

ORDINANCE #65818
Board Bill No. 291

An Ordinance repealing Ordinance 62292, approved on May 31, 1991, and enacting in lieu thereof a new ordinance prohibiting prostitution, public solicitation, and patronizing prostitution, and containing definitions, penalty clause and emergency clause.

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

SECTION ONE. Ordinance 62292 is hereby repealed and in lieu thereof the following provisions are adopted.

SECTION TWO. The following definitions shall apply to the provisions of this ordinance:

1. "Church Zone" means any area within one thousand feet the real property comprising a church or synagogue as measured from the outside perimeter of such real property.
2. "Park Zone" means any area within one thousand feet of any park owned by the City of St. Louis as measured from the outside perimeter of such park.
3. "Prostitution" means the act of engaging or offering or agreeing to engage in sexual conduct with another person in return for something of value to be received by the person or by a third person;
4. "Patronizing prostitution". A person patronizes prostitution if:
 - (a) Pursuant to a prior understanding, such person gives something of value to another person as compensation for that person or a third person having engaged in sexual conduct with such person or with another; or
 - (b) such person gives or agrees to give something of value to another person on an understanding that in return therefor that person or a third person will engage in sexual conduct with such person or with another; or
 - (c) such person solicits or requests another person to engage in sexual conduct with the solicitor or with another, or to secure a third person to engage in sexual conduct with the solicitor or with another, in return for something of value.
5. "Public Solicitation": A person commits public solicitation when while in a public street, sidewalk, alley, park or any other public place or in a place of public accommodation, or in a place that is frequented by the general public engages or offers to engage in sexual conduct with another person or a third person.
6. "School Zone" means any area within one thousand feet the real property comprising a public or private elementary or secondary school, public vocational school, or a public or private junior college, college or university as measured from the outside perimeter of such real property.
7. "Sexual conduct" occurs when there is:
 - (a) "Sexual intercourse" which means any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results; or
 - (b) "Deviate sexual intercourse" which means any sexual act involving the genitals of one person and the mouth, hand, tongue or anus of another person; or
 - (c) "Sexual contact" which means any touching, manual or otherwise, of the anus or genitals of one person by another, done for the purpose of arousing or gratifying sexual desire of either party.
8. "Something of value" means any money or property, or any token, object or article exchangeable for money or property.

SECTION THREE. It shall be a violation of this Ordinance for a person to commit prostitution, public solicitation or patronizing prostitution as herein defined.

SECTION FOUR. In any prosecution for prostitution, public solicitation or patronizing prostitution, the sex of the two parties or prospective parties to the sexual conduct engaged in contemplated solicited is immaterial, and it is no defense that:

- (1) Both persons were of the same sex; or
- (2) The person who received, agreed to receive or solicited something of value was a male and the person who gave or agreed or offered to give something of value was a female.

SECTION FIVE. It shall be a violation of this ordinance for any person to be found in a place contrary to any court order that prohibits the person from being in any specified area as a condition of release from custody, a condition of probation, parole, or other supervision involving prostitution, public solicitation or patronizing prostitution as defined in this ordinance.

SECTION SIX. PENALTY

1. Any person found to be in violation of provisions of this ordinance shall be subject to a fine of not more than five hundred dollars (\$500.00) or to a term of imprisonment of not more than ninety days (90) or to both a fine and imprisonment.

2. Prior to setting a penalty for a violation of this ordinance, the court shall determine whether the violation occurred within a School Zone, Church Zone or Park Zone as defined herein.

SECTION SEVEN. As a condition of probation, the Court shall require any person found to be in violation of Section Three of this ordinance to submit to a blood test, to be conducted under the direction of the St. Louis City Health Commissioner, for the purpose of determining the presence of any sexually transmitted disease. Cost of such testing shall be taxed to the defendant as costs in the proceeding. The report of such blood test shall be confidential and shall not be deemed a public record.

SECTION EIGHT. 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 NINE. Emergency Clause. This being an Ordinance necessary for the immediate 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 this Ordinance shall become effective immediately upon its passage and approval by the Mayor.

Approved: February 14, 2003