALUE TO
7 ANOTHER PERSON IN RETURN FOR A SERVICE.

8 **§ 28-2. PROHIBITED CONDUCT.**

9 A PERSON MAY NOT PURCHASE PROSTITUTION IN THE CITY.

10 **§ 28-3. {Reserved}**

11 **§ 28-4. ENFORCEMENT BY CITATION.**

12 (A) *IN GENERAL.*

13 IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE,
14 THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF A CIVIL CITATION UNDER CITY CODE
15 ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.

16 (B) *METHODS NOT EXCLUSIVE.*

17 THE ISSUANCE OF A CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING
18 ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

19 **Article 1. Mayor, City Council, and Municipal Agencies**

20 **Subtitle 41. Civil Citations**

21 **§ 41-14. Offenses to which subtitle applies – Listing.**

22 (2) *Article 19. Police Ordinances*

23	
24	§ 28-2. PURCHASING PROSTITUTION – PROHIBITED CONDUCT	
25	1 ST OFFENSE	\$500
26	2 ND OR SUBSEQUENT OFFENSE	\$750

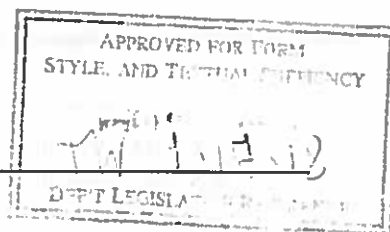
27

28 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
29 are not law and may not be considered to have been enacted as a part of this or any prior
30 Ordinance.

Council Bill 18-0180

1 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 180th
2 day after the date it is enacted.

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____



Introduced by: Councilmember Burnett

A BILL ENTITLED

AN ORDINANCE concerning

Police Ordinances – Prohibiting the Purchase of Prostitution

FOR the purpose of prohibiting the purchase of prostitution in Baltimore City; defining certain terms; establishing certain penalties; setting a special effective date; and generally relating to the purchase of prostitution.

By adding

Article 19 - Police Ordinances

Section(s) 28-1 to 28-4, to be under the new subtitle name,

“Subtitle 28. Purchasing Prostitution.”

Baltimore City Code

(Edition 2000)

By adding

Article 1. Mayor, City Council, and Municipal Agencies

Sections 41-14(2)(§ 28-2.)

Baltimore City Revised Code

(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 19. Police Ordinances

SUBTITLE 28. PURCHASING PROSTITUTION

§ 28-1. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED .

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

(B) *PROSTITUTION.*

“PROSTITUTION” MEANS THE PERFORMANCE OF A SEXUAL ACT , SEXUAL CONTACT, OR VAGINAL INTERCOURSE, AS THESE TERMS ARE DEFINED IN STATE CRIMINAL LAW ARTICLE § 3-301, FOR HIRE.

(C) *PURCHASE.*

“PURCHASE” MEANS TO OFFER OR AGREE TO PAY MONEY OR SOMETHING OF VALUE TO ANOTHER PERSON IN RETURN FOR A SERVICE .

§ 28-2. PROHIBITED CONDUCT .

A PERSON MAY NOT PURCHASE PROSTITUTION IN THE CITY.

§ 28-3. {Reserved}

§ 28-4. ENFORCEMENT BY CITATION .

(A) *IN GENERAL.*

IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE , THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {“CIVIL CITATIONS”}.

(B) *METHODS NOT EXCLUSIVE.*

THE ISSUANCE OF A CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW .

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 41. Civil Citations

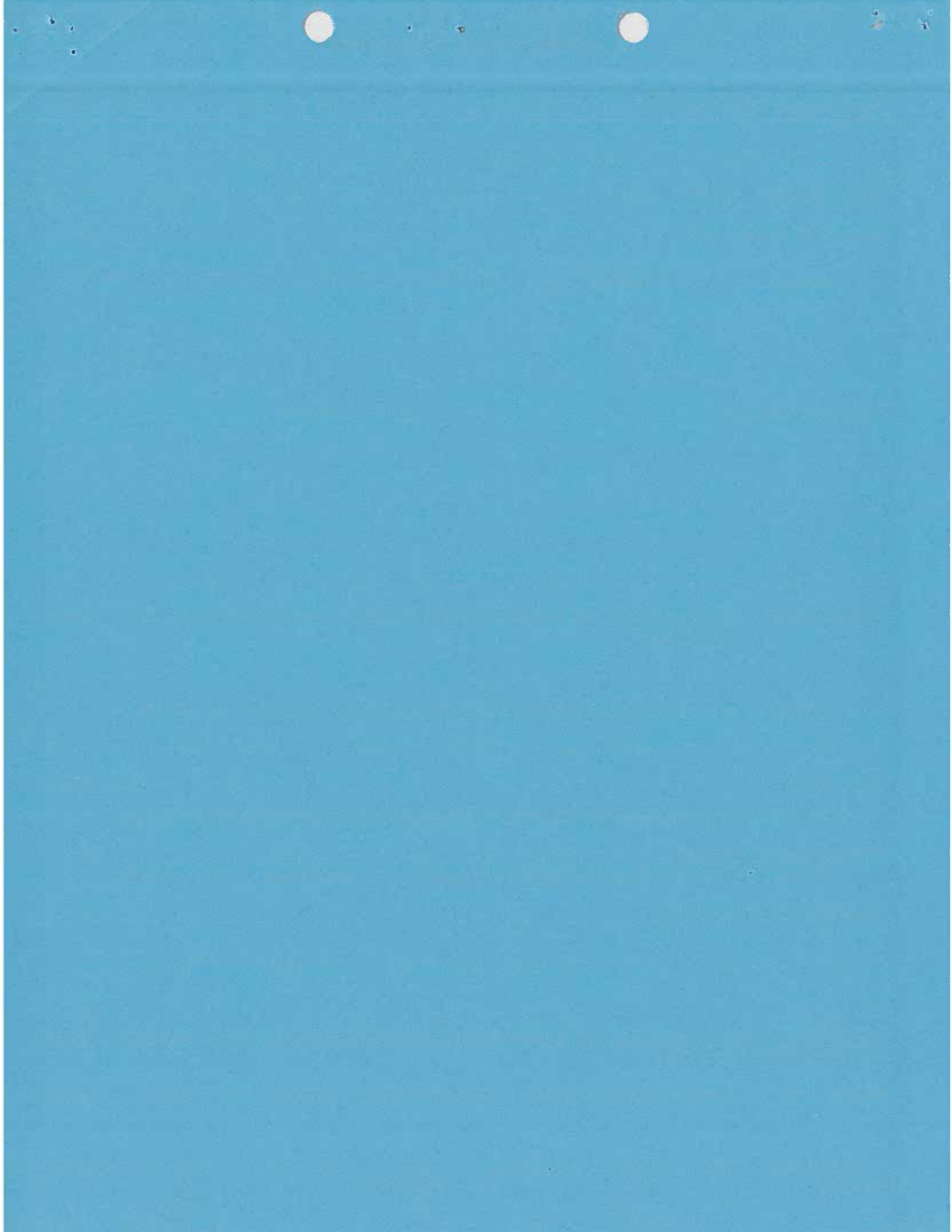
§ 41-14. Offenses to which subtitle applies – Listing.

(2) *Article 19. Police Ordinances*

.....		
§ 28-2. PURCHASING PROSTITUTION – PROHIBITED CONDUCT		
1 ST OFFENSE		\$500
2 ND OR SUBSEQUENT OFFENSE		\$750
.....		

SECTION 2. AND BE IT FURTHER ORDAINED , That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED , That this Ordinance takes effect on the 180th day after the date it is enacted.



ACTION BY THE CITY COUNCIL

JAN 22 2018
20

FIRST READING (INTRODUCTION) _____ 20 _____

PUBLIC HEARING HELD ON _____ 20 _____

COMMITTEE REPORT AS OF _____ 20 _____

_____ FAVORABLE _____ UNFAVORABLE _____ FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

_____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

President

Chief Clerk