

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2011 Legislative Session

Bill No. CB-61-2011

Chapter No. 47

Proposed and Presented by Council Member Harrison

Introduced by Council Members Harrison, Franklin, Toles, Patterson, Olson, Lehman
and Campos

Date of Introduction October 18, 2011

BILL

1 AN ACT concerning

2 Prostitution Free Zones

3 For the purpose of establishing Prostitution Free Zones and enforcement provisions.

4 BY adding:

5 SUBTITLE 14. MORALS AND CONDUCT.

6 Section 14-139.05,

7 The Prince George's County Code

8 (2007 Edition, 2010 Supplement).

9 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
10 Maryland, that Section 14-139.05 of the Prince George's County Code be and the same is hereby
11 added:

12 SUBTITLE 14. MORALS AND CONDUCT.

13 DIVISION 5. OFFENSES AGAINST PUBLIC SAFETY AND MORALS.

14 **Sec. 14-139.05. Prostitution free zones.**

15 (a) For purposes of this Section, the following words and phrases shall have the following
16 meanings:

17 (1) Chief of Police means the Chief of the Prince George's County Police
18 Department.

19 (2) Disperse means to depart from the designated prostitution free zone and not to
20 reassemble within the prostitution free zone with anyone from the group ordered to depart for the
21 duration of the zone.

1 (3) **Known participant in prostitution or prostitution-related offenses** means a
2 person who has been convicted in any court in any jurisdiction of any violation involving
3 prostitution or prostitution-related offenses.

4 (4) **Police Department** means the Prince George's County Police Department.

5 (5) **Prostitution** means the performance of a sexual act, sexual contact, or vaginal
6 intercourse for hire pursuant to the Annotated Code of Maryland, Criminal Law Article, Section
7 11-301.

8 (6) **Prostitution free zone** means public space or public property in an area not to
9 exceed a square of one thousand (1,000) feet on each side that is established pursuant to
10 subsections (b) and (c).

11 (7) **Prostitution-related offenses** means those crimes and offenses defined pursuant
12 to the Annotated Code of Maryland, Criminal Law Article, Sections 11-303 to 11-306.

13 (b) The Chief of Police may declare any public area a prostitution free zone for a period
14 not to exceed four hundred eighty (480) consecutive hours. The Chief of Police shall inform his
15 commanders, the County Executive, and the Council of the declaration of a prostitution free
16 zone.

17 (c) In determining whether to designate a prostitution free zone, the Chief of Police shall
18 find the following:

19 (1) The occurrence of disproportionately high arrests for prostitution or prostitution-
20 related offenses, and calls for police service because of prostitution or prostitution-related
21 offenses in the proposed prostitution free zone within the preceding six (6) month period;

22 (2) Objective evidence or verifiable information that shows that a disproportionately
23 high incidence of prostitution or prostitution-related offenses are occurring on public space or
24 public property within the proposed prostitution free zone; and

25 (3) Any other verifiable information from which the Chief of Police may ascertain
26 whether the public health or safety is endangered by prostitution or prostitution-related offenses
27 in the proposed prostitution free zone.

28 (d) Upon the designation of a prostitution free zone, the Police Department shall mark
29 each block within the prostitution free zone by using barriers, tape, signs, or police officers that
30 post or announce the following information in the immediate area of, and borders around, the
31 prostitution free zone:

1 (1) A statement that it is unlawful for a person to congregate in a group of two (2) or
 2 more persons for the purposes of prostitution or prostitution-related offenses within the
 3 boundaries of a prostitution free zone, and to fail to disperse after being instructed to disperse by
 4 a uniformed officer of the Police Department, or a non-uniformed officer of the Police
 5 Department upon display of Police Department identification, who reasonably believes the
 6 person is congregating for the purpose of engaging in prostitution or prostitution-related
 7 offenses;

8 (2) The boundaries of the prostitution free zone;

9 (3) A statement of the effective dates of the prostitution free zone designation; and

10 (4) Any other additional information the Chief of Police provides.

11 (e) It shall be unlawful for a person to congregate in a group of two (2) or more persons on
 12 public space or public property within the perimeter of a prostitution free zone established
 13 pursuant to Subsections (b) and (c) and thereafter to fail to disperse after being instructed to
 14 disperse by a uniformed officer of the Police Department, or a non-uniformed officer of the
 15 Police Department upon display of Police Department identification, who reasonably believes
 16 the person is congregating for the purpose of engaging in prostitution or prostitution-related
 17 offenses.

18 (f) In making a determination that a person is congregating in a prostitution free zone for
 19 the purpose of engaging in prostitution or prostitution-related offenses, the totality of the
 20 circumstances involved shall be considered. Among the circumstances which may be considered
 21 in determining whether such purpose is manifested are:

22 (1) The conduct of a person being observed, including that such person is behaving in
 23 a manner raising a reasonable belief that the person is engaging or is about to engage in
 24 prostitution or prostitution-related offenses, such as:

25 (A) Repeatedly beckoning to, stopping, attempting to stop, or attempting to
 26 engage passers-by in conversation for the purpose of prostitution;

27 (B) Stopping or attempting to stop motor vehicles for the purpose of prostitution;
 28 or

29 (C) Repeatedly interfering with the free passage of other persons for the purpose
 30 of prostitution;

31 (2) Information from a reliable source indicating that a person being observed

1 routinely engages in or is currently engaging in prostitution or prostitution-related offenses
2 within the prostitution free zone;

3 (3) Physical identification by an officer of the person as a member of a gang or
4 association which engages in prostitution or prostitution-related offenses;

5 (4) Knowledge by an officer that the person is a known participant in prostitution or
6 prostitution-related offenses; and

7 (5) Knowledge by an officer that any vehicle involved in the observed circumstances
8 is registered to a known participant in prostitution or prostitution-related offenses, or a person for
9 whom there is an outstanding arrest warrant for a crime involving prostitution or prostitution-
10 related offenses.

11 (g) Any person who violates this Section shall be guilty of a misdemeanor and, on
12 conviction, is subject to a fine not exceeding One Thousand Dollars (\$1,000) or imprisonment
13 not exceeding six (6) months, or both.

14 SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
15 calendar days after it becomes law.

Adopted this 15th day of November, 2011.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Ingrid M. Turner
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.