

MEMORANDUM

September 25, 2015

TO: County Council

FROM: Robert H. Drummer, Senior Legislative Attorney 

SUBJECT: **Introduction:** Bill 39-15, Offenses – Purchase of Prostitution - Prohibited

Bill 39-15, Offenses – Purchase of Prostitution - Prohibited, sponsored by Lead Sponsors Councilmembers Hucker and Rice, is scheduled to be introduced on September 29, 2015. A public hearing is tentatively scheduled for October 20 at 1:30 p.m.

Background

Bill 39-15 would make purchasing prostitution a violation of County law. Although selling or buying prostitution would violate the current State Criminal Law prohibiting solicitation of prostitution, Bill 38-15 would add an alternative enforcement mechanism for the police to combat human trafficking in the County. A person is often forced to work as a prostitute by human traffickers at a young age. The Bill would authorize a police officer to issue either a civil or criminal citation to the customer for purchasing prostitution in the County. A civil citation would be prosecuted by the County Attorney's Office and could result in a maximum fine of \$500 for a first violation and \$750 for subsequent violations. A criminal citation would be prosecuted by the State's Attorney and could result in both a fine up to \$1000 and up to six months in jail. The Bill would be enforceable only against the customer.

This packet contains:

Bill 39-15
Legislative Request Report

Circle #

1
3

Bill No. 39-15
Concerning: Offenses – Purchase of
Prostitution – Prohibited
Revised: 9-24-15 Draft No. 4
Introduced: September 29, 2015
Expires: March 29, 2017
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmembers Hucker and Rice

AN ACT to:

- (1) prohibit the purchase of prostitution;
- (2) establish enforcement procedures and penalties; and
- (3) generally amend County law relating to offenses.

By adding

Montgomery County Code
Chapter 32, Offenses – Purchase of Prostitution
Section 32-23A

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec 1. Sections 32-23A is added as follows:**

2 **32-23A. Purchase of prostitution.**

3 **(a) Definitions.**

4 In this Section, the following terms have the meanings indicated:

5 Prostitution means the performance of a sexual act, sexual contact, or
6 vaginal intercourse for hire.

7 Purchase means to offer or agree to pay money to another person in
8 return for a service.

9 Sexual act has the meaning stated in Md. Criminal Law Art. §3-301, as
10 amended.

11 Sexual contact has the meaning stated in Md. Criminal Law Art. §3-
12 301, as amended.

13 Vaginal intercourse has the meaning stated in Md. Criminal Law Art.
14 §3-301, as amended.

15 **(b) Prohibition.** A person must not purchase prostitution in the County.

16 **(c) Enforcement; penalties.**

17 (1) A police officer may issue a civil citation or a criminal citation
18 to a person whom the officer reasonably believes has violated
19 this Section.

20 (2) A violation of this Section is a Class A violation.

21 *Approved:*

22 _____
George Leventhal, President, County Council

_____ Date

23 *Approved:*

24 _____
Isiah Leggett, County Executive

_____ Date

LEGISLATIVE REQUEST REPORT

Bill 39-15

Offenses – Purchasing Prostitution - Established

DESCRIPTION:	Bill 39-15 would prohibit purchasing prostitution. The Bill would also establish enforcement procedures and penalties.
PROBLEM:	Police need alternative enforcement mechanisms to eliminate human trafficking in the County.
GOALS AND OBJECTIVES:	Eliminate human trafficking in the County.
COORDINATION:	Montgomery County Police.
FISCAL IMPACT:	To be requested.
ECONOMIC IMPACT:	To be requested.
EVALUATION:	To be requested.
EXPERIENCE ELSEWHERE:	To be researched.
SOURCE OF INFORMATION:	Robert H. Drummer, Senior Legislative Attorney
APPLICATION WITHIN MUNICIPALITIES:	To be researched.
PENALTIES:	Class A Violation.