12A.10.010 - Prostitution loitering.

A. As used in this section:

1. "Commit prostitution" means to engage in sexual conduct for money but does not include sexual conduct engaged in as part of any stage performance, play or other entertainment open to the public.
2. "Known prostitute or procurer" means a person who within one (1) year previous to the date of arrest for violation of this section, has within the knowledge of the arresting officer been convicted in Seattle Municipal Court of an offense involving prostitution.
3. "Public place" is an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public including those which serve food or drink, or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

B. A person is guilty of prostitution loitering if he or she remains in a public place and intentionally solicits, induces, entices, or procures another to commit prostitution.

C. Among the circumstances which may be considered in determining whether the actor intends such prohibited conduct are that he or she:

1. Repeatedly beckons to, stops or attempts to stop, or engages passersby in conversation; or
2. Repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture; or
3. Circles an area in a motor vehicle and repeatedly beckons to, contacts, or attempts to stop pedestrians; or
4. Is a known prostitute or procurer; or
5. Inquires whether a potential patron, procurer or prostitute is a police officer, searches for articles that would identify a police officer, or requests the touching or exposing of genitals or female breasts to prove that the person is not a police officer.

(Ord. 120887 § 5, 2002; Ord. 113843 § 1, 1988: Ord. 112467 § 1, 1985: Ord. 102843 § 12A.12.020, 1973.)

Cases—An ordinance prohibiting loitering, "under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution" sufficiently describes overt conduct constituting criminal loitering and is therefore not unconstitutionally vague. **Seattle v. Jones,** 79 Wn2d 626, 488 P2d 750 (1971), aff'g 3 Wn.App. 431, 475 P2d 790 (1970).

Ordinance on prostitution loitering was not facially vague or overbroad, was not vague as applied to defendant, and did not create an unconstitutional presumption that performing certain acts described in the ordinance made one guilty of soliciting. **State v. VJW,** 37 Wn.App. 428, 680 P2d 1068 (1984).