



MEMORANDUM

To: Mayor and City Council

From: Bill Riley, Assistant City Attorney & Prosecuting Attorney

Date: August 18, 2021

Subject: Amendment Chapter XXIV Relating to Illicit Sex Acts for Hire

ITEM DESCRIPTION

Amendment of Chapter XXIV to provide more explicit language to define the currently existing violations contained in the ordinance.

BACKGROUND

The ordinance as it presently exists is vague as to its application in hotels and motels. This is because one of the elements in the existing ordinances provides that the city must prove that the violation occurred in a "place open to the public."

Recent challenges by defense counsel are founded on the argument that a hotel room or motel room are not a public place.

The amendment also identifies the act of bringing a person to a place to commit the offense of idling and loitering shall also constitute a violation under the ordinance. This amendment gives the police a defined tool to combat pimps who drop off preeminently young, impoverished women, at hotels or motels, as well as those pimps who wait in the parking lots while the "johns" are in the hotel rooms.

The City should incur no additional administrative or other costs, but should benefit as the proposed amendments will more clearly identify the prohibition of these unlawful activities in hotels and motels.

RECOMMENDED ACTION

Place on a second calendar for passage.

AN ORDINANCE TO AMEND CHAPTER XXIV (OFFENSES AND MISCELLANEOUS PROVISIONS) OF THE CITY OF DUNWOODY CODE OF ORDINANCES TO STRENGTHEN THE PROSECUTION OF PROSTITUTION; EXPAND DEFINITION OF ILLICIT ACTS; AND FOR OTHER PURPOSES

WHEREAS, the City of Dunwoody is charged with protecting the health, safety and welfare of the citizens of the City; and

WHEREAS, the City of Dunwoody’s Chapter XXIV which includes prostitution and related offenses, currently provides no definitive language on enforceability in places such as hotels and motels; and

WHEREAS, in order to lower homicides, suicides, drug- and alcohol-related deaths, and HIV deaths in the City, the Mayor and City Council desire to amend Chapter XXIV; and

NOW, THEREFORE, the Mayor and City Council of the City of Dunwoody HEREBY ORDAIN that Chapter XXIV is amended as follows:

Section I: Offenses and Miscellaneous Provisions, Chapter XXIV of the City of Dunwoody Code, Article I (In General), Section 24-3 (Prostitution and related offenses) is hereby amended to include the additional term “solicitation” in the section description as follows:

Section 24-3. – Prostitution, Solicitation and related offenses

Section II: That Chapter XXIV of the City Code, is further amended with the changes to Section 24-3(b), to read as follows:

(b) Solicitation for an illicit sexual act.

(1) It shall be unlawful for any person ~~while in any place open to the public~~ to offer, or consent ~~or engage in the performance of to perform~~ any illicit sexual act for money or any other thing of value ~~or encourage, aid or abet another to do so~~. Furthermore, it shall be unlawful for any person, ~~while in a place open to the public, to attempt to induce,~~ entice, solicit, pander, purchase or procure another to commit any illicit sexual act for money or other things of value. An illicit sexual act is defined as one or more of the following:

- a. ~~Prostitution~~Sexual intercourse for hire;
- b. ~~Sodomy for hire~~Fellatio or cunnilingus for hire;
- c. ~~Masturbation for hire~~Other – Sodomy for hire;
- d. Masturbation for hire.

STATE OF GEORGIA
CITY OF DUNWOODY

ORDINANCE 2021-XX-XX

(2) It shall be unlawful for any person to knowingly transport any person to any place for the purpose of committing an illicit sexual act as defined in Sec. 24-3.

(3) For purposes of subsection (b)(1) of this section, the term "any person" shall include solicitors of illicit sexual acts or panderers who solicit, procure or purchase another to perform any illicit sexual act in exchange for money or other things of value, and who are commonly referred to as "johns" or "tricks."

Section IV: This Amendment shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED, this ____ day of _____, 2021.

Approved:

Lynn Deutsch, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk (Seal)

City Attorney