




A local law to reduce jail-time & fines for prostitution

Josie Oakley
For Safer Sex Work Pittsburgh
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Prostitution is a misdemeanor offense in PA

§ 5902. Prostitution and related offenses.

(a) Prostitution.--A person is guilty of prostitution if he or she:

- (1) is an inmate of a house of prostitution or otherwise engages in sexual activity as a business; or
- (2) loiters in or within view of any public place for the purpose of being hired to engage in sexual activity.

(a.1) Grading of offenses under subsection (a).--An offense under subsection (a) constitutes a:

- (1) Misdemeanor of the third degree when the offense is a first or second offense.
- (2) Misdemeanor of the second degree when the offense is a third offense.
- (3) Misdemeanor of the first degree when the offense is a fourth or subsequent offense.
- (4) Felony of the third degree if the person who committed the offense knew that he or she was human immunodeficiency virus (HIV) positive or manifesting acquired immune deficiency syndrome (AIDS).

Prostitution is a misdemeanor offense in PA

§ 1104. Sentence of imprisonment for misdemeanors.

A person who has been convicted of a misdemeanor may be sentenced to imprisonment for a definite term which shall be fixed by the court and shall be not more than:

- (1) Five years in the case of a misdemeanor of the first degree.
- (2) Two years in the case of a misdemeanor of the second degree.
- (3) One year in the case of a misdemeanor of the third degree.

Cannabis advocates have a head start

Law to decriminalize marijuana, hash in Pittsburgh takes effect

Share

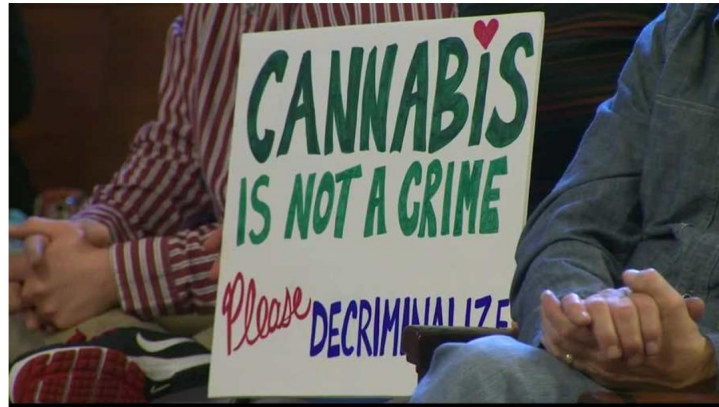


Updated: 5:57 PM EST Jan 4, 2016



Marcie Cipriani [f](#) [t](#) [✉](#)

Reporter



WTAE, 2016

Goal: from
misdemeanor
to summary
violation

Also called:
“non-traffic citation”
“summary offense”

KEEP PITTSBURGH WORKERS OUT OF JAIL.

Currently



VS

After



Prostitution is a
MISDEMEANOR



Prostitution should be a
**SUMMARY
OFFENSE**



Up to \$2500 fine



Up to \$100 Fine



Up to 1 year in jail



No jail
Usually no court

SUPPORT THE SAFER SEX WORK ORDINANCE

Sign the letter: forsafersw.com

Positive side effects from reducing penalties

- + does not necessitate arrest, can just be written up like a traffic ticket
- + expungement after 5 years (with no arrests)
- + some protection from employment non-discrimination (Pennsylvania Criminal History Record Information Act)
- + ? possible protections for student loans, professional licensing, DNA sampling
- + ? opens door for local non-discrimination laws (e.g., housing) based on conviction grades

Challenges from reducing penalties

- police still have discretion
- only applies to city limits
- requires police training
- unclear whether this approach does meaningfully reduce charges & convictions (needs more research)

Step 1: Write an ordinance

City of Pittsburgh Safer Sex Work Ordinance.

Definitions

“Prostitution” – an activity where a person (regardless of sex or gender identity) engages in sexual activity as a business

“Sexual Activity” – Includes sexual intercourse and deviate sexual intercourse, as those terms are defined in 18 Pa.C.S. §3101 (relating to definitions), and any touching on the sexual or other intimate parts of an individual for the purpose of gratifying sexual desire of either person.

- a. So long as Prostitution remains illegal pursuant to 18 Pa.C.S. §5902 no person may engage in prostitution within the jurisdiction limits of the City of Pittsburgh. If Prostitution is no longer illegal pursuant to 18 Pa.C.S. §5902, then this Section no longer applies.
- b. Engaging in prostitution shall be a summary violation of this Section.
- c. Persons found in violation of this Section shall be issued a Notice of Violation by the police or other authorized law enforcement officer. Alternatively, the officer can obtain the violator’s name and address and later send a Notice of Violation by first-class mail.
- d. Penalties – a penalty for a violation of this Section shall not exceed \$100.00. The Court, in its discretion, may authorize Community Service, not to exceed 20 hours, in lieu of a fine. Penalties shall not be levied in addition to, nor exceed any penalties for prostitution assessed by any Pa state statutes.
- e. Enforcement.
 - I. A Notice of Violation issued under this Section shall be enforced in accordance with the procedures established by the City of Pittsburgh Police Department for the enforcement of summary violations.
 - II. This Section shall not be construed to supersede any existing Pennsylvania or Federal law. Law enforcement retains the authority to enforce any and all applicable state law.

Last updated 3/21/2023
coalition@forsafersw.com
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Step 1: Write an ordinance

- modeled after cannabis ordinance
- a lawyer helped
- short, just one page!
- some edits are in the works to add WHEREAS clauses
- circulated for feedback

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Step 2: Make a simple website

For Safer Sex Work - Pittsburgh

Home Reduced Sentencing Ordinance Pittsburgh Arrest Data

Pittsburgh Coalition for Safer Sex Work

Mission - Create a Pittsburgh where Sex Workers can do their job safely without fear of incarceration, stigma, or violence.

Current Initiative - Reduce the punishment for prostitution charges.

Today, a worker picked up for prostitution can be charged with a criminal misdemeanor, a charge that can come with huge fines, jail time, and future struggles finding work in vanilla industries.

We are working to pass a Pittsburgh and Allegheny county [ordinance](#) that reduces those charges to a summary charge with no jail time and a small fine or community service.


[Sign the letter](#) [Read the ordinance](#) [Get Involved](#)


Step 3: Build a coalition

- Reached out to organizations from health, harm reduction, LGBTQ, domestic violence, sexual violence, feminist, racial justice, progressive religious, libertarian, jail support, prison reform
- Tabling at Pride, community events

Coalition Member Sign-Up - Pittsburgh Coalition for Safer Sex Work

Sign on to show your support of the coalition's work to change Pittsburgh's laws!
Read the [letter of support](#).
Read more at forsafersw.com

coalition@forsafersw.com [Switch account](#) 

 Not shared

* Indicates required question

I am an...

Individual

Organization


Other: _____

Name *

Consider using a name you're comfortable with posting publicly

Your answer _____

Organization Name
(If relevant)

Your answer _____ 

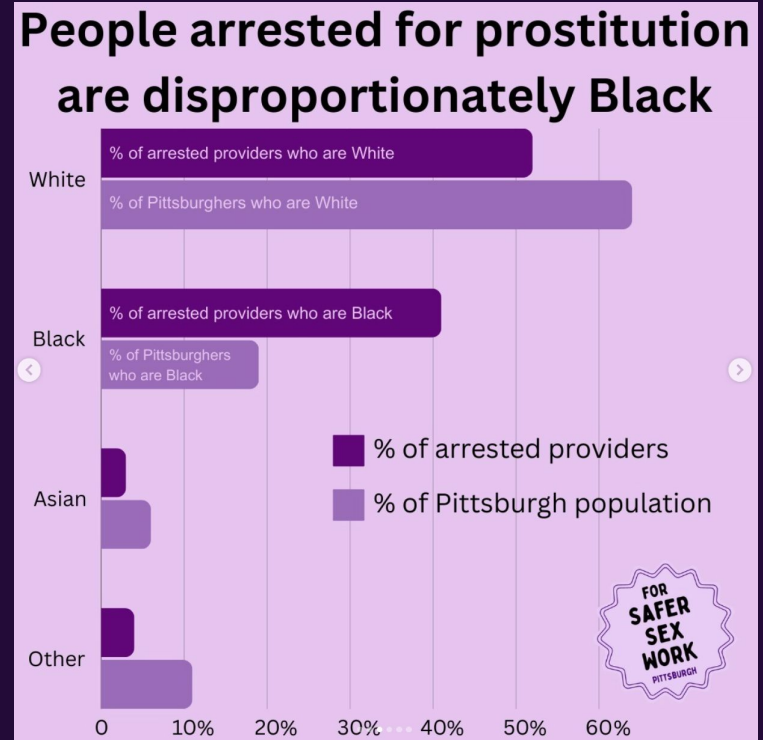
(Optional) Step 3.5: Get some data

Only 3% of arrests relate to violence or trafficking

Category	Number of Arrests
EXPLOITING MINORS	10
TRAFFICKING	1
VIOLENCE OR COERCION	22

out of **695** arrests related to prostitution

Takeaway: We strongly support the use of funding to combat violent scenarios in the sex industry through trauma-informed interventions. Unfortunately, only a tiny number of arrests (3%) include any charges related to trafficking or violence, suggesting that the current system of policing isn't reaching people in actual need.



Step 4: Find a sponsor

- consider your own representative
- ask coalition members who is sympathetic
- show up to their events
- befriend a staffer



Welcome to City Council

City Council is the legislative branch of government. It carries out duties in accordance with the Home Rule Charter and the laws of the state, and is primarily responsible for making laws which govern the City of Pittsburgh. City Council proposes, debates, and votes on legislation governing and/or affecting the city. This body also approves appointments as provided by the Charter, regulates revenues and expenditures, incurs debt, and approves the final operating and capital budgets for the city. Council is responsible for the introduction of legislation generated by the administrative branch of city government. Council may also introduce legislation generated by individual Council Members or Council as a body.

Step 5: Get city stakeholders on board

- Police departments, vice squad, trafficking & victims officers
- Police chief
- Council member briefings
- District Attorney

Goal: Don't oppose. Even better if they support.



(Optional) Step 6: Attract media coverage

- *This is currently in the works for us!*
- media coverage might not make sense if you're concerned about backlash
- revisit Spokeshub classes on media training
- write press release, get quotables
- make events photograph-friendly if you want more coverage
- consider privacy of participants

Step 7: Introduce the ordinance for a vote!

- *This is currently in the works for us!*
- Prep volunteers to give comments, offer talking points
- Ideally you'll already know whether your ordinance is going to pass

Josie Oakley
ForSaferSW.com

Bonus Slides

City Ordinance - Proposed text

City of Pittsburgh Safer Sex Work Ordinance.

Defini

Basic definitions

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“Sexual Activity” – Includes sexual intercourse and deviate sexual intercourse as defined in 18 Pa.C.S. §3101 (relating to definitions), and any touching of the intimate parts of an individual for the purpose of gratifying sexual desire.

Remove this ordinance if state law changes

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City Ordinance - Proposed text

Prostitution is a
summary violation

b. Engaging in prostitution shall be a summary violation of this Section.

c. Persons found in violation of this Section shall be issued a Notice of Violation by the police or other authorized law enforcement officer. Alternatively, the officer can obtain the violator's name and address and later send a Notice of Violation by first-class mail.

Charged with a
ticket in-person or
in the mail

City Ordinance - Proposed text

d. Penalties – a penalty for a violation of this Section shall not exceed \$100.00. The Court, in its discretion, may authorize Community Service, not to exceed 20 hours, in lieu of a fine. Penalties shall not be levied in addition to, nor exceed any penalties for prostitution assessed by any Pa state statutes.

Penalty is \$100 fine or
community service

City Ordinance - Proposed text

e. Enforcement.

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Prostitution should be treated like any other summary violation

This ordinance doesn't rewrite state law.