

ORDINANCE NO. 120885

Amending Chapter 50, Code of Ordinances, by repealing Section 50-72 relating to prostitution and enacting in lieu thereof one new section of like number and subject matter.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 50, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Section 50-72 relating to prostitution and enacting in lieu thereof one new section of like number and subject matter, to read as follows:

Sec. 50-72. Prostitution, patronizing prostitution and promoting prostitution-Prohibited.

(a) As used in this section, the following terms have the meanings given in this subsection:

- (1) *Prostitution.* A person commits prostitution if he or she engages or offers or agrees 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.
- (2) *Patronizing prostitution.* A person patronizes prostitution if:
 - a. Pursuant to a prior understanding, he or she gives something of value to another person as compensation for that person or a third person having engaged in sexual conduct with him or her or with another;
 - b. He or she 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 him or her or with another; or
 - c. He or she solicits or requests another person to engage in sexual conduct with him or her or with another, or to secure a third person to engage in sexual conduct with him or her or with another, in return for something of value.
- (3) *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;

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- b. Deviate sexual intercourse, which means any sexual act involving the genitals of one person and the mouth, 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.
- (4) *Something of value* means any money or property, or any token, object or article exchangeable for money or property.
- (5) *Promoting prostitution.* A person promotes prostitution if, acting other than as a prostitute or a patron of a prostitute, the person knowingly:
- a. Causes or aids a person to commit or engage in prostitution; or
 - b. Procures or solicits patrons for prostitution; or
 - c. Provides persons or premises for prostitution purposes; or
 - d. Operates or assists in the operation of a house of prostitution or a prostitution enterprise; or
 - e. Accepts or receives or agrees to accept or receive something of value pursuant to an agreement or understanding with any person whereby he participates or is to participate in proceeds of prostitution activity; or
 - f. Engages in any conduct designed to institute, aid or facilitate an act or enterprise of prostitution;

(b) No person shall perform an act of prostitution.

(c) No person shall patronize or promote prostitution.

(d) In any prosecution for prostitution, patronizing a prostitute or promoting prostitution, the sex of the two parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, and it is no defense that:

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

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(e) Any person found guilty of violation of this section shall be punished by imprisonment at the municipal correctional institution for not less than 15 days and not more than six months, or by a fine not to exceed \$1,000.00, or by both such fine and sentence. No court shall suspend the imposition of sentence as to such person regarding the fine, nor should such person be eligible for parole or probation until the person has paid any required fine, unless as a condition of such parole or probation such person performs at least ten days involving at least 40 hours of community service under the supervision of the court.

(f) If a person convicted of a violation of this section shall subsequently be convicted of this section, such person shall be punished by imprisonment at the municipal correctional institution for not less than 30 days and not more than six months, and, in addition thereto, by a fine not to exceed \$1,000.00. No court shall suspend the imposition of sentence as to such person or sentence such person to pay a fine in lieu of imprisonment, nor shall such person be eligible for parole or probation until he has served a minimum of 48 consecutive hours of imprisonment, unless as a condition of such parole or probation such person performs at least 20 days involving at least 80 hours of community service under the supervision of the court.

(g) For the purpose of this section, the record kept by the clerk of the municipal court, or certified copies of such records, shall be admissible as prima facie evidence of such conviction.

Approved as to form and legality:

Alan L. Holtkamp
Assistant City Attorney