



City of Green River  
City Council Meeting  
Agenda Documentation

Preparation Date: 09/14/22	Department: Police Department
Meeting Date: 10/18/22	Department Head: Tom Jarvie
	Presenter: Bobby Pineda

**Subject:**

*Consideration on First Reading an Ordinance Amending the City of Green River Code of Ordinances Amending Chapter 18 Article VI, adding Sections 18-79, 18-80 and 18-81*

**Background/Alternatives:**

*During the July 5, 2022 Council Workshop, Sgt. Hall from the Sweetwater County Sheriff’s Office and Terri Markham of the non-profit organization Uprising presented information regarding human trafficking and challenges to combat human trafficking due to loopholes in the current State Statute. The current definitions do not address commercial sex acts that involve manual manipulation without intrusion. Since that time, City Prosecutor Pineda and Chief Jarvie have worked on developing City Ordinance language to address this concern.*

**Attachments:**

*Proposed Ordinances 18-79, 18-80 and 18-81*

**Fiscal Impact:**

*Enforcement of these ordinances is not expected to increase the need for staff or supplies for any of the department involved.*

**Staff Impact:**

*n/a*

**Legal Review:**

*Bobby Pineda approved presenting the attached language for first reading to council on 9/13/22*

**Suggested Motion:**

*I move to approve on First Reading the amendments to Chapter 18 Article VI, adding Sections 18-79, 18-80 and 18-81 of the City of Green River Code of Ordinances.*

## 18-79 - Prostitution—Defined—Prohibited

A. For the purposes of this section:

1. "Prostitution" means performing, offering to perform or agreeing to perform any act of:
  - a. Sexual intrusion as defined or referenced in this section or, any touching, manipulation or fondling of the sex organs of one person, whether by touch or the physical use of other items, by another person for any money, property, token, object, or anything of value, for the purpose of sexual arousal or gratification of any or all of the participants.
  - b. Performance prostitution as defined and/or referenced in this section for any money, property, token, object, article or anything of value.
2. "Sexual intrusion" means and is defined as in Section 6-2-301 of the Wyoming Statutes:
  - a. Any intrusion, however slight, by any object or any part of a person's body, except the mouth, tongue or penis, into the genital or anal opening of another person's body if that sexual intrusion can reasonably be construed as being for the purposes of sexual arousal, gratification or abuse; or
  - b. Sexual intercourse, cunnilingus, fellatio, anilingus or anal intercourse with or without emission.
3. "Performance prostitution" means any touching, manipulation or fondling of the sex organs and/or areola by one person upon themselves or by one person upon the person of another, whether by touch or the physical use of other items (touched), for the purpose of sexually arousing or sexually gratifying the person, who paid for and/or financed the sexual arousal or sexual gratification, and who is in the same building, structure, vehicle or area as the person(s) touched or touching.

B. No person shall keep, set up, maintain or operate any place, structure, building or conveyance in which an act or acts of prostitution are performed or for the purpose of prostitution, with knowledge or reasonable cause to know that the same is or is to be used for such purpose, or receive or offer to agree to receive any person in any place, structure, building or conveyance for the purpose of prostitution, or permit any person to remain therein for such purpose.

C. No person shall direct, take, transport or offer or agree to take or transport, any person to any place, structure or building or to any other person with knowledge or reasonable cause to know that the purpose of such directing, taking or transporting is for an act of prostitution.

D. No person shall reside in, enter or remain in any place, structure or building, or enter or remain in any conveyance for the purpose of prostitution.

E. No person shall engage in or solicit prostitution, aid or abet prostitution or obtain financial or pecuniary benefit from prostitution by solicitation or by any means whatsoever.

F. No person shall solicit an act of prostitution, whether such person is requesting an act of prostitution or offering an act of prostitution.

G. The fact a person was acting under duress or coercion is an affirmative defense to the charge of engaging in prostitution.

## **18-80 - Prostitution and public indecency penalties—Administrative consequences**

A. No owner, lessee, lessor, operator, manager, agent or employee of a business, place, structure, or conveyance or any licensee thereof, shall permit an act of prostitution under Wyoming Statutes Section 6-4-101 or Section 18-79 of this code, public indecency under Section 18-76 of this code or Wyoming Statutes Section 6-4-201, or shall engage in the sexual exploitation of children under Wyoming Statutes Section 6-4-303.

B. Any owner convicted of violating the statutes or ordinances referenced in this section or aiding, abetting or inciting any violation thereof, shall in addition to the penalties prescribed by ordinance or statute, be subject to the administrative suspension or revocation of such individuals or entities license(s) and/or permit(s) for all business operations and activities at the location where the violations were committed; aiding and abetting or inciting a violation is also sufficient cause for the revocation or suspension of the individuals or entities license(s) and/or permit(s).

## **18-81 - Severability**

If any one or more section, subsection, sentence, clause, phrase, word, provision or application of this code chapter, shall for any person or circumstance, be held to be illegal, invalid, and/or unconstitutional, such decision shall not affect the validity of any other sections, subsections, sentence, clause, phrase, word, provision or application of this code chapter which is operable without the offending section, subsection, sentence, clause, phrase, word, provision or application shall remain effective notwithstanding such illegal, invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, phrase, word, provision or application, and every section, subsection, sentence, clause, phrase, word, provision or application of this code chapter are declared severable. The governing body hereby declares that it would have passed each part, and each provision, section, subsection, sentence, clause, phrase or word thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase, word, provision or application be declared illegal, invalid, and/or unconstitutional.