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Introduced: 2/14/86  
Referred: Transportation,  
Judiciary and Finance

1 IN THE HOUSE

BY JENKINS

2

HOUSE BILL NO. 590

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to loitering on public highways."

7

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8

\* Section 1. AS 11.61.150(a) is amended to read:

9

(a) A person commits the crime of obstruction of highways if the  
10 person knowingly

11

(1) places, drops, or permits to drop on a highway any  
12 substance that creates a substantial risk of physical injury to others  
13 using the highway; [OR]

14

(2) renders a highway impassable or passable only with  
15 unreasonable inconvenience or hazard; or

16

(3) loiters in the highway right-of-way.

17

\* Sec. 2. AS 11.61.150 is amended by adding a new subsection to read:

18

(d) It is an affirmative defense to a prosecution under (a)(3)  
19 of this section that no person suffered mental distress or physical  
20 injury as a result of the presence of the defendant in the highway  
21 right-of-way.

Highway Safety Issue

HB 589

The Labor and Commerce Committee has considered HOUSE BILL NO. 589 (relating to participation in the state group life and health insurance policies by residents; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 589 (L&C):

"An Act relating to disability insurance; and providing for an effective date."

and reports it back as follows: Koponen recommends do pass; Hanley, Collins and Pearce recommend do not pass; Navarre (Chairman), Davis and Boucher have no recommendation.

A fiscal note appears in House Journal Supplement No. 111.

HB 589 was referred to the Judiciary Committee.

HB 590

The Transportation Committee has considered HOUSE BILL NO. 590 (relating to loitering on public highways) and reports it back as follows: Cato (Chairman), Pignalberi, Shultz and Furnace recommend do pass; Marrou and Davis have no recommendation.

A zero fiscal note was attached.

HB 590 was referred to the Judiciary Committee.

INTRODUCTION, FIRST READING AND REFERENCEOF HOUSE RESOLUTIONSHJR 72

HOUSE JOINT RESOLUTION NO. 72 by the Community and Regional Affairs Committee:

Relating to a joint legislative conference of the Yukon Legislative Assembly, the Northwest Territories Legislative Assembly, and the Alaska State Legislature.

was read the first time and referred to the State Affairs Committee.

HOUSE  
COMMITTEE REPORT

JUDICIARY

(7)

Date referred: 2/14/86

FURTHER REFERRALS: FINANCE

DATE: 08 APRIL 1986

The TRANSPORTATION Committee has considered HB 590

"An Act relating to loitering on public highways."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with \_\_\_\_\_  same title
- \_\_\_\_\_  new title

and recommends \_\_\_\_\_

further referral to the \_\_\_\_\_ Committee

- and attaches:
- letter of intent
  - first fiscal note
  - new fiscal note
  - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Bette Cat

McDonalben

Dick Stull

Walt Furnace

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

AVM MARROW No Rec

Mike Jones NO REC

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Bette Cat

Chairman

MAR 5 1986

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : HB 590  
 Title : An act relating to loitering on public highways.  
 Sponsor : Jenkins  
 Requestor : House Transportation  
 Date of Request : 2/14/86

**FISCAL DETAIL**

Agency Affected : Public Safety  
 BRU : Alaska State Troopers  
 Components : \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

<b>CAPITAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
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<b>REVENUE</b>						
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

**POSITIONS :**

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

*K. Lewis*

Prepared by : T. Michael Lewis  
 Division : Highway Safety Planning Agency

Phone : 465-4371  
 Date : 3/3/86

Approved by Commissioner : [Signature]  
 Agency : Public Safety

Date : 3/3/86

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

# Alaska State Legislature

BOX V  
JUNEAU, ALASKA 99811  
(907) 465-4453/4530

2201 ROOSEVELT DRIVE  
ANCHORAGE, ALASKA 99503  
(907) 248-4234



MEMBER  
HOUSE RESOURCES COMMITTEE  
MEMBER  
HOUSE STATE AFFAIRS COMMITTEE

## Representative Roger Jenkins

DISTRICT 11

April 2, 1986

### MEMORANDUM

TO: Representative Bette Cato, Chairman  
House Transportation Committee

FROM: Representative Roger Jenkins

A handwritten signature in cursive script that reads "Roger Jenkins".

SUBJECT: HB 590 - An act relating to loitering on public highway

I have enclosed a copy of HB 590 and related backup for your review as well as the members of your Transportation Committee .

This bill was introduced as a package with two (2) other bills, HB 591 - An act relating to prostitution and HB 685 - An act relating to patronizing a prostitute.

The residents of my district are at their wits end over the problems of prostitution in the Spenard area. My community has suffered from the reputation associated with massage parlors which managed to invade the neighborhood in the early 1970's. The people in my district do not want an additional burden of prostitutes flaunting themselves on Spenard Road. They want the girls off the street. One of the driving forces for the reconstruction of Spenard Road is to help Spenard receive a long overdue facelift which includes realignment of the roadway with the possible condemnation of several current operating massage parlors.

This bill addresses the problems of loitering or wandering along a public street without any apparent reason or business. Alaska does not have any loitering or vagrancy statutes but other states do.

Thank you for your support and scheduling this bill for a hearing. It is my hope that this bill along with others mentioned above will help to discourage street walkers in Spenard.

Enclosures

TABLE OF CONTENTS

1. HB 590 - An act relating to loitering on public highways
2. HB 591 - An act relating to prostitution and HB 685 - An Act relating to patronizing a prostitute
3. Department of Public Safety Position Paper and Fiscal Note
4. February 17, 1986 - Press Release
5. House Research - Prostitution Laws in the States of California, Utah and Washington
6. Alaska Statutes - Title 9 and Title 11
7. Loitering Cartoon
8. Newspaper Article entitle, "Hookers move to new turf" from the Anchorage Daily News dated August 1, 1985
9. Newspaper Articles outlining the problems dating from June 22, 1985 through February 18, 1986

7

Introduced: 2/14/86  
Referred: Transportation,  
Judiciary and Finance

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2

Int roduced: 2/14/86  
Referred: Judiciary  
and Finance

1 IN THE HOUSE

BY JENKINS

2

HOUSE BILL NO. 591

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to prostitution."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 11.66.100 is amended to read:

9           Sec. 11.66.100. PROSTITUTION. (a) A person commits the crime  
10 of prostitution if the person

11                 (1) engages in or agrees or offers to engage in sexual  
12 conduct in return for a fee;

13                 (2) is an inmate of a place of prostitution; or

14                 (3) loiters in or within view of a public place or public  
15 highway for the purpose of being hired to engage in sexual conduct.

16                 (b) Prostitution is a class B misdemeanor, provided that a  
17 person who is convicted more than once under this section is guilty of  
18 a class A misdemeanor.

19 \* Sec. 2. AS 11.66.150 is amended by adding new paragraphs to read:

20                 (4) "inmate" means a person who engages in prostitution in  
21 or through the agency of a place of prostitution;

22                 (5) "public highway" means a street or highway that is  
23 maintained by public funds.

Introduced: 2/17/86  
Referred: Judiciary and  
Finance

BY JENKINS, PEARCE AND  
HANLEY

1 IN THE HOUSE

2

HOUSE BILL NO. 685

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to patronizing a prostitute."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 11.66 is amended by adding a new section to read:

9 Sec. 11.66.105. PATRONIZING A PROSTITUTE. (a) A person commits  
10 the crime of patronizing a prostitute if the person

11 (1) offers or agrees to pay another person a fee to engage  
12 in sexual conduct; or

13 (2) enters or remains in a place of prostitution with the  
14 intent to engage in sexual conduct other than as a prostitute.

15 (b) Patronizing a prostitute is a class B misdemeanor.

DEPARTMENT OF PUBLIC SAFETY  
POSITION PAPER - HB 590

SUPPORT

MARCH 3, 1986

"An act relating to loitering on public highways."

This bill makes it illegal for an individual to loiter upon the right-of-way of a public highway in Alaska.

As the primary contributing factor in all pedestrian accidents is "pedestrian in roadway" this bill would tend to help reduce pedestrian accidents by decreasing the number of individuals that loiter upon the right-of-way of a highway. It could apply to children playing in the right-of-way as well as to hitchhikers.

Recommended by: T. Michael Lewis  
T. Michael Lewis, Program Director  
Alaska Highway Safety Planning Agency

Date: 3/3/86

Approved by: Robert J. Sundberg  
Robert J. Sundberg  
Commissioner  
Department of Public Safety

Date: 3/3/86

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

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 BRU : Alaska State Troopers  
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GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-

<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
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<b>REVENUE</b>						
----------------	--	--	--	--	--	--

**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

**POSITIONS :**

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

*K. Lewis*

Prepared by : T. Michael Lewis  
 Division : Highway Safety Planning Agency

Phone : 465-4371  
 Date : 3/3/86

Approved by Commissioner : [Signature]  
 Agency : Public Safety

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MEMBER  
HOUSE RESOURCES COMMITTEE  
MEMBER  
HOUSE STATE AFFAIRS COMMITTEE

Representative Roger Jenkins

DISTRICT 11

FOR IMMEDIATE RELEASE  
February 17, 1986

Contact: Rep. Roger Jenkins  
(907) 465-4530

REP. JENKINS INTRODUCED TWO BILLS THAT CRACKS DOWN ON PROSTITUTION

JUNEAU -- Representative Roger Jenkins introduced two bills Friday in the Alaska House of Representatives that are aimed at making the Spenard community safer. HB 591 is designed to rid Spenard and the rest of Alaska of street walkers. Jenkins bill also toughens the penalty from 90 days imprisonment up to a year for second time offenders. The companion bill, HB 590, addresses the problems of loitering or wandering along public street without any apparent reason or business. Both bills zero in on the problem of street walking.

Jenkins said, "The residents of Spenard are sick and tired of being known as the prostitution headquarters for Anchorage. The results of my newsletter indicate that the number one issue is prostitutes flaunting themselves on Spenard Road." Jenkins continued, "Alaska currently does not have a law on the books that addresses loitering or wandering along a public street without any apparent reason or business. HB 590 and 591 get right to the heart of this problem."

Jenkins' Spenard District has been notorious over the years for its massage parlors. The community has suffered from the reputation associated with the night scene. Anchorage Neighborhood Housing Services, Inc. has over the last few years been helping the community to recycle and revitalize the neighborhood and are very supportive of all measures that will enhance the communities image.



ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES  
RESEARCH AGENCY

Pouch Y, State Capitol  
Juneau, Alaska 99811  
(907) 465-3991

February 10, 1986

MEMORANDUM

TO: Representative Roger Jenkins

ATTN: Shirley Armstrong

FROM: Mark Torgerson *MT*  
Legislative Analyst

RE: Prostitution Laws in Washington State  
Research Request 86-107

You asked us to research Washington's Criminal Code to determine the punishment for first and second convictions of prostitution and patronizing prostitution (if Washington has such a crime). The revised Code of Washington (RCW) Section 9A.88.030 makes prostitution a misdemeanor. Because of this, convicted offenders are not subject to mandatory sentencing (which applies exclusively to convicted felons). Moreover, RCW Section 9.92.030 states that those convicted of misdemeanors which contain no specific sentence (like prostitution) can be imprisoned for up to ninety days in jail and/or fined up to \$1,000. Therefore, the sentencing judge can impose a jail sentence ranging from zero to ninety days regardless of the number of prior prostitution convictions. In addition, the judge has discretion to suspend part or all of the sentence. As written, this law applies equally to prostitutes and "customers."

Washington's law prohibits "patronizing juvenile prostitutes"--offering or engaging in sexual conduct with a person under eighteen years of age for a fee (RCW 9.968.100). This crime is a Class "C" felony subject to the state's recently enacted sentencing guidelines (presumptive sentencing). Under this scheme, a convicted offender's sentence depends upon two factors: 1) seriousness of the crime; and 2) the offender's prior criminal history. According to Marilyn Nowogroski, Assistant King County Prosecutor in Seattle, those convicted for a first offense of the above crime would probably receive a presumptive sentence ranging from 15 to 20 months, while second offenders' would get a 21 to 26-month sentence.

Representative Jenkins  
February 10, 1986  
Page Two

Attached are the pertinent sections of the Washington Criminal Code. In addition, I have attached copies of patronizing and prostitution statutes in Utah and California.

I hope that this information is helpful to you. Please call me if you have additional questions.

MT

Attachments

# California

§ 646.6

## CRIMES AND PUNISHMENT

Any person violating any provision of this section is guilty of a misdemeanor. Nothing in this section shall prohibit a person, other than a public employee acting within the scope of his or her employment, from soliciting the injured person's attorney for the sale or use of such photographs.

Added by Stats 1971 ch 694 § 3; Amended Stats 1976 ch 495 § 1.

### Amendments:

1976 Amendment: Added the last sentence.

### Cross References:

Misdemeanors and punishment therefor: §§ 17, 19, 19a.

### § 647. [Disorderly conduct; Restrictions on probation]

Every person who commits any of the following acts is guilty of disorderly conduct, a misdemeanor:

(a) Who solicits anyone to engage in or who engages in lewd or dissolute conduct in any public place or in any place open to the public or exposed to public view.

(b) Who solicits or who engages in any act of prostitution. As used in this subdivision, "prostitution" includes any lewd act between persons for money or other consideration.

(c) Who accosts other persons in any public place or in any place open to the public for the purpose of begging or soliciting alms.

(d) Who loiters in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious or any unlawful act.

(e) Who loiters or wanders upon the streets or from place to place without apparent reason or business and who refuses to identify himself and to account for his presence when requested by any peace officer so to do, if the surrounding circumstances are such as to indicate to a reasonable person that the public safety demands such identification.

(f) Who is found in any public place under the influence of intoxicating liquor, any drug, toluene, any substance defined as a poison in Schedule D of Section 4160 of the Business and Professions Code, or any combination of any intoxicating liquor, drug, toluene, or any such poison, in such a condition that he is unable to exercise care for his own safety or the safety of others, or by reason of his being under the influence of intoxicating liquor, any drug, toluene, any substance defined as a poison in Schedule D of Section 4160 of the Business and Professions Code, or any combination of any intoxicating liquor, drug, toluene, or any such poison, interferes with or obstructs or prevents the free use of any street, sidewalk, or other public way.

(ff) When a person has violated subdivision (f) of this section, a peace

officer, if he cause him to be taken to Welfare and tion of ineb protective cu lawful were warrant. No shall thereaft court proceed This subdivis:

(1) Any pers combined infl

(2) Any pers committed ar addition to su

(3) Any pers escape or wi control.

(g) Who loite another, in th owner or occu

(h) Who, wh property of ar any inhabited lawful busines

(i) Who lodge public or pri entitled to the

In any accusa this section, i violation of th in the accusat be true by th trial, or is ad oned in the co not be eligibl on any other days in the c probation or defendant.

In any accusa this section, i more times c

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officer, if he is reasonably able to do so, shall place the person, or cause him to be placed, in civil protective custody. Such person shall be taken to a facility, designated pursuant to Section 5170 of the Welfare and Institutions Code, for the 72-hour treatment and evaluation of inebriates. A peace officer may place a person in civil protective custody with that kind and degree of force which would be lawful were he effecting an arrest for a misdemeanor without a warrant. No person who has been placed in civil protective custody shall thereafter be subject to any criminal prosecution or juvenile court proceeding based on the facts giving rise to such placement. This subdivision shall not apply to the following persons:

(1) Any person who is under the influence of any drug, or under the combined influence of intoxicating liquor and any drug.

of  
or  
he

(2) Any person who a peace officer has probable cause to believe has committed any felony, or who has committed any misdemeanor in addition to subdivision (f) of this section.

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ns

(3) Any person who a peace officer in good faith believes will attempt escape or will be unreasonably difficult for medical personnel to control.

ce

(g) Who loiters, prowls, or wanders upon the private property of another, in the nighttime, without visible or lawful business with the owner or occupant thereof.

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ny

(h) Who, while loitering, prowling, or wandering upon the private property of another, in the nighttime, peeks in the door or window of any inhabited building or structure located thereon, without visible or lawful business with the owner or occupant thereof.

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(i) Who lodges in any building, structure, vehicle, or place, whether public or private, without the permission of the owner or person entitled to the possession or in control thereof.

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In any accusatory pleading charging a violation of subdivision (b) of this section, if the defendant has been once previously convicted of a violation of that subdivision, the previous conviction shall be charged in the accusatory pleading; and, if the previous conviction is found to be true by the jury, upon a jury trial, or by the court, upon a court trial, or is admitted by the defendant, the defendant shall be imprisoned in the county jail for a period of not less than 45 days and shall not be eligible for release upon completion of sentence, on parole, or on any other basis until he has served a period of not less than 45 days in the county jail. In no such case shall the trial court grant probation or suspend the execution of sentence imposed upon the defendant.

e

In any accusatory pleading charging a violation of subdivision (b) of this section, if the defendant has been previously convicted two or more times of a violation of that subdivision, each such previous

conviction shall be charged in the accusatory pleading; and, if two or more of such previous convictions are found to be true by the jury, upon a jury trial, or by the court, upon a court trial, or are admitted by the defendant, the defendant shall be imprisoned in the county jail for a period of not less than 90 days and shall not be eligible for release upon completion of sentence, on parole, or on any other basis until he has served a period of not less than 90 days in the county jail. In no such case shall the trial court grant probation or suspend the execution of sentence imposed upon the defendant.

Added Stats 1961 ch 560 § 2 p 1672; Amended Stats 1965 ch 1959 § 1 p 4487; Stats 1967 ch 1317 § 1 p 3140; Stats 1969 ch 204 § 1 p 488, ch 1319 § 2 p 2657; Stats 1970 ch 26 § 1 p 43, effective March 23, 1970; Stats 1971 ch 1581 § 1; Stats 1977 ch 426 § 1.

#### Amendments:

1965 Amendment: Added the second sentence of subd (b).

1967 Amendment: Substituted "influence of toluene or any substance defined as a poison in Schedule D of Section 4160 of the Business and Professions Code, or under the influence of any combination of any intoxicating liquor, drug, toluene or any such poison," for "combined influence of intoxicating liquor and any drug" wherever it appears after "or any drug, or the" in subd (f).

1969 Amendment: (1) Deleted the former introductory clause which read: "Every person who commits any of the following acts shall be guilty of disorderly conduct, a misdemeanor:"; (2) deleted "of the same sex" after "persons" in subd (b); (3) deleted "; or," after "thereof" at the end of subd (g); (4) added "(h)" at the beginning of the eighth paragraph; (5) substituted "(i)" for "(h)" at the beginning of the ninth paragraph; and (6) added the last two paragraphs.

1970 Amendment: (1) Added the introductory clause; (2) deleting "or" before "any drug" wherever it appears in subd (f); (3) deleted "combined influence of" after "any drug," wherever it appears in subd (f); (4) deleted "or" before "any substance" wherever it appears in subd (f); (5) deleted "under the influence of" before "any combination" wherever it appears in subd (f); (6) substituted "the" for "such" after "a violation of" in the last two paragraphs; (7) substituted "the" for "such" before "previous" wherever it appears in the next to last paragraph; (8) added "a period of" wherever it appears in the last two paragraphs; (9) deleted "or" before "on parole" in the last two paragraphs; (10) substituted "he" for "the defendant" after "basis until" in the last two paragraphs; and (11) substituted "the defendant" for "such person" after "sentence imposed upon" in the last two paragraphs.

1971 Amendment: Added subd (ff).

1977 Amendment: (1) Substituted "person" for "man" after "reasonable" in subd (e); and (2) amended subd (i) by (a) adding "vehicle," after "structure," in the first paragraph; (b) substituting "that" for "the" before "subdivision," and the semicolon for the comma after "in the accusatory pleading" wherever it appears in the second and third paragraphs.

Former Section: Former § 647, relating to vagrants, was enacted 1872, amended by Stats 1891 ch 117 § 1 p 130, Stats 1903 ch 89 § 1 p 96, Stats 1911 ch 316 § 1 p 508, Stats 1929 ch 35 § 1 p 78, Stats 1931 ch 288 § 1 p 696, Stats 1939 ch 1078 § 1 p 3002, Stats 1947 ch 989 § 1 p 2255, Stats 1955 ch 169 § 2 p 638, and repealed by Stats 1961 ch 560 § 1 p 1672.

#### Cross References:

Taking female for purpose of prostitution: § 266e.

Selling female for immoral purposes: § 266f.

Pimping: § 266h.

Pandering: § 266i.

Abduction of female for prostitution: § 267.

Registration of persons convicted of violating subd (a) or (d) of this section: § 290.

Disturbing religious  
Misdemeanor in pa  
Indecent exposures  
Keeping houses for  
Inhalation of toluene  
Crimes against pub  
Using offensive wo  
Burglary and hous  
Unlawful interferer  
Trespass by enteri  
owner: § 602(1).  
Unauthorized ente  
misdemeanor: §  
Annoying or moles  
Disposition of repe  
Loitering about sc  
§ 653g.  
Diversion of crim  
Restriction on rep  
drunkenness: § 1  
Criteria affecting p  
Offense defined in  
Code: Ed C § 44

#### Collateral Reference:

Within Crimes §§  
Within Evidence 2  
Within Procedure  
Cal Jur 3d Const  
Addicted, and E  
Cal Digest of Offic  
Wharton's Crimin  
§§ 523, 524, 535  
Bailey & Rothblat  
Offenses §§ 306

#### Forms:

Suggested form is

#### Proof of Facts:

13 Am Jur Pro  
prostitution law

#### Law Review Article:

Who is a vagrant.  
Establishment of  
Guilty plea protec  
Vagrancy concept  
Vagrancy concept  
California Penal C  
Involuntary com  
Petris-Short Ac  
Who is "vagrant."  
Problem of "vag-i  
Vagrant and poor  
The alcoholic, alc  
Public inebriate h  
Review of Selecte

Utah

76-10-1301

CRIMINAL CODE

(2) Any film intended solely for use by an employer for the instruction of his employees.

History: L. 1977, ch. 93, § 11.

Separability Clause.

Section 12 of Laws 1977, ch. 93 provided: "If any provision of this act or

the application of any provision to any person or circumstance is held invalid, the remainder of this act shall not be affected thereby."

Part 13

Prostitution

76-10-1301. Definitions.—For purposes of this part:

(1) "Sexual activity" means intercourse or any sexual act involving the genitals of one person and the mouth or anus of another person, regardless of the sex of either participant.

(2) "House of prostitution" means a place where prostitution or promotion of prostitution is regularly carried on by one or more persons under the control, management, or supervision of another.

(3) "Inmate" means a person who engages in prostitution in or through the agency of a house of prostitution.

(4) "Public place" means any place to which the public or any substantial group thereof has access.

History: C. 1953, 76-10-1301, enacted by L. 1973, ch. 196, § 76-10-1301.

Collateral References.

Prostitution ◊ 1.

73 C.J.S. Prostitution § 1.

63 Am. Jur. 2d 564, Prostitution § 1.

76-10-1302. Prostitution.—(1) A person is guilty of prostitution when:

(a) He engages or offers or agrees to engage in any sexual activity with another person for a fee; or

(b) Is an inmate of a house of prostitution; or

(c) Loiters in or within view of any public place for the purpose of being hired to engage in sexual activity.

(2) Prostitution is a class B misdemeanor, provided that any person who is twice convicted under this section shall be guilty of a class A misdemeanor.

History: C. 1953, 76-10-1302, enacted by L. 1973, ch. 196, § 76-10-1302.

24 Am. Jur. 2d 81, Disorderly Houses § 1.

Collateral References.

Disorderly House ◊ 2.

27 C.J.S. Disorderly Houses § 1.

Disorderly character of house as affected by the number of females who reside therein or resort thereto for immoral purposes, 12 A. L. R. 529.

76-10-1303. Patronizing a prostitute. — (1) A person is guilty of patronizing a prostitute when:

(a) He pays or offers or agrees to pay another person a fee for the purpose of engaging in an act of sexual activity; or

OFFE

(b) He enters or of engaging in sexual a

(2) Patronizing a

History: C. 1953, 76-10- L. 1973, ch. 196, § 76-10-130

76-10-1304. Aiding prostitution if he:

(a) Solicits a per

(b) Procures or a

(c) Leases or oth or in association with tion of prostitution; o

(d) Solicits, rece of the acts prohibited

(2) Aiding prost second conviction un

History: C. 1953, 76-10 L. 1973, ch. 196, § 76-10- 32, § 29.

Compiler's Notes.

The 1974 amendment subd. (1)(a) which read manages, supervises, or alone or in association house of prostitution or ness; or"; redesignated (b) to (1)(e) as (1)(a) made minor changes in punctuation.

Cross-References.

Corroboration necess

Construction.

Crime of pandering person encouraged fen come prostitute; successory component of cri: 118 U. 182, 221 P. 2d

Corroboration.

Under former Penal pandering, woman coul but only victim, but u mony of prosecutrix r roborated. State v. Sn 274 P. 2d 246.

Testimony of anot she overheard conver fendant and prosecutri was to induce prosec

(b) He enters or remains in a house of prostitution for the purpose of engaging in sexual activity.

(2) Patronizing a prostitute is a class C misdemeanor.

History: C. 1953, 76-10-1303, enacted by L. 1973, ch. 196, § 76-10-1303.

Collateral References.

Prostitution  $\text{C} \supset 1$ .

73 C.J.S. Prostitution § 4.

63 Am. Jur. 2d 366, Prostitution § 2.

76-10-1304. Aiding prostitution.—(1) A person is guilty of aiding prostitution if he:

(a) Solicits a person to patronize a prostitute; or

(b) Procures or attempts to procure a prostitute for a patron; or

(c) Leases or otherwise permits a place controlled by the actor, alone or in association with another, to be used for prostitution or the promotion of prostitution; or

(d) Solicits, receives, or agrees to receive any benefit for doing any of the acts prohibited by this subsection.

(2) Aiding prostitution is a class B misdemeanor, provided that a second conviction under this section shall be a class A misdemeanor.

History: C. 1953, 76-10-1304, enacted by L. 1973, ch. 196, § 76-10-1304; L. 1974, ch. 32, § 29.

Husband and wife, competency as witness against each other, 77-44-4.

Collateral References.

Prostitution  $\text{C} \supset 1$ .

73 C.J.S. Prostitution § 7.

63 Am. Jur. 2d 372, Prostitution § 8.

Constitutionality and construction of pandering acts, 74 A. L. R. 311.

Law Reviews.

State Preemption and the Exercise of Municipal General Welfare Powers: A City's Anti-Prostitution Ordinance, 1968 Utah L. Rev. 419.

Compiler's Notes.

The 1974 amendment deleted former subd. (1)(a) which read: "Owns, controls, manages, supervises, or otherwise keeps, alone or in association with another, a house of prostitution or a prostitution business; or"; redesignated former subds. (1)(b) to (1)(e) as (1)(a) to (1)(d); and made minor changes in phraseology and punctuation.

Cross-References.

Corroboration necessary, 77-31-14.

DECISIONS UNDER FORMER LAW

Construction.

Crime of pandering was complete when person encouraged female person to become prostitute; success was not necessary component of crime. State v. Gates, 118 U. 182, 221 P. 2d 876.

Corroboration.

Under former Penal Code prohibition of pandering, woman could not be accomplice but only victim, but under 77-31-14, testimony of prosecutrix must have been corroborated. State v. Smith, 2 U. (2d) 358, 274 P. 2d 246.

Testimony of another prostitute that she overheard conversation between defendant and prosecutrix, meaning of which was to induce prosecutrix to prostitution,

was sufficient corroboration of prosecutrix' testimony to sustain conviction for pandering. State v. Woodall, 6 U. (2d) 8, 305 P. 2d 473.

Entrapment.

Prosecution for pandering was improper, where city detective deliberately planned and induced commission of offense which otherwise would not have been committed by anyone. State v. McCormish, 59 U. 58, 201 P. 637.

Information.

Prior to 1935 amendments to Code of Criminal Procedure, information for pandering was not sufficient which merely charged offense in language of statute;

Prisoners not to be treated with unnecessary rigor, Const. Art. I, § 9.

Witnesses in prison, Rules of Civil Procedure, Rule 45 (b).

#### Collateral References.

Criminal Law 1208(6).  
24B C.J.S. Criminal Law § 1985.

21 Am. Jur. 2d 551, Criminal Law § 590.

Absence of accused at return of verdict in felony case, 23 A. L. R. 2d 456.

Validity, under indeterminate sentence law, of sentence fixing identical minimum and maximum terms of imprisonment, 29 A. L. R. 2d 1344.

#### DECISIONS UNDER FORMER LAW

##### Consequences of felony conviction.

Under former 76-1-36, which suspended civil rights and forfeited private trusts and public offices following conviction, no consequences followed a conviction of a felony except those declared thereby. *People v. Flynn*, 7 U. 378, 26 P. 111.

Under former 76-1-36, justice of the peace held a "public office" and upon sentence for felony automatically forfeited his office; whether innocent or guilty of a felony and whether the conviction were later reversed, policy of law was to forbid continuance in office by one convicted and sentenced for a felony; forfeiture was not part of judgment or punishment and stay of execution did not stay the forfeiture. *State v. Burke*, 101 U. 48, 117 P. 2d 454.

##### Imprisonment in state prison.

Former Penal Code defined "felony" as an offense punishable by death or imprisonment in state prison without regard to whether the offense was otherwise characterized as a felony. *United States v. Jones*, 5 U. 552, 18 P. 233.

Prior to the 1973 Code, making, drawing, uttering and delivering check with intent to defraud third party was punishable by imprisonment in state prison, and therefore was a felony. *State v. Scott*, 105 U. 31, 140 P. 2d 929.

##### Indeterminate sentence.

Under former statute prescribing penalty for murder, a sentence "for an indeter-

minate term between ten years and life," upon conviction for second degree murder was fatally defective; court had to impose a fixed and definite term of imprisonment within prescribed limits. *Lee Lim v. Davis*, 75 U. 245, 254 P. 323, 76 A. L. R. 460.

##### One-year sentence.

Where imprisonment not exceeding one year was statutory penalty for manslaughter, defendant's sentence of "not exceeding one year" was a lawfully worded sentence of one year, which could be commuted by board of pardons at any time. *State v. Empey*, 65 U. 609, 239 P. 25, 44 A. L. R. 558.

##### Trial while in penitentiary.

Prior to the 1973 Code, a convict could be tried and sentenced for criminal offense committed in trying to escape from state prison, though trial and sentence were had before term of imprisonment had expired; person attained for one felony could be prosecuted criminally for another. *People v. Flynn*, 7 U. 378, 26 P. 1114.

##### Voluntary manslaughter.

Prior to 1973 Code, ten-year sentence for manslaughter was erroneous but not invalid in view of former statute which provided that if person should be sentenced for definite term, sentence should not be void. *State v. Gardner*, 62 U. 62, 217 P. 976

**76-3-204. Misdemeanor conviction—Term of imprisonment.**—A person who has been convicted of a misdemeanor may be sentenced to imprisonment as follows:

- (1) In the case of a class A misdemeanor, for a term not exceeding one year;
- (2) In the case of a class B misdemeanor, for a term not exceeding six months;
- (3) In the case of a class C misdemeanor, for a term not exceeding ninety days.

History: C. 1953, 70-3-204, enacted by L. 1973, ch. 196, § 76-3-204.

#### Collateral References.

Criminal Law 1208(1).  
24B C.J.S. Criminal Law § 1986.  
21 Am. Jur. 2d 551, Criminal Law § 590.

# Washington

MINAL CODE

CRIMINAL CODE

9A.88.030

CE

9A.88.010. Public indecency

## Notes of Decisions

In a criminal prosecution under 18 U.S.C.A. § 1461, which prohibits the mailing of obscene materials, sensitive persons are included as part of the relevant "community" by whose standards obscenity is to be judged, for purposes of the First Amendment obscenity test applicable prior to the Miller decision. *Pinkus v. United States* (1978) 436 U.S. 412, 56 L.Ed.2d 293, 98 S.Ct. 1808.

State's application of former maximum 20-year sentence for indecent exposure, after such offense had been reduced from felony to misdemeanor subsequent to petitioner's acquittal on indecent exposure charge due to insanity, so as to require his continued confinement in mental institution did not violate Eighth Amendment or state constitution. *Matter of Big Cy Kolocotronis* (1983) 99 Wash.2d 147, 660 P.2d 731.

State's application of the former maximum sentence for indecent exposure, after such offense had been reduced from felony to misdemeanor subsequent to petitioner's acquittal on indecent exposure charge due to insanity, so as to require his continued confinement in mental institution did not deny petitioner equal protection, in view of fact that such procedures were justified by state's interest in providing treatment to the mentally ill and in protecting the public from dangerous individuals. *Matter of Big Cy Kolocotronis* (1983) 99 Wash.2d 147, 660 P.2d 731.

State's application of the former maximum sentence for indecent exposure, after such offense had been reduced from felony to misdemeanor subsequent to petitioner's acquittal on indecent exposure charge due to insanity, so as to require his continued confinement in mental institution was not a denial of procedural due process, in view of fact that the procedures contained in statutory provisions relating to the criminally insane included the full panoply of protections required by due process and petitioner

had taken advantage of them. *Matter of Big Cy Kolocotronis* (1983) 99 Wash.2d 147, 660 P.2d 731.

State's application of the former maximum sentence for indecent exposure, after such offense had been reduced from felony to misdemeanor subsequent to petitioner's acquittal on indecent exposure charge due to insanity, so as to require his continued confinement in mental institution did not deny petitioner substantive due process, in view of fact that his continued confinement was based on his continued dangerousness, as established by recent violent acts. *Matter of Big Cy Kolocotronis* (1983) 99 Wash.2d 147, 660 P.2d 731.

Section 9A.04.010, which stated in effect that statutory provisions relating to criminally insane were to apply to persons committed under prior law as being criminally insane and to any proceedings then pending or thereafter commenced unless it would not be in interest of justice or would be infeasible, did not indicate an intent that new maximum sentence, which went into effect when offense of public exposure was reduced from felony to misdemeanor, was to be retroactively applied in determining maximum period of commitment of person acquitted of such offense due to insanity; even if statute would have been applicable to his case, it would have been infeasible to require reevaluation of case under the new statutes. *Matter of Big Cy Kolocotronis* (1983) 99 Wash.2d 147, 660 P.2d 731.

Proof was insufficient to sustain conviction for public indecency when defendant lured two boys into the upstairs area of his garage and masturbated in front of them. *State v. Saylor* (1983) 36 Wash.App. 230, 673 P.2d 870.

Conduct forbidden by public indecency statute is "public conduct" and public, in that context, must refer to place. *State v. Saylor* (1983) 36 Wash.App. 230, 673 P.2d 870.

9A.88.020. Recodified as § 9A.44.110

9A.88.030. Prostitution

(1) A person is guilty of prostitution if such person engages or agrees or offers to engage in sexual conduct with another person in return for a fee.

30 Wash.App.

between defendant and an unlawful merely intended for defendant's and to request and to move on, and hence that police freedom until he their request. (1982) 31 Wash.

offensive language officers did not arrest him for here testimony did not disrupt or offend himself nor who gathered at to be incited to defendant's language risk of harm to be any breach of Montgomery (1982) 2d 747.

is executing a citation, issuing a citation necessarily "since postarrest of interrogatory arrest are person charged, unlawful, suspension would have to of essential element and a conviction would not stand. Wash.App. 452,

PROSTITUTION

(2) For purposes of this section, "sexual conduct" means "sexual intercourse" as defined in RCW 9A.44.010(1) or "sexual contact" as defined in RCW 9A.44.100(2).

(3) Prostitution is a misdemeanor.

Amended by Laws 1979, Ex.Sess., ch. 244, § 15, eff. July 1, 1979.

Effective date—Laws 1979, Ex.Sess., ch. 244: See § 9A.44.902.

#### Law Review Commentaries

Void-for-vagueness issue: judicial response 56 Wash.L.Rev. 131 (1980-81).

#### Notes of Decisions

Heterosexual genital intercourse was hard core of conduct within the phrase "sexual conduct," and thus statute providing that person was guilty of prostitution if such person engaged or agreed or offered to engage in sexual conduct with another person in return for fee was not unconstitutionally vague. *State v. Zuanich* (1979) 92 Wash.2d 61, 593 P.2d 1314.

Where defendant accepted police officer's offer for a "date" for a "fee" of \$60, and where, according to the officer, the term "date" in "street language" refers to an act of prostitution, the conduct of defendant fell squarely within the proscription of prostitution ordinance and analogous state prostitution statute. *City of Yakima v. Emmons* (1980) 25 Wash.App. 798, 609 P.2d 973.

While defendant argued that prostitution ordinance was so broad it could well be applied to a legitimate escort service or teenagers on a date, neither of these situations involves a specific agreement to engage in sexual intercourse in return for a fee, and in the absence of such a commercial arrangement, there is no violation of the ordinance. *City of Yakima v. Emmons* (1980) 25 Wash.App. 798, 609 P.2d 973.

Mere act of offering to engage in sexual intercourse for a consideration is a violation of the law; no overt act is required to complete the offense. *City of Yakima v. Emmons* (1980) 25 Wash.App. 798, 609 P.2d 973.

Prostitution ordinance, making it "unlawful for any person to engage in or offer or agree to engage in sexual conduct with another person in return for a fee," was not unconstitutionally vague, since there is a hard core of conduct—

heterosexual genital intercourse—which saves it from the infirmity of vagueness; nor was the ordinance unconstitutionally overboard, despite defendant's claim that it might infringe on First Amendment rights. *City of Yakima v. Emmons* (1980) 25 Wash.App. 798, 609 P.2d 973.

Speech directed toward persuading someone to enter into an illegal arrangement, i.e., prostitution, does not involve constitutionally protected speech. *City of Yakima v. Emmons* (1980) 25 Wash.App. 798, 609 P.2d 973.

There is nothing objectionable in making it a crime to agree to engage in act of sexual conduct even though one of parties may be physically incapable or mentally indisposed to fulfill the agreement. *City of Yakima v. Esqueda* (1980) 26 Wash.App. 347, 612 P.2d 821.

Where defendant, an avowed transsexual, had commercial purpose in agreeing to meet undercover agent after work and to engage in "sex" for \$150 in that defendant's remuneration from cocktail lounge for evening depended solely upon his selling drinks to customers such as agent, immunity would not extend to male defendant from prosecution for agreeing to commit act of prostitution simply because he was unable to fulfill the agreement. *City of Yakima v. Esqueda* (1980) 26 Wash.App. 347, 612 P.2d 821.

Ordinance proscribing agreeing to engage in prostitution should apply equally to men as well as women. *City of Yakima v. Esqueda* (1980) 26 Wash.App. 347, 612 P.2d 821.

Since state's use of defendant's prior prostitution convictions to prove her intent to commit prostitution loitering for which she was charged was collateral, state had no burden of proving that her prior convictions were constitutionally valid. *State v. Brown* (1981) 30 Wash.App. 344, 633 P.2d 1351.

In prosecution for prostitution loitering under city ordinance, evidence was sufficient to support conviction. *State v. Brown* (1981) 30 Wash.App. 344, 633 P.2d 1351.

Evidence of a prior prostitution conviction is a circumstance which may tend to prove purpose or intent in a prostitution loitering case. *State v. Brown* (1981) 30 Wash.App. 344, 633 P.2d 1351.

This section governing promotion of prostitution proscribes engaging in conduct designed to aid act of prostitution, that is, sexual conduct with another in return for a fee, whereas child pornography statute (§ 9.68A.010 et seq.) is designed to prevent photographing or displaying sexually explicit conduct by minors, and either statute is "general" statute; therefore, prosecutor did not abuse her discretion in charging defendant with promoting prostitution in first degree, which was warranted by available evidence. *State v. Shuck* (1983) 34 Wash.App. 456, 661 P.2d 1020.

Municipal ordinance making a person guilty of prostitution loitering if he or she remained in a public place and intentionally solicited, induced, enticed, or procured another to commit prostitution was not unconstitutional on its face for overbreadth or vagueness. *State v.*

VJW (1984) 37 V 1068.

Municipal ordinance prohibiting prostitution loitering process as improper as it requires defendant's presence or status, hence, did not constitute a shift burden to VJW (1984) 37 V 1068.

Municipal ordinance repeatedly stopping motor vehicle with gesture to be cited whether a person was inducing, another to commit prostitution was not unconstitutional that it specifically prohibited prostitution and what conduct was prohibited. VJW (1984) 37 V 1068.

#### 9A.88.060. Promoting prostitution—Definitions

##### Notes of Decisions

Words "agreement or understanding" in this section defining when person profits from prostitution were not open to attack as being unconstitutionally vague. *State v. Yancy* (1979) 92 Wash.2d 153, 594 P.2d 1342.

Section 9A.88.070 providing punishment for offense of promoting prostitution was not overbroad as infringing upon First Amendment freedoms. *State v. Yancy* (1979) 92 Wash.2d 153, 594 P.2d 1342.

Section 9A.88.070 providing punishment for promotion of prostitution was not aimed only at large commercial enterprises but was applicable to defendant, an assertedly amateur promoter. *State v. Yancy* (1979) 92 Wash.2d 153, 594 P.2d 1342.

Speech toward the persuasion of another to enter into an illegal arrangement does not enjoy constitutional protection. *State v. Cann* (1979) 92 Wash.2d 193, 595 P.2d 912.

Clause defining term "advances prostitution," within this section proscribing conduct promoting prostitution, is not

unconstitutional (1979) 92 Wash.

This section provides that person advances prostitution in any other context, aid, or facilitation of prostitution, or invitation to initial prostitution. *State v. Cann* (1979) 92 Wash.2d 193, 595 P.2d 912.

Under this section, person advances prostitution in any context, aid, or facilitation of prostitution, or invitation to initial prostitution. *State v. Cann* (1979) 92 Wash.2d 193, 595 P.2d 912.

Since this section provides that person advances prostitution in any context, aid, or facilitation of prostitution, or invitation to initial prostitution, prosecutor should not be held liable for overbreadth. *State v. Cann* (1979) 92 Wash.2d 193, 595 P.2d 912.

PUBLIC INDECENCY

9A.88.060

State v Thuna (1910) 59 Wn 689, 109 P 331, 111 P 768, 140 Am St Rep 902.

Law gives to woman who carries on indiscriminate illicit sexual relations with men designation of common prostitute, and whether she is such at any given time depends on course of her conduct. State v Chemeres (1944) '20 Wn 2d 712, 147 P2d 815.

In prosecution of female "for purpose of prostitution or sexual intercourse," evidence that third person had sexual intercourse with female subsequent to her abduction, together with evidence of defendant's acquiescence and apparent consent to such conduct, is relevant to issue of defendant's purpose or motive for the abduction. State v Humburgs (1970) 3 Wn App 31, 472 P2d 416.

**9A.88.050** Prostitution—Sex of parties immaterial—No defense. In any prosecution for 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) Such persons were of the same sex; or
- (2) The person who received, agreed to receive, or solicited a fee was a male and the person who paid or agreed or offered to pay such fee was female.

LEGISLATIVE HISTORY

Enacted Laws 1st Ex Sess 1975 ch 260 § 9A.88.050.

COLLATERAL REFERENCES

63 Am Jur 2d Prostitution § 1.

NOTES OF DECISIONS

Term "every person" in statute includes females as well as males. State v Kelly (1918) 102 Wn 265, 172 P 1175.

**9A.88.060** Promoting prostitution—Definitions. The following definitions are applicable in RCW 9A.88.070 through 9A.88.090:

- (1) "Advances prostitution." A person "advances prostitution" if, acting other than as a prostitute or as a customer thereof, he causes or aids a person to commit or engage in prostitution, procures or solicits customers for prostitution, provides persons or premises for prostitution purposes, operates or assists in the operation of a house of prostitution or a prostitution enterprise, or engages in any other conduct designed to institute, aid, or facilitate an act or enterprise of prostitution.

## 9.68A.060

U.S.—18 U.S.C.A. § 2252.  
Utah—U.C.A.1953, 76-10-1206.5(3).  
Va.—Code 1950, § 18.2-374.1.

## CRIMES AND PUNISHMENTS

W.Va.—Code, 61-8C-3.  
Wis.—W.S.A. 940.203(4).  
Wyo.—W.S.1977, § 14-3-102.

### 9.68A.070. Possession of depictions of minor engaged in sexually explicit conduct

(1) A person who knowingly possesses visual or printed matter depicting a minor engaged in sexually explicit conduct is guilty of a gross misdemeanor.

(2) As used in this section, "minor" means a person under sixteen years of age.

Added by Laws 1984, ch. 262, § 6.

### 9.68A.080. Processors of depictions of minor engaged in sexually explicit conduct—Report required

(1) A person who, in the course of processing or producing visual or printed matter either privately or commercially, has reasonable cause to believe that the visual or printed matter submitted for processing or producing depicts a minor engaged in sexually explicit conduct shall immediately report such incident, or cause a report to be made, to the proper law enforcement agency. Persons failing to do so are guilty of a gross misdemeanor.

(2) As used in this section, "minor" means a person under sixteen years of age.

Added by Laws 1984, ch. 262, § 7.

### 9.68A.090. Communication with minor for immoral purposes

(1) A person who communicates with a minor for immoral purposes is guilty of a gross misdemeanor, unless that person has previously been convicted of a felony sexual offense under chapter 9.68A, 9A.44, or 9A.64 RCW or of any other felony sexual offense in this or any other state, in which case the person is guilty of a class C felony punishable under chapter 9A.20 RCW.

(2) As used in this section, "minor" means a person under sixteen years of age.

Added by Laws 1984, ch. 262, § 8.

### 9.68A.100. Patronizing juvenile prostitute

(1) A person is guilty of patronizing a juvenile prostitute if that person engages or agrees or offers to engage in sexual conduct with a minor in return for a fee, and is guilty of a class C felony punishable under chapter 9A.20 RCW.

(2) As used in this section, "minor" means a person under eighteen years of age.

Added by Laws 1984, ch. 262, § 9.

### 9.68A.110. Certain defenses barred, permitted

(1) In a prosecution under RCW 9.68A.040, it is not a defense that the defendant was involved in activities of law enforcement and prosecution agencies in the investigation and prosecution of criminal offenses. Law

## CRIMES AND PUNISHMENTS

enforcement and prosecution agencies shall not employ r investigation of a violation of RCW 9.68A.090 or 9.68A. does not apply to individual case treatment in a recogniz or individual case treatment by a psychiatrist or psy under Title 18 RCW, or to lawful conduct between spou

(2) In a prosecution under RCW 9.68A.050, 9.68A. 9.68A.080, it is not a defense that the defendant did not the child depicted in the visual or printed matter: *Pro* defense, which the defendant must prove by a prej evidence, that at the time of the offense the defen possession of any facts on the basis of which he or she have known that the person depicted was a minor.

(3) In a prosecution under RCW 9.68A.040 or 9.68 defense that the defendant did not know the alleged vic ed, That it is a defense, which the defendant must proe ance of the evidence, that at the time of the offer reasonably believed the alleged victim to be at least eig based on declarations by the alleged victim.

(4) In a prosecution under RCW 9.68A.050, 9.68A.060 not a defense that the defendant did not know the al *Provided*, That it is a defense, which the defendant preponderance of the evidence, that at the time of the c ant reasonably believed the alleged victim to be at lea age based on declarations by the alleged victim.

(5) In a prosecution under RCW 9.68A.050, 9.68A.060 state is not required to establish the identity of the all

Added by Laws 1984, ch. 262, § 10.

#### Source:

Laws 1980, ch. 53, §§ 2, 3.  
Former §§ 9.68A.020, 9.68A.030.

### 9.68A.120. Seizure and forfeiture of property

The following are subject to seizure and forfeiture:

(1) All visual or printed matter that depicts a minor explicit conduct.

(2) All raw materials, equipment, and other tangible p any kind used or intended to be used to manufacture o or printed matter that depicts a minor engaged in sexu; and all conveyances, including aircraft, vehicles, or vess intended for use to transport, or in any manner to facil tion of, visual or printed matter in violation of 9.68A.060, but:

(a) No conveyance used by any person as a com transaction of business as a common carrier is subject this section unless it appears that the owner or other the conveyance is a consenting party or privy to a viol

(b) No property is subject to forfeiture under this any act or omission established by the owner of the pr committed or omitted without the owner's knowledge

9.92.010

CRIMES AND PUNISHMENTS

9.92.010. Punishment of felony when not fixed by statute

Every person convicted of a felony for which no punishment is specially prescribed by any statutory provision in force at the time of conviction and sentence, shall be punished by confinement or fine which shall not exceed confinement in a state correctional institution for a term of ten years, or by a fine in an amount fixed by the court of not more than twenty thousand dollars, or by both such confinement and fine.

Amended by Laws 1982, 1st Ex.Sess., ch. 47, § 5.

Severability—Laws 1982, 1st Ex. Sess., ch. 47: See Historical Note following § 9.41.190.

United States Supreme Court

Lesser sentence upon plea of guilty constitutionally permissible, see Corbitt v. New Jersey (1978) 99 S.Ct. 492, 439 U.S. 212, 58 L.Ed.2d 466.

Notes of Decisions

When a sentence has been imposed for which there is no authority in law trial court has the power and the duty to correct the erroneous sentence, when the error is discovered. Petition of Carle (1980) 93 Wash.2d 31, 604 P.2d 1293.

Proper penalty under § 72.65.070, making it a crime to willfully fail to return to work release program, would be that provided by this section, applicable when specific penalty provision is

absent. State v. Danforth (1982) 97 Wash.2d 255, 643 P.2d 882.

Trial court acts in excess of its jurisdiction if it imposes a sentence contrary to law, and such an issue relating to the trial court's jurisdiction may be raised for the first time on appeal. State v. Silvermail (1980) 25 Wash.App. 185, 605 P.2d 1279, certiorari denied 449 U.S. 843, 66 L.Ed.2d 51, 101 S.Ct. 124, rehearing denied 449 U.S. 1026, 66 L.Ed.2d 488, 101 S.Ct. 596.

Prisoner has no substantive right to sentence of shorter duration than maximum allowed by statute. Matter of Bonds (1980) 26 Wash.App. 526, 613 P.2d 1196.

Legislature may provide for civil and criminal penalties in the same act without converting a civil proceeding thereunder into a criminal or penal one. Zahradnik v. State, Dept. of Licensing (1982) 31 Wash.App. 771, 644 P.2d 742.

9.92.020. Punishment of gross misdemeanor when not fixed by statute

Every person convicted of a gross misdemeanor for which no punishment is prescribed in any statute in force at the time of conviction and sentence, shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than five thousand dollars, or by both such imprisonment and fine.

Amended by Laws 1982, 1st Ex.Sess., ch. 47, § 6.

Severability—Laws 1982, 1st Ex. Sess., ch. 47: See Historical Note following § 9.41.190.

9.92.030. Punishment of misdemeanor when not fixed by statute

Every person convicted of a misdemeanor for which no punishment is prescribed by any statute in force at the time of conviction and sentence, shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than ninety days, or by a fine in an amount fixed by the court of not more than one thousand dollars or both such imprisonment and fine.

Amended by Laws 1982, 1st Ex.Sess., ch. 47, § 7.

CRIMES AND PUNISHMENTS

Severability—Laws 1982, 1st Ex. Sess., ch. 47: See Historical Note following § 9.41.190.

9.92.050. Commitment to state reformatory

Application

This section is inapplicable to felonies committed July 1, 1984. See § 9.92.900.

9.92.060. Suspending sentences

Whenever any person shall be convicted of any crime, burglary in the first degree, arson in the first degree, knowledge of a female child under the age of ten years may in its discretion, at the time of imposing sentence direct that such sentence be stayed and suspended until by such court, and that the sentenced person be placed on parole or peace officer during the term of such suspension as the court may determine: Provided, That suspension of sentence, the court shall require the payment of assessment required by RCW 7.68.035; Provided, as a condition to suspension of sentence, the court may require the person to make such monetary payments, on such terms appropriate under the circumstances, as are necessary for any order of the court for the payment of family support restitution to any person or persons who may have suffered by reason of the commission of the crime in question or pleads guilty to a lesser offense or fewer offenses at prosecutor's recommendation that the offender be required to a victim of an offense or offenses which: (1) pursuant to a plea agreement, (2) to pay any fine suspended and the court or other costs incurred in the case, including reimbursement of the state for costs of extradition to this state by extradition was required, and (4) to contribute to or interlocal drug fund. In no case shall a sentence be suspended under the provisions of this section unless the person if sentenced in a penal institution be placed under the charge of a peace officer duly appointed and acting officer of the institution to supervise the sentenced: Provided, That persons convicted in justice under supervision of a probation officer employed for board of county commissioners of the county wherein the offense was committed. If restitution to the victim has been ordered under this section, the officer supervising the probationer shall make every effort to ascertain whether restitution has been made; if restitution has not been made, the officer shall inform the court of that violation of the terms of the suspended sentence within thirty months prior to the termination of the suspended sentence.

Amended by Laws 1979, ch. 29, § 1, eff. June 7, 1979; Laws 1981, ch. 4, eff. Jan. 1, 1983; Laws 1982, 1st Ex.Sess., ch. 47, § 8.

Application

This section is inapplicable to felonies committed July 1, 1984. See § 9.92.900.

**Punishment of felony when not fixed by statute**

Person convicted of a felony for which no punishment is specially provided by any statutory provision in force at the time of conviction shall be punished by confinement or fine which shall not exceed ninety days in a state correctional institution for a term of ten years, or by a fine of not more than twenty thousand dollars, or by both such confinement and fine.

Laws 1982, 1st Ex.Sess., ch. 47, § 5.  
Laws 1982, 1st Ex.Sess., ch. 47, § 5.  
Historical Note follows.

**Supreme Court**  
Appeal upon plea of guilty permissible, see Corbitt (1975) 99 S.Ct. 492, 439 P.2d 466.

**Right of Decision**  
If a sentence has been imposed for a crime, the authority in law trial court is to determine whether the sentence is proper and the duty to enforce it. Petition of Wash.2d 31, 604 P.2d 466.

Under § 72.65.070, if a person willfully fails to comply with a probation program, would this section, applicable to a penalty provision is

**Punishment of gross misdemeanor when not fixed by statute**

Person convicted of a gross misdemeanor for which no punishment is provided by any statute in force at the time of conviction and sentence shall be punished by imprisonment in the county jail for a maximum term of not more than one year, or by a fine in an amount of not more than five thousand dollars, or by both such imprisonment and fine.

Laws 1982, 1st Ex.Sess., ch. 47, § 6.

Laws 1982, 1st Ex.Sess., ch. 47, § 6.  
Historical Note follows.

**Punishment of misdemeanor when not fixed by statute**

Person convicted of a misdemeanor for which no punishment is provided by any statute in force at the time of conviction and sentence shall be punished by imprisonment in the county jail for a maximum term of not more than ninety days, or by a fine in an amount of not more than one thousand dollars or both such imprisonment and fine.

Laws 1982, 1st Ex.Sess., ch. 47, § 7.

Severability—Laws 1982, 1st Ex.Sess., ch. 47: See Historical Note following § 9.41.190.

**9.92.050. Commitment to state reformatory**

**Application**

*This section is inapplicable to felonies committed on or after July 1, 1984. See § 9.92.900.*

**9.92.060. Suspending sentences**

Whenever any person shall be convicted of any crime except murder, burglary in the first degree, arson in the first degree, robbery, carnal knowledge of a female child under the age of ten years, or rape, the court may in its discretion, at the time of imposing sentence upon such person, direct that such sentence be stayed and suspended until otherwise ordered by such court, and that the sentenced person be placed under the charge of a parole or peace officer during the term of such suspension, upon such terms as the court may determine: *Provided*, That as a condition to suspension of sentence, the court shall require the payment of the penalty assessment required by RCW 7.68.035; *Provided further*, That as a condition to suspension of sentence, the court may require the convicted person to make such monetary payments, on such terms as the court deems appropriate under the circumstances, as are necessary (1) to comply with any order of the court for the payment of family support, (2) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement, (3) to pay any fine imposed and not suspended and the court or other costs incurred in the prosecution of the case, including reimbursement of the state for costs of extradition if return to this state by extradition was required, and (4) to contribute to a county or interlocal drug fund. In no case shall a sentence be suspended under the provisions of this section unless the person if sentenced to confinement in a penal institution be placed under the charge of a parole officer, who is a duly appointed and acting officer of the institution to which the person is sentenced: *Provided*, That persons convicted in justice court may be placed under supervision of a probation officer employed for that purpose by the board of county commissioners of the county wherein the court is located. If restitution to the victim has been ordered under subsection (2) of this section, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made as ordered. If restitution has not been made, the officer shall inform the prosecutor of that violation of the terms of the suspended sentence not less than three months prior to the termination of the suspended sentence.

Amended by Laws 1979, ch. 29, § 1, eff. June 7, 1979; Laws 1982, 1st Ex.Sess., ch. 8, § 4, eff. Jan. 1, 1983; Laws 1982, 1st Ex.Sess., ch. 47, § 8.

**Application**

*This section is inapplicable to felonies committed on or after July 1, 1984. See § 9.92.900.*

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ALR and C.J.S. references. — Power of municipality to require Sunday closing, 29 ALR 407, 420; 37 ALR 575.

Validity, construction and application of statute or ordinance requiring closing,

during certain hours, of place where intoxicating liquor is sold, as affected by fact that such places are also used for other business, 139 ALR 756.

48 C.J.S. Intoxicating Liquors § 207.

**Sec. 04.16.020. Solicitation of alcoholic beverages.** (a) A person may not pay or receive from another a salary, percentage or commission to solicit or encourage a patron of licensed premises to purchase alcoholic or other beverages for consumption by a person other than the patron.

(b) A licensee, his agent, or employee may not knowingly permit a person to loiter within or about premises licensed under this title for the purpose of begging or soliciting a patron or visitor to purchase alcoholic or other beverages for the person who is begging or soliciting. (§ 3 ch 131 SLA 1980)

Former law construed. — See Alaska Alcoholic Beverage Control Bd. v. Malcolm, Inc., Sup. Ct. Op. No. 208 (File No. 363), 391 P.2d 441 (1964).

Am. Jur. 2d and C.J.S. references. — 45 Am. Jur. 2d Intoxicating Liquor §§ 297, 298.

48 C.J.S. Intoxicating Liquors § 267.

**Sec. 04.16.030. Sale or disposition of alcoholic beverages to drunken persons.** A licensee, his agent, or employee may not with criminal negligence

- (1) sell, give, or barter alcoholic beverages to a drunken person;
- (2) allow another person to sell, give, or barter an alcoholic beverage to a drunken person within licensed premises;
- (3) allow a drunken person to enter and remain within licensed premises or to consume an alcoholic beverage within licensed premises;
- (4) permit a drunken person to sell or serve alcoholic beverages. (§ 3 ch 131 SLA 1980)

Am. Jur. 2d and C.J.S. references. — 45 Am. Jur. 2d Intoxicating Liquors §§ 265, 266.

48 C.J.S. Intoxicating Liquors §§ 257, 258.

**Sec. 04.16.040. Access of drunken persons to licensed premises.** A drunken person may not knowingly enter or remain on premises licensed under this title. (§ 3 ch 131 SLA 1980)

**Sec. 04.16.045. Obligation to enforce restrictions in licensed premises.** A licensee, his agent or employee may not permit the consumption of alcoholic beverage by any person within licensed premises unless it is permitted by the license. (§ 3 ch 131 SLA 1980)

Revisor's note. — This section was originally enacted as AS 04.16.041 but was renumbered by the revisor of statutes.

Cross reference. — As to responsibility of licensee for violations, see AS 04.16.150.

(6) "witness" means  
 (A) a witness summoned or appearing in an official proceeding; or  
 (B) a person who the defendant believes may be called as a witness in an official proceeding, present or future. (§ 6 ch 166 SLA 1978; am § 20 ch 12 SLA 1980)

**Cross references.** — For definition of terms used in this title, see AS 11.81.900; for additional definition of judicial officer, see AS 22.20.010.

**Effect of amendments.** — The 1980 amendment inserted "a judge of the court of appeals" following "the chief justice" near the middle of paragraph (2).

NOTES TO DECISIONS

Applied in *State v. Huggins*, Ct. App. Op. No. 127 (File Nos. 6535, 6595), P.2d (1982).

Chapter 60. Offenses Against Public Policy.

*Secs. 11.60.010 — 11.60.220. Lotteries; minors; opium dens; gambling; dangerous animals at large; vagrancy. [Repealed, § 21, ch 166, SLA 1978. For present law on gambling offenses, see AS 11.66.200 — 11.66.280; for present law on selling or giving of tobacco to minor, see AS 11.76.100.]*

*Sec. 11.60.225. [Renumbered as AS 44.09.015.]*

*Secs. 11.60.230 — 11.60.240. Full and equal accommodations, facilities, privileges. [Repealed, § 8, ch. 117, SLA 1965.]*

*Secs. 11.60.250 — 11.60.270. [Renumbered as AS 29.43.100 — 29.43.110.]*

*Sec. 11.60.280 — 11.60.320. [Renumbered as AS 42.20.300 — 42.20.340.]*

*Secs. 11.60.340 — 11.60.350. Conspiracy against rights; deprivation of rights under color of law. [Repealed, § 21, ch. 166, SLA 1978. For law on interference with constitutional rights, see AS 11.76.110.]*

Chapter 61. Offenses Against Public Order.

Article

1. Riot, Disorderly Conduct, and Related Offenses (§§ 11.61.100 — 11.61.150)
2. Weapons and Explosives (§§ 11.61.200 — 11.61.250)

Article 1. Riot, Disorderly Conduct, and Related Offenses.

Section  
100. Riot

Section  
110. Disorderly conduct

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- (b) Criminal possession of explosives is a
- (1) class A felony if the crime intended is murder in any degree or kidnapping;
  - (2) class B felony if the crime intended is a class A felony;
  - (3) class C felony if the crime intended is a class B felony;
  - (4) class A misdemeanor if the crime intended is a class C felony;
  - (5) class B misdemeanor if the crime intended is a class A or class B misdemeanor. (§ 7 ch 166 SLA 1978)

**Collateral references.** — 31 Am. Jur. Possession of bomb, molotov cocktail, or  
2d, Explosions and Explosives, similar device as criminal offense, 42  
§§ 121-130. ALR3d 1230.  
35 C.J.S., Explosives, § 12.

**Sec. 11.61.250. Unlawful furnishing of explosives.** (a) A person commits the crime of unlawful furnishing of explosives if the person furnishes an explosive substance or device to another knowing that the other intends to use the substance or device to commit a crime.

(b) Unlawful furnishing of explosives is a class C felony. (§ 7 ch 166 SLA 1978)

## Chapter 65. Offenses Against Public Convenience.

*Secs. 11.65.010 — 11.65.020. [Renumbered as AS 30.50.020 and 30.50.010.]*

*Sec. 11.65.030. Tampering with posted notices. [Repealed, § 21, ch. 166, SLA 1978.]*

## Chapter 66. Offenses Against Public Health and Decency.

### Article

1. Prostitution and Related Offenses (§§ 11.66.100 — 11.66.150)
2. Gambling Offenses (§§ 11.66.200 — 11.66.280)

### Article 1. Prostitution and Related Offenses.

Section	Section
100. Prostitution	130. Promoting prostitution in the third degree
110. Promoting prostitution in the first degree	140. Corroboration of certain testimony not required
120. Promoting prostitution in the second degree	150. Definitions

## NOTES TO DECISIONS

**Municipal ordinances not prohibited.** — The enactment of this article does not prohibit municipal ordinances penalizing the solicitation of prostitutes by putative customers. Municipality of Anchorage v. Afualo, Ct. App. Op. No. 213 (File Nos. 7094, 7095), 657 P.2d 407 (1983).

There is nothing in this article which

would support an inference that the legislature sought to encourage men to patronize prostitutes nor is there any indication in this article that the legislature sought statewide uniformity in regulating commercial sexual relations. Municipality of Anchorage v. Afualo, Ct. App. Op. No. 213 (File Nos. 7094, 7095), 657 P.2d 407 (1983).

**Collateral references.** — 63 Am. Jur. 2d, Prostitution, § 1 et seq.

27 C.J.S., Disorderly Houses, § 1 et seq.; 73 C.J.S., Prostitution, § 1 et seq.

Constitutionality and construction of pandering acts, 74 ALR 311.

Validity and construction of statute or ordinance proscribing solicitation for purposes of prostitution, lewdness, or assignation — modern cases, 77 ALR3d 519.

**Sec. 11.66.100. Prostitution.** (a) A person commits the crime of prostitution if the person engages in or agrees or offers to engage in sexual conduct in return for a fee.

(b) Prostitution is a class B misdemeanor. (§ 8 ch 166 SLA 1978)

## NOTES TO DECISIONS

**Common law.** — The keeping of a bawdyhouse was a misdemeanor at common law, whereas fornication and prostitution were not. Eleazar v. United States, 10 Alaska 561, 241 F.2d 385 (9th Cir. 1956), decided under former AS 11.40.220.

This section is not irreconcilable with a municipal ordinance prohibiting the solicitation of prostitutes by putative customers. Municipality of Anchorage v. Afualo, Ct. App. Op. No. 213 (File Nos. 7094, 7095), 657 P.2d 407 (1983).

Actual payment of a fee is not required; an act of prostitution is com-

plete when an offer is extended or an agreement made to engage in sexual conduct in return for a fee. Garibay v. State, Ct. App. Op. No. 221 (File No. 6246), 658 P.2d 1350 (1983).

**Proof.** — Customer's testimony that he agreed to purchase sexual favors for sum of \$200, his testimony that he charged the purchase price using his VISA card, and the VISA charge slip itself, were all highly probative of whether an agreement or offer to engage in sexual conduct in return for a fee was in fact made. Garibay v. State, Ct. App. Op. No. 221 (File No. 6246), 658 P.2d 1350 (1983).

**Collateral references.** — Prostitution as vagrancy, 14 ALR 1501.

Entrapment to procure women for

immoral purposes, 18 ALR 186; 66 ALR 478; 86 ALR 263.

**Sec. 11.66.110. Promoting prostitution in the first degree.** (a) A person commits the crime of promoting prostitution in the first degree if the person

(1) induces or causes a person to engage in prostitution through the use of force;

(2) as other than a patron of a prostitute, induces or causes a person under 16 years of age to engage in prostitution; or

(3) induces or causes a person in that person's legal custody to engage in prostitution.

(b) In a prosecution under (a)(2) of this section, it is not a defense that the defendant reasonably believed that the person induced or caused to engage in prostitution was 16 years of age or older.

(c) Except as provided in (d) of this section, promoting prostitution in the first degree is a class B felony.

(d) A person convicted under (a)(2) of this section is guilty of a class A felony. (§ 8 ch 166 SLA 1978; am §§ 1, 2 ch 50 SLA 1983)

Effect of amendments. — The 1983 amendment added "Except as provided in (d) of this section" to the beginning of subsection (c) and added subsection (d).

NOTES TO DECISIONS

For case construing former statute prohibiting importing or exporting females for immoral purposes, see State v. Adkerson, Sup. Ct. Op. No. 294 (File No. 520), 403 P.2d 673 (1965).

For case construing former procurement statute, see Johnson v. State, Sup. Ct. Op. No. 832 (File No. 1338), 501 P.2d 762 (1972).

Sentence for procurement upheld. — See Price v. State, Sup. Ct. Op. No. 1450 (File No. 2794), 565 P.2d 858 (1977).

For case construing former statute concerning necessary evidence for prostitution or seduction, see Johnson v. State, Sup. Ct. Op. No. 832 (File No. 1338), 501 P.2d 762 (1972).

Collateral references. — Transporting female for purpose of prostitution, 74 ALR 330.

Woman conniving or consenting to own transportation, 84 ALR 376.

**Sec. 11.66.120. Promoting prostitution in the second degree.**  
 (a) A person commits the crime of promoting prostitution in the second degree if the person

(1) manages, supervises, controls, or owns, either alone or in association with others, a prostitution enterprise other than a place of prostitution; or

(2) procures or solicits a patron for a prostitute.

(b) Promoting prostitution in the second degree is a class C felony. (§ 8 ch 166 SLA 1978)

NOTES TO DECISIONS

For case construing former statute prohibiting soliciting or procuring for purpose of prostitution, see *Plas v. State*, Sup. Ct. Op. No. 1904 (File Nos. 3529, 3530), 598 P.2d 966 (1979).

Instruction. — Trial court did not err in

refusing to give instruction requiring state to prove that prostitution enterprise involved in case was of an ongoing nature. *Garibay v. State*, Ct. App. Op. No. 221 (File No. 6246), 658 P.2d 1350 (1983).

Collateral references. — Separate acts of taking earnings of or support from pros-

titute as separate or continuing offenses of pimping, 3 ALR4th 1195.

**Sec. 11.66.130. Promoting prostitution in the third degree. (a)**  
A person commits the crime of promoting prostitution in the third degree if, with intent to promote prostitution, the person

(1) manages, supervises, controls, or owns, either alone or in association with others, a place of prostitution;

(2) as other than a patron of a prostitute, induces or causes a person 16 years of age or older to engage in prostitution;

(3) as other than a prostitute receiving compensation for personally rendered prostitution services, receives or agrees to receive money or other property pursuant to an agreement or understanding that the money or other property is derived from prostitution; or

(4) engages in conduct that institutes, aids, or facilitates a prostitution enterprise.

(b) Promoting prostitution in the third degree is a class A misdemeanor. (§ 8 ch 166 SLA 1973)

NOTES TO DECISIONS

Editor's notes. — The cases cited in the notes below were decided under former AS 11.40.260, 11.40.300, 11.40.330, 11.40.410, and 11.40.420.

Common law. — The keeping of a bawdyhouse was a misdemeanor at common law. *Eleazar v. United States*, 16 Alaska 561, 241 F.2d 385 (9th Cir. 1956).

Lessor may be guilty as keeper. — If a man leases his house to a woman to be kept as a bawdyhouse for purposes of prostitution, and it is kept for such purposes, with his knowledge, he is guilty as keeper. *Rosencranz v. United States*, 155 F. 38 (9th Cir. 1907).

As well as agent of lessor. — The agent of an owner, who rents a house knowing that it is to be used as a house of prostitution, and that it is so used, may be found guilty as a keeper. *Rosencranz v.*

*United States*, 155 F. 38 (9th Cir. 1907).

For case construing former statute prohibiting employment in a house of prostitution or living on the earnings of a prostitute, see *Johnson v. State*, Sup. Ct. Op. No. 832 (File No. 1338), 501 P.2d 762 (1972).

For case construing former statute prohibiting importing or exporting females for immoral purposes, see *State v. Adkerson*, Sup. Ct. Op. No. 294 (File No. 520), 403 P.2d 673 (1965).

For case construing former statute prohibiting pimping, see *Johnson v. United States*, 260 F. 783 (9th Cir. 1919).

For case construing former statute prohibiting a male's living with or on the earnings of a prostitute, see *Dunn v. State*, Sup. Ct. Op. No. 409 (File No. 735), 426 P.2d 993 (1967).

**Collateral references.** — 27 C.J.S., Disorderly Houses, §§ 1 to 18, 73 C.J.S., Prostitution, §§ 6, 7.

Constitutionality of statute conferring on chancery court power to abate bawdyhouses as nuisances, 5 ALR 1474; 22 ALR 542; 75 ALR 1296.

Number of females who reside in house or resort thereto for immoral purposes as

affecting disorderly character thereof, 12 ALR 529.

Entrapment to commit offense as to house of prostitution or as to pandering, 52 ALR2d 1194.

Construction of provision of pandering statute as to placing a female in charge or custody of another 54 ALR2d 1178.

**Sec. 11.66.140. Corroboration of certain testimony not required.** In a prosecution under AS 11.66.110 — 11.66.130, it is not necessary that the testimony of the person whose prostitution is alleged to have been compelled or promoted be corroborated by the testimony of any other witness or by documentary or other types of evidence. (§ 8 ch 166 SLA 1978).

**NOTES TO DECISIONS**

For case construing former rule as to corroboration of prostitute's testimony, see *Johnson v. State*, Sup. Ct. Op. No. 832 (File No. 1338), 501 P.2d 762 (1972).

For cases construing former statute

providing that common fame was competent evidence in a prosecution for keeping a bawdyhouse, see *Botts v. United States*, 155 F. 50 (9th Cir. 1907); *Hall v. United States*, 155 F. 52 (9th Cir. 1907).

**Sec. 11.66.150. Definitions.** In AS 11.66.100 — 11.66.150, unless the context requires otherwise,

(1) "place of prostitution" means any place where a person engages in sexual conduct in return for a fee;

(2) "prostitution enterprise" means an arrangement in which two or more persons are organized to render sexual conduct in return for a fee;

(3) "sexual conduct" means genital or anal intercourse, cunnilingus, fellatio, or masturbation of one person by another person. (§ 8 ch 166 SLA 1978)

**Cross references.** — For definition of terms used in this title, see AS 11.81.900.

**Article 2. Gambling Offenses.**

**Section**

- 200. Gambling
- 210. Promoting gambling in the first degree
- 220. Promoting gambling in the second degree
- 230. Possession of gambling records in the first degree

**Section**

- 240. Possession of gambling records in the second degree
- 250. Affirmative defenses
- 260. Possession of a gambling device
- 270. Forfeiture
- 280. Definitions

like other property, is subject to escheatment. In essence the result is the same as where, in the case of an administered estate, the probate court requires the deposit to be delivered to the administra-

tor, and ultimately, upon a finding of no heirs, turns it over to the state. *Territory of Alas. v. First Nat'l Bank*, 22 F.2d 377 (9th Cir. 1927).

**Sec. 09.50.150. Escheat of money or property of defunct organizations or corporations.** When an organization or corporation becomes defunct and leaves money or property belonging to it, and no person institutes a proceeding to have the money or property distributed within four years after the organization becomes defunct, the money or property escheats to the state and shall be delivered to the commissioner of revenue. If the person in possession of the money or property refuses to deliver it to the state, the attorney general shall bring an action to recover the money or property for the state. (§ 14.09 ch 101 SLA 1962)

**Sec. 09.50.160. Recovery by claimant of money or property of defunct organizations or corporations.** A person having a claim or interest in money or property of a defunct organization or corporation may bring an action for recovery of escheated money or property only within seven years after the corporation or organization becomes defunct. (§ 14.10 ch 101 SLA 1962)

### Article 3. Abatement of Lewd Houses

Section	Section
170. Abatement of places used for immoral act	210. Order of abatement
180. Injunction	220. Proceeds of sale
190. Dismissal	230. Release of premises to owner
200. Contempt proceeding	240. Fine for contempt as lien on premises

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Collateral references. — 24 Am. Jur. 2d, Disorderly Houses, §§ 23 — 36. 66 C.J.S., Nuisances, §§ 45, 77, 102 — 169.

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**Sec. 09.50.170. Abatement of places used for immoral act.** A person who erects, establishes, continues, maintains, uses, owns, or leases a building, structure, or other place used for the purposes of lewdness, assignation, or prostitution or any other immoral act is guilty of maintaining a nuisance, and the building, structure, or place, or the ground itself in or upon which or in any part of which the lewdness, assignation, or prostitution is conducted, permitted, or carried on, continues or exists, and the furniture, fixtures, and other contents constitute a nuisance and may be enjoined and abated. (§ 20.01 ch 101 SLA 1962)

## NOTES TO DECISIONS

A bawdyhouse is a nuisance per se, and it is also a public nuisance. *Snyder v. Kelter*, 4 Alaska 447 (1912).

A bawdyhouse is not a "house" within the meaning of the 4th amendment of the United States Constitution. *United States v. Ashworth*, 7 Alaska 64 (1923).

The intention of the legislature, as disclosed by this article, was to suppress houses of lewdness and prostitution, and to prevent persons from maintaining or conducting such houses, either at the place where they were being maintained or at any other place throughout the judicial division; also to abate the nuisance then existing, by closing up the same for the period of one year. *Territory of Alas. v. House No. 24*, 7 Alaska 611 (1927).

Article provides for injunction against maintaining nuisance and for abatement of building. — From a con-

sideration of this article, it is apparent that it has a twofold application, namely, a personal injunction against setting up, maintaining, or conducting a nuisance of the character described, the injunction operating in futura, and the abatement of the building where the prescribed nuisance is being carried on. *Territory of Alas. v. House No. 24*, 7 Alaska 611 (1927).

And court has no discretion but to issue injunction and order abatement.

— Where the evidence is clear that a house was maintained as a nuisance, there is no discretion in the court under this article but to issue the injunction, and also to order the abatement of the nuisance. *Territory of Alas. v. House No. 24*, 7 Alaska 611 (1927).

Testimony that house had a reputation as a house of prostitution is not sufficient. *United States v. Rex Hotel*, 8 Alaska 21 (1928).

**Sec. 09.50.180. Injunction.** When there is reason to believe that a nuisance as defined in AS 09.50.170 — 09.50.240 exists, the attorney general shall, or a citizen may bring an action to perpetually enjoin the nuisance, the person maintaining it, and the owner, lessee, or agent of the building or group upon which the nuisance exists. (§ 20.02 ch 101 SLA 1962)

**Cross references.** — For court rule on injunctions generally, see Civ. R. 65.

## NOTES TO DECISIONS

Legislature may authorize enjoining nuisance violating criminal statute. — It is within the authority of the legislature to enlarge the powers of an equity court by empowering it to enjoin the maintenance

of a nuisance, although the maintenance thereof may be a violation of a criminal statute. *Territory of Alas. v. House No. 24*, 7 Alaska 611 (1927).

**Sec. 09.50.190. Dismissal.** If the complaint is filed by a citizen, the action may be dismissed only upon approval of the attorney general and affidavit of the complainant and the complainant's attorney giving the reasons why the suit should be dismissed. The court may refuse to dismiss the suit and may direct the attorney general to prosecute the action. (§ 20.03 ch 101 SLA 1962)

**Sec. 09.50.200. Contempt proceeding.** If an injunction granted under the provisions of AS 09.50.170 — 09.50.240 is violated, the court may summarily try and punish the offender. A party found guilty of contempt under the provisions of AS 09.50.170 — 09.50.240 is pun-

ishable by a fine of not more than \$1,000, or by imprisonment for not less than three months nor more than six months, or by both. (§ 20.04 ch 101 SLA 1962)

**Cross references.** — For contempt procedures, see Civ. R. 90.

**Sec. 09.50.210. Order of abatement.** Upon judgment that a nuisance exists, an order of abatement shall be entered directing the removal from the building or place of the fixtures, furniture, and movable property used in the nuisance and their sale in the manner provided for the sale of chattels under execution. The order shall also direct the closing of the building or place against its use for any purpose for a period of one year unless sooner released. A person who breaks and enters or uses a building, structure or other place so directed to be closed is guilty of contempt and shall be punished for contempt as provided in AS 09.50.200. (§ 20.05 ch 101 SLA 1962)

**Sec. 09.50.220. Proceeds of sale.** (a) The proceeds of the sale of the contents shall be applied as follows:

- (1) to the payment of fees and costs of the removal and sale;
- (2) to payment of the allowances and costs of closing and keeping closed the buildings or places;
- (3) to the payment of plaintiff's costs;
- (4) to the payment of any balance remaining to the owner of the property sold.

(b) If the proceeds do not fully discharge all the costs, fees, and allowances, the premises may also be sold under execution issued upon the order of the court and the proceeds of the sale applied in like manner. However, the building or realty in which the nuisance is conducted or real estate on which it stands may not be subject to a lien, judgment, or costs unless the owner, or an agent or representative of the owner, has been duly served with process in the action and been given an opportunity to show good faith and to immediately abate the nuisance. (§ 20.06 ch 101 SLA 1962)

**Sec. 09.50.230. Release of premises to owner.** If the owner of the premises has not been guilty of a contempt in the proceedings, and appears and pays all costs, fees, and allowances which are a lien on the premises, and files a bond with sureties approved by the court in the full value of the property as determined by the court to the effect that the owner will abate the nuisance that exists at the building or place and prevent the nuisance from being established within a period of one year thereafter, the court may order the premises to be delivered to the owner and cancel the order of abatement. The lease of the property does not release it from a judgment, lien, penalty, or liability to which it may be subject by law. (§ 20.07 ch 101 SLA 1962)

**Sec. 09.50.240. Fine for contempt as lien on premises.** A fine imposed as punishment for contempt against the owner is a lien upon the premises to the extent of the interest of that person in the premises and is enforceable and collectible by execution issued by the order of the court. (§ 20.08 ch 101 SLA 1962)

#### Article 4. Claims Against State.

Section	Section
250. Actionable claims against the state	290. Judgment for plaintiff
270. Payment of judgment against the state	300. Compromise by attorney general

#### NOTES TO DECISIONS

Cited in *University of Alaska v. Geistauts*, Sup. Ct. Op. No. 2691 (File Nos. 6749, 6771), P.2d (1983).

**Collateral references.** — 72 Am. Jur. 2d, States, Territories, and Dependencies, §§ 87 — 89, 79 — 128.

81A C.J.S., States, §§ 174, 189, 194 — 202, 297 — 313.

Applicability of estoppel doctrine against state, 1 ALR2d 344.

Contributory negligence as defense to action by state, 1 ALR2d 827.

Tortious breach of contract as within consent by state to suit on contract, 1 ALR2d 864.

Denial of recovery for damage to property by negligence of governmental agents, on basis of immunity of state from suit without its consent, 2 ALR2d 694.

Declaratory relief with respect to unemployment compensation as suit against state, 14 ALR2d 835.

Liability for spread of fire purposely and lawfully kindled, 24 ALR2d 291.

Recovery of interest on claim against a governmental unit in absence of provision in contract or express statutory provision, 24 ALR2d 928.

Immunity of state or governmental unit or agency from liability for damages in tort in operating hospital, 25 ALR2d 203.

Tort liability for injury or damage resulting from insecticide and vermin eradication operations, 25 ALR2d 1057.

Tort liability in connection with destruction of weeds, 34 ALR2d 1210.

Governmental or proprietary nature of function, 40 ALR2d 927.

Liability for injury to property inflicted by wild animal, 57 ALR2d 255.

Maintainability of action where state owns an undivided interest in property, 59 ALR2d 937.

Liability for vehicle accident occurring because of accumulation of water on streets, 61 ALR2d 425.

Liability or indemnity insurance carried by governmental unit as affecting immunity from tort liability, 68 ALR2d 1437.

Liability of state, or its agency or board, for costs in civil action to which it is a party, 72 ALR2d 1379.

Liability of state for damages to successful plaintiff or relator in mandamus, 73 ALR2d 929.

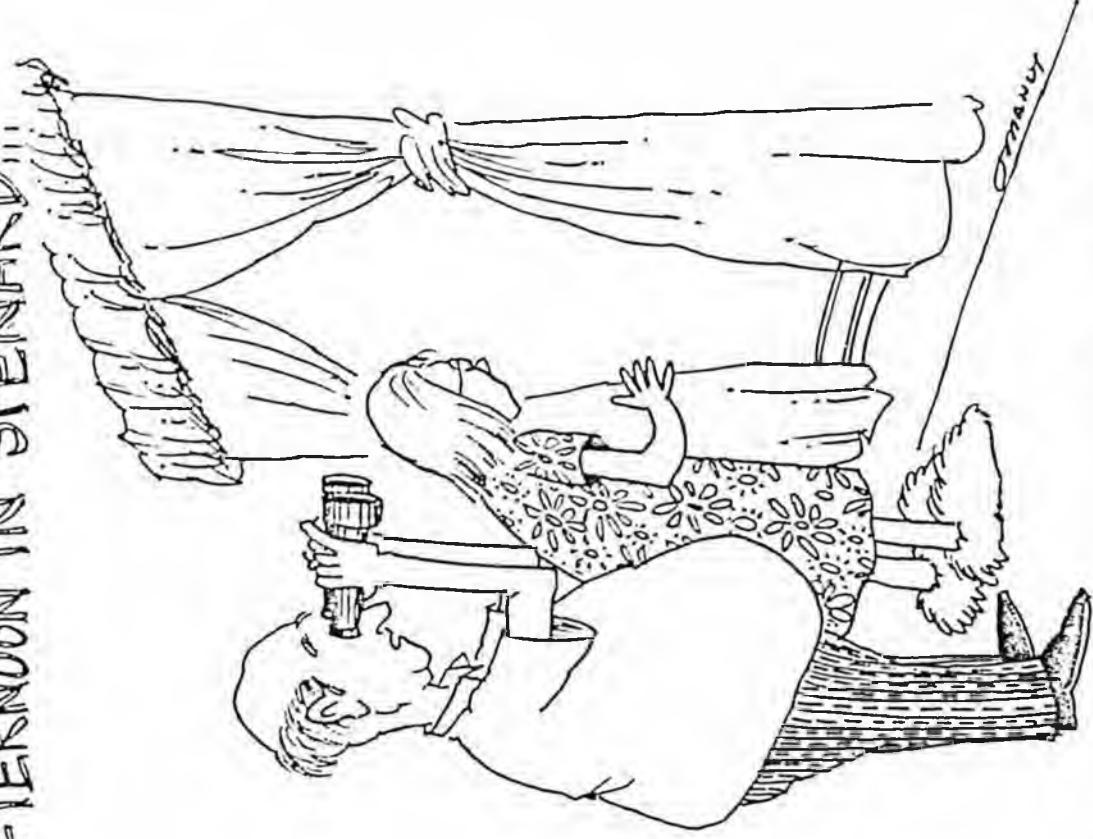
"Motor vehicle" or the like within statute waiving governmental immunity as to operation of such vehicle, 77 ALR2d 945.

Snow removal operations as within doctrine of governmental immunity from tort liability, 92 ALR2d 796.

Right of contractor with federal, state, or local public body to latter's immunity from tort liability, 9 ALR3d 382.

Attorney's mistake or neglect as excuse for failing to file timely notice of tort claim against state or local governmental unit, 55 ALR3d 930.

ONE AFTERNOON IN SPENARD...



I DON'T KNOW... CAN'T TELL. IT'S EITHER A BUNCH OF TEACHERS  
ON THEIR WAY TO PICKET MITCH ABOOD, OR A BUNCH OF  
HOOKERS ON THEIR WAY TO PICKET ROGER JENKINS!

# Hookers move to new turf

By LARRY CAMPBELL

Daily News reporter

Police efforts to rid downtown of streetwalkers have apparently just pushed the problem to Spenard Road, where prostitutes are plying their trade with a vigor not previously seen in the area, according to Spenard business owners.

From Firwood Lane to Church Way, observers say they see women waving, shouting and plying prospective customers in the evening hours. The complaints of businessmen along Spenard Road sound like those of downtown proprietors earlier this summer.

"I see them approaching cars, sometimes even standing out in the street, waving down boys," said Terry Yurashuk, part owner and manager of Spenard Davin's, a neighborhood nightclub. "It's a regular sideshow out there."

Spenard's problem is apparently the result of a police crackdown on downtown side-walk prostitution earlier this season, said Det. Smith, head of police investigations and commander of the department's General Investigative Unit. Officers of that unit conduct vice investigations and are most familiar with the city's prostitution problem.

"It appears that we've driven at least some of them out of downtown," said Smith. On Tuesday night, one of his investigators counted five known prostitutes in the central business district, down from the average of 35 women actively selling sex downtown, he said. While the location has changed, techniques apparently have not. In early July, two visitors to Anchorage reported being accosted by gangs of women downtown. The same technique is apparently being held in Spenard, said Nash Gomez, owner of Pancho's Villa, a Mexican restaurant at 31st Avenue and Spenard Road. "Last week I got off and went to my car," Gomez said. "I usually drive my old pickup, but that night I had my Continental."

## Spenard becomes new hangout for hookers

Continued from Page C-1

"A bunch of girls — maybe five or six — came around all at once, and started, you know, the same old lines: 'C'mon baby, wanna have a good time?' I think I'll stay with the pickup from now on."

Other Spenard business owners also report seeing women prowling the street in groups, a practice that apparently grew more widespread this summer. "These women nowadays are somethin' else, tough,"

said one Spenard nightclub bartender who asked to not be identified. "They're stronger than nine acres of garlic."

Police promise they'll pursue the streetwalkers no matter where they roam, Spith said. He added, however, that effective enforcement will require follow-through from city prosecutors and judges.

Smith said the women have told investigators they came to Anchorage in response to pressure in Lower 48 cities like Seattle, where judges are handing out 30-day sentences

on a second conviction. "That same sort of thing should probably be happening up here," Smith said. At least one Spenard businessman says he welcomes the addition to the road's variety of entertainment offerings.

"I must say that there are a lot better dressed people along Spenard Road now than there ever were before," said Mr. Whitekeys, owner of the Fly by Night club. "It's like a beautification program. It's great, and Lord knows we could use it."

# Influx of street walkers stirs protest downtown

By LARRY CAMPBELL

Daily News reporter

A skirmish in a smoldering battle between downtown merchants and prostitutes flared Friday evening when someone stretched a banner across a downtown street accusing Anchorage streetwalkers of having Acquired Immune Deficiency Syndrome.

The banner appeared across Eagle Street at Fifth Avenue about 9 p.m. Waving in the breeze about 25 feet above the street were the words, "These hookers have A.I.D.S.," and, in smaller print, "Hooker Street."

Nearby, a woman who gave the name Olivia Williams, scoffed at the sign.

"Of course I'm a prostitute. What else would I be doing standing here," Williams said. "But I don't have no AIDS."

When police arrived, Williams pointed them to Michael Barnes, owner of Barnes Security, as the man who erected the banner. Barnes denied to police having anything to do with the sign which was removed by police.

"I think it's funny as hell, though," Barnes told a reporter. "I think whoever did it was doing a community service."

"Look at them," he added, gesturing to what was now a small knot of women who, along with Williams, were pointing and laughing at the banner. "This corner is filthy with them."

Friday night was not Barnes' first encounter with the women regularly seen standing at the corner across from the Sheraton Anchorage Hotel. Last week, he said, he brought a bullhorn with a siren to the corner, hoping to draw attention and drive them away.

"They called the cops, and this officer told me they (the women) could have me arrested for hassling them," Barnes said. "They got rights, but what kind of rights do we have who work and live down here."

The number of women standing on downtown sidewalks routinely increases during the warm summer months, according to police patrol and vice officers. Downtown merchants say they are upset this year because their sidewalks and storefronts are especially crowded.

The problem has spread from the traditional Fourth Avenue bar areas to both Fourth and Fifth avenues and nearly their entire lengths through downtown, Barnes said, judging from what he sees while patrolling downtown private businesses.

Williams, who says she is a year-round regular in Anchorage, said she thinks the summer migration is no worse than other summers. Women who come from Outside, like Hawaii and California, tend to be more aggressive, she said.

July 3, 1985

Anchorage Daily News

# East side business owners take case against streetwalkers to city officials

By LARRY CAMPBELL  
Daily News reporter

During the time when most of the city's streetwalkers are off-duty, downtown business owners were on their feet, railing at city officials Tuesday morning about what those women do when playing their trade.

The problem of streetwalkers parading their wares on downtown sidewalks has never been worse, especially in the east section of downtown, men and women during a meeting at the Red Kum Motel Lodge on Fifth Avenue.

Mayor Tony Knowles and other city officials could offer few quick solutions to the problem after getting an earful about strong-arm robber-

ies, blatant sex-selling techniques and acts of vandalism allegedly committed by the women.

"They're waving down cars, swearing and leaving used condoms and other trash in front of our businesses," said Carl Rentschler, speaking for the East Anchorage Business and Property Owners Association. His insurance agency offices are at the corner of East Fifth Avenue and Eagle Street.

"When anyone calls the police, their pumps are tuned into the police frequencies on radios and they come around and pick the women up. By the time the police get there, they (officers) are asking us, 'What's the problem?'"

"The pimps and prostitutes

are in complete control," Rentschler said.

"This is the worst year in 30 years of business," said John Brown, general manager of the Lucky Wishbone restaurant at East Fifth Avenue and Juneau Street. "The prostitutes, the bums. They defecate on the floors in our restrooms, urinate out in the open in the parking lot. It's like there's no law against being animals in public."

"How come you can get all the 'ladies of the night' off the street when the governors come to town and no other time?" questioned Dave Yenbower, referring to the National Conference of Mayors last month. Yenbower said he attended the meeting as a concerned citizen, adding that

he was arrested two weeks ago by a group of about 20 women who took his wallet, only to return it when they found no money inside.

The anger from the business owners and operators was nearly a repeat of the same sentiments two years ago by their counterparts only a few blocks to the west. Then, a block of bars at Fourth Avenue and C Street and a downtown walk-in center for the homeless near Fourth and D Street brought complaints from businesses, in the Post Office and Sunshine malls and surrounding establishments.

Those bars and the walk-in center are gone now, for the most part bought up and dismantled by the city. Police

also have increased foot patrols in the area, and the Brother Francis Shelter and Bean's Cafe are now located at the far eastern end of Third Avenue.

In addition, when women are arrested on prostitution charges, court magistrates sometimes set curfew and geographic restrictions that bar them from the heart of downtown. All these actions have tended to drive streetwalkers, the homeless and others to the eastern fringe of the downtown business area, said city officials.

The problem also is intensified by more than the usual amount of women coming to Anchorage from Outside, say police and prostitutes who live year-round in Anchorage.

City Public Safety Commissioner John Franklin said police foot patrols are continuing. But he noted that when an officer arrests a street-walker or drunk, the arrest and required paper work can take that officer off the street for an hour or more. By that time, the person can be released on minimal or no bond with only a requirement to appear in court on the charges.

Police Chief Brian Porter added that his department's efforts are hampered by the judicial system, which had no representative at the Tuesday morning meeting.

"We can make the arrest. But if the seriousness isn't

See Page C-3. PROSTITUTES

Continued from Page C-1  
felt throughout the judicial system. It's not much good," Porter said, citing a recent incident in which a judge suspended his 120-day sentence of a woman charged with prostitution.

"That kind of thing is not going to solve the problem," Porter said.

Some businesspeople said nothing will happen until downtown business interests decide to attack the problem themselves.

"We had these talks last year and before that, but we never really got together and the problem's gotten worse," said Denny's Restaurants owner Ken Hume, representing the Downtown Anchorage Association. The restaurant is at East Second Avenue and Cordova Street.

"Unless we get away from here at East Second Avenue with some suggestions for a mayor, nothing will really happen," said Hume.

Prostitutes

# Hookers switch to theft

By LARRY CAMPBELL  
Daily News reporter

Some downtown street walkers have apparently chosen a hard sell technique laced with theft to make money, spurred, authorities believe, by a surplus of prostitutes this summer.

For the past two weeks, an increasing number of men walking or driving around the east downtown area of Anchorage have become targets of ambush tactics by groups of women who slip their hands into victims' pockets for cash.

It's a technique unusual for Anchorage, and is prevalent this summer because of the larger than usual number of prostitutes plying their trade here, according to police and city prosecutors.

"For whatever reason, there are more girls out there, and competition is tight," said Capt. Del Smith, chief of police investigations. "When you have a situation like that, the robberies and thefts are always going to go up."

One of the attacks took place early Friday morning against two Oregon men driving downtown. While stopped at a stop sign at East Fifth Avenue and Eagle Street, Bud Howard said he and his son, Nelson, were mugged by female cursees.

"I'm 69 years old, and nothing like this has ever happened to me before," said Howard, on a fishing vacation with his son.

"All of a sudden, there were four or five girls on either side of my car," Howard said. "They asked things like, ... well, you know, I tried to wave 'em off. Then they opened the car doors and were all over us in a second."

Howard said he was able to keep one woman from grabbing the ignition key. Another woman draped herself across Howard's lap, pinning his arms down.

"I simply couldn't believe it," Howard said. "Grabbing for your crotch and saying things. One of 'em even got the back door open and was trying to get in."

Howard said that after about two minutes, "it seemed longer, though," he was able to move on, pushing away the women as he drove off. After driving a block away he felt his pocket.

"They'd got my money clip," Howard said. "I knew one of 'em was in there."

The previous evening, another Anchorage visitor and

See Back Page, PROSTITUTES

## Prostitutes

Continued from Page A 1

three friends were similarly attacked. The victim, a Seattle insurance representative who asked not to be named, said the four of them had just come out of the Great Alaskan Bush Company. After getting into their car, a woman gestured to all of them.

The men waved the woman off, but were soon pounced upon by five women who piled into the vehicle and started "reaching for the goods, so to speak," he said.

After kicking them out of the car — "no easy task," he said — three of the men noticed that their wallets were gone. The insurance man said he lost \$540.

"You're just powerless because you don't want to punch them; all you can do is push them out of the bloody car," the victim said.

Police have begun working harder at making cases against downtown streetwalkers, Smith said. Officers are trying to bring more charges of loitering for the purposes of prostitution. Those cases are usually hard to make, however, because prosecutors must prove that a suspect was standing around with the intent to sell sex.

"We have to have officers watching for repeated gestures, flogging down at least three or four cars," Smith said.

Winning a conviction also means finding a witness, most often a potential customer who will testify that the suspect actually tried to sell him sex, said Jim Ottinger, municipal prosecutor.

Anchorage Daily Times 6/23/85

# DOWNTOWN PROSTITUTES ACCUSED OF SPREADING AIDS

Associated Press

Someone unhappy with the prostitutes congregating near the Sheraton Anchorage Hotel put a banner over the street Friday evening proclaiming "These Hookers Have AIDS."

In spite of the reference to the deadly Acquired Immune Deficiency Syndrome, the banner described Eagle Street at Fifth Avenue as "Hooker Street."

Henry, a woman who identified herself to City of Anchorage officials at the time.

"Oh, come. I'm a prostitute. What else could I be doing standing here?" Williams

said. "But I don't have no AIDS."

"I think it's funny as hell," said Michael Barnes, owner of Banner Security. He was identified by Williams as the probable source of the banner.

"I think whoever did it was doing a community service," he said. "But I don't do and I don't want to be responsible for the banner."

He said, however, the banner wasn't his idea. He was with the woman, but he said, he said, he brought a banner with a picture to the owner, he was to give it to Williams to place on Eagle Street.

"I'll get the money and this is what I told

me they could have me arrested for harassing them," Barnes said. "They got rights, but what kind of rights do we have who work and live down there?"

The number of prostitutes working the downtown streets increases during the warm summer months, but merchants say attitudes and conditions are especially crowded this year.

Williams, who said she is a year-round resident of Anchorage, said she thinks the summer months is no worse than in the past. But she said the conditions tend to be more aggressive.

A-4 Wednesday, July 2, 1963, The Anchorage Times

# Proprietors complain about prostitutes

by Earl Smith  
Times Writer

Angry businessmen and women attended a special meeting with city officials Tuesday morning to voice their concern with Downtown's prostitutes. They said the prostitutes have robbed their businesses of customers, threatened them with physical harm and ruined their neighborhood's appearance.

But the meeting left many of those gathered with little hope that the situation will change quickly. Authorities told them prostitution cases are difficult to prosecute and will continue to be

until changes are made to relevant state and city laws.

Anchorage Mayor Tony Knowles, Public Safety Commissioner John Franklin, Police Chief Brian Porter and Assistant Municipal Attorney Jim Oltinger met with about 75 store and hotel operators in the Red Ram Motel's dinner theater to discuss what the latter described as an out-of-control prostitution problem on Downtown's Fourth, Fifth and Sixth avenues.

"We've tried calling the authorities only to see the prostitutes leave for 20 minutes in vans which are tuned to police frequencies," Carl Rentschler

of the East Anchorage Business and Property Owners Association said.

"With as high as 20 prostitutes standing together, sometimes in bathing suits, waving down cars, soliciting, swearing, littering the sidewalks with used condoms and other trash, we now feel helpless," he said.

"We must watch the law being willfully broken daily, with no apparent relief in sight," he added. "Believe us, the pimps and prostitutes are in complete control — not the law enforcement authorities."

Meanwhile, police said that the department's Crisis Intervention Response Team — a unit specially trained to handle hostile situations and other high-tension incidents — will be deployed on foot patrol throughout Downtown for the rest of the summer.

Dave Yeabower, a Bush resident who told the panel he often visited Downtown Anchorage dining trips to the city, said he had begun to avoid some areas after he was attacked and robbed by several prostitutes.

"These new ones, they're vicious," he said. "I really can't accept the fact that we can't put some senior officers on foot patrol to drive these people off the streets."

Chong Sanders, owner of the Far East Chinese Restaurant at 528 E. Fifth Ave., said she had been beaten by three prostitutes after refusing to allow the women in her business.

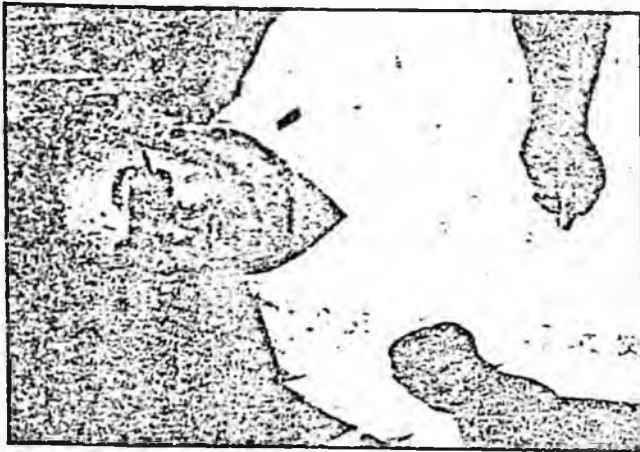
The meeting, announced by Knowles in a June 19 letter to local businessmen, came after one or more local residents suspended a banner over one Downtown intersection June 13, proclaiming the area "Hooker Street."

But Franklin, Porter and Oltinger said although officers often arrest purveyors in the world's oldest profession, their efforts are limited by constitutional law, low balls and low police manpower.

"We can't arrest anybody because they look like a hooker," Franklin said. "We can't arrest anybody because they're unemployed. Vagrancy ordinances are long gone. We can't arrest anybody just for being there."

"Twenty years ago, it was a lot more simple for the police."

The chief agreed. "The times have changed in



Times photo by Alice Porter

All staff of Public Employees Union speaks at the public meeting on Downtown prostitutes

tems of the tools available to the police department in order to control the streets," he said. And although city police have made 20 arrests for prostitution arrests since May 1, he said, the department has been unable to further attack the problem because it cannot afford to devote a high number of officers to prosecution patrols for extended periods of time. "We have a number of officers and we can only deploy a number of officers at any given time," he said.

Porter and other panels urged the business owners to contact local newspapers and politicians with their concerns.



Times photo by Alice Porter

From left, Anchorage attorney Jim Oltinger, Mayor Tony Knowles, Police Commissioner John Franklin and Chief of Police Brian Porter meet Tuesday with Downtown hotel and store operators

# ... Officers wage never-ending street war

by Earl Swift  
Times Writer

Larry Robinett steers his unmarked squad car into East Fifth Avenue at Eagle Street, an intersection that has become a Porkchop Hill in the city's recently stepped up battle against prostitution.

On a typical night, the sidewalks outside the area's hotels, bars and small shops are peppered with working women uniformed in breathlessly tight spandex or outrageously short skirts, many waving and shouting to potential customers as the avenue's traffic passes by.

But this is hardly a typical night, and Robinett — one of three Anchorage police investigators working in the department's General Investigations Unit, or GIU — senses it only minutes into his shift.

Prosecutors say prostitutes are hard to convict

Gangs play various roles with women they exploit

Male prostitutes also walk Downtown

Stories, page B-7

Not a single high-heeled shoe stands resolutely on the avenue's corners, nor in the alleys, nor in the storefront windows cast by the slaking, late-evening sun.

Not one gum-chewing *fille de nuit* loiters outside a nearby topless-bottomless joint, firing pornographic glances at passing motorists.

No gangs of glittery streetwalkers are gathered at the

southwest corner of Fourth Avenue and Barrow Street, a sidewalk crossing that for years has hosted a concentrated dose of lawdy, often violent, professionals.

"Daran," Robinett says as he eases his car onto Gambell Street and heads south. "The word must be out."

The word carries news of the police department's latest play in this never-won war on the city's wide-open vice. The GIU, along with the two investigators comprising the force's Felony Suppression Unit, have combined — temporarily, at least — into an attack squad.

The group's single-minded goal is to erase a large part of Anchorage's sex-for-hire industry, which this year boasts an estimated 200 to 250 full-time fe-

See Battle, page A-3

# Battle against prostitution never ends

Continued from page A-1

## male practitioners

Tonight the wits have changed their working hours, a practice they plan to continue to keep their quarry off balance.

It is an effort sparked by a new cast to an old problem: The area's prostitutes, according to dozens of police reports filed this year, are supplementing their carnally earned income with muggings, often performed on unsuspecting motorists who happen to get caught in the wrong red light with one of their car doors unlocked.

"It used to be," Robinson says, "that you'd pay \$10 and get something in return. Now, you're just as likely to get rolled."

The problem, along with the industry's burgeoning ranks, have prompted hundreds of complaints from scores of local businesses, which have found that the women's presence makes for poor customer flow.

Tonight, the officers have apparently been second-guessed. Despite a late shift start, Robinson and the other four officers on the hooker patrol — up against ranks perhaps 50 times their number — find downtown deserted.

The trade's communication system — latter, it sometimes seems, than the detective's sophisticated modes — has put out the warning. It is passed by telephone, by word of mouth and by whatever hidden intelligence sources the industry has at its disposal.

Mark O'Brien and Jim Ellis coast down Fifth Avenue in a big four-door sedan that bears out of state plates and no essential clues to its purpose. They, like Robinson, are working 7 p.m. to 3 a.m. Late hours prompted by the past week's street activity.

"We'd patrol all through here and see maybe five of them the whole night until we got off at 11," O'Brien says. "And on my way home I'd see 50."

Now, as the time approaches 11, a few girls are beginning to make their way out on the town, and the cops — restless after a four-hour wait — are ready to do battle.

The officers have an intelligence system of their own, a system largely based on their memory of past court cases and their familiarity with many key figures on the streets. The battle between police and prostitute is as much one of information-gathering and dissemination as it is of anything else.

Speaking with the patrol's other members via portable two-way radios, they pass on their sightings and inquire about other areas of town. O'Brien announces that he has two prostitutes in sight near Fifth and Karibah. Another voice crackles with the news that three women are

loitering at 13th and Gambell. Still another advises that several hookers have gathered at Fourth and A Street.

They are beating up Ellis. To find the sedan's wheel, swings the car to the curb, just a few feet from two young women who, perched on high altitude saddle seats, are headed down Fifth in the same direction. They glance warily over their shoulders, recognize O'Brien, and speed up slightly.

"Come here," O'Brien orders.

The women approach. "Get off the street unless you want to go to jail," he tells them. "I don't want to see you down here. If I do, you're going to jail tonight." The women assure the officers that they're headed home.

A few minutes later, the cops are parked in a lot across Gambell from the Baranof Lounge, watching five women ply their trade on the opposite corner. If Fourth and Fifth avenues are the setting for the police department's fiercest battles with the trade, Gambell Street marks the city's DMZ, a weird, transitional neighborhood that until two months ago had never seen a prostitute.

Court-imposed restrictions placed on the women — and designed to get those arrested for prostitution-related offenses out of the traditional "red light district" — have forced them to spread their operations to the south and east.

Instead of staying within a six-block area on Fourth and Fifth, the girls are now found as far south as 37th Avenue, as far east as Hyde Street, as far west as Spencer Road. The exodus has hurt business, the cops suspect — customers no longer know where to find them. But it's also made the policemen's job tougher. The five cops now have a third of the city to patrol.

At first it appears only three hookers are there, wildly dressed and tightly clustered. But O'Brien and Ellis point to two other women standing nearby, clad in pastel-colored slacks and conservative blouses. They look like college students, maybe Bible camp counselors.

"They've been up here for a couple weeks now," O'Brien says. "We picked up one of them the other night."

"I don't think they're making much money," he says, a reference to their dress — which hardly advertises the wares they offer for sale. "I just don't understand it. What they do make they hand right over to their pimp."

Their pimp, the detectives say, is a valent man who has battered both women in the recent past. Like most in the pandering profession, he bills himself as a "protector," someone who will offer his clients a place to stay and a guarantee that they won't be recruited by other pimps. But no one protects the women from

their own pimps, and the men are often the greatest danger the hookers face.

"You'll see them driving along making pickup," O'Brien says of the men. "The girls will run out and hand over the money. But what are you going to do? The girls won't testify against them, and they'll tell you the guy is a friend of theirs and they owed him money. You can't make a case out of that."

Ellis gears the car across Gambell and into the Baranof's lot, and the women scatter, the Bible counselors headed south and the others moving north. They follow the latter first, chasing them up to Ninth Avenue, then turn around to tackle the others.

The women are crossing grocery store parking lot, which is straight ahead despite the car's presence only a few feet away.

"Good evening," O'Brien says. The women don't answer. "Come here," he barks.

"I want you off the street," he tells them, then explains that their refusal to comply with his wishes will spell a night at the Sixth Avenue Jail.

"We were just going to the store to use the phone." One of the women, not-so-Bible-like in close range, practically spits at him.

"I want you off the street," O'Brien reiterates.

"We have to call a taxi," a woman nearby shouts. Her partner disappears into the market and reappears a few minutes later. "The cab'll be here in 10 minutes," she announces.

"Fine," Ellis answers. "Be back in eight."

A small hatchback pulls into parking lot across the street, three women inside. The car is one of many the officers have seen loaded with prostitutes, prompting the detectives to surmise that the working girls migrating from the streets are using cars to look for action.

Their radios crackle with news that many of downtown regulars are staking claims on street corners in Seward and F. swines his sedan behind the hatchback. O'Brien picks up the radio as he eyes the smaller car, noting that it has no lights. "The girls seem to be working tonight," he broadcasts, "making some traffic stop."

That said, he and Ellis get over the hatchback. The driver lacks a license and the women to leave the car there. The scanner crackles with news that the girls are starting heading toward the jail.

"Get off the street," he warns again. "Get your girls to jail."

Back on Fifth, the girls are leather-wearing, wearing some things that are not for sale. "She's in her room," he says. Ellis says, "I'll be back in 10 minutes." The girls are in the street.

parking lot as the woman begins to cut across the tarmac. Ellis says the car only inches from her elbow.

"Aren't you in your restricted area?" O'Brien yells. The woman nods. "I'm going there now," she says, pointing across the street.

"Aren't you in your area?" he repeats. She begins to shimmy. "I told you," she says. "I have to walk through here to get there."

"No," O'Brien snaps. "You're to stay out of that area. That's a lawful order of the court, and you are not to enter that area for a reason."

See Vix, page 4-B

Continued from page A-1

"I've talked to several of them who have told me that they came up from Seattle because down there they're getting 30 days in jail for second offenses," O'Brien said while on patrol last week. "A lot of these girls are new in town."

"There are about as many of them out here as there were back then," Robinson said. "They're all over the place. I've driven down here and seen 50 of them standing around."

Police Capt. George Novacky, who worked vice for the city force during the oil boom, agreed. "I would say that the visibility of the prostitutes is probably close to what it was during the pipeline days," he said Thursday. "Everyone's complaining about it. People in the community seem to be more outspoken in their concern about it than they were then."

Security firm president Mike Barnes, who said he instructs his guards to arrest at least one prostitute a week outside his Fourth Avenue office, said some of the women are particular problems.

"They'll jump in the car and molest you, or anyone you've got in the car with you, six or seven at a time," he said. "They're selling dope. You see them smoking a joint, walking down the street."

John Kennedy, office manager for Dr. Harry Nahomey's dental offices at 233 E. Fifth Ave., said he'd witnessed the women's aggression several times. "I've noticed it's become a little more competitive," he said, "because a car or truck will pull up to the curb and three or four of them will run to it."

Complaints, most of them from downtown business owners who say the women's presence hurts their image and ability to draw customers, have prompted a vigorous police attempt to clear streetwalkers from the area.

But the officers have so far found themselves undermanned for the task. The department's combined GIU and Felony Suppression units — comprising the detectives charged with addressing the problem — together boast only five members.

And, although their efforts are bolstered by daily anti-prostitution foot patrols conducted by the force's nine-member Crisis Intervention Response Team, the latter officers have been assigned regular shifts and days off — meaning that only two are usually on the street during a shift.

Complicating the situation further is the area the police are called upon to cover. While prostitution-related activities have typically been confined to several downtown blocks, many arrested streetwalkers are restricted from the area as part of their release or probation conditions.

Although the measure has kept many of the women from assembling at certain key intersections, it has also prompted many to seek workplaces outside downtown — and, therefore, has further stretched the police force assigned to control them.

Thursday. "I think we need to look at them a little bit more towards revising them. It's having an effect that we hadn't really anticipated."

Ottinger and several officers said the industry's decentralization probably hurts the city's prostitutes, because prospective customers no longer know where to find them. But, they acknowledged, the trend may soon spark complaints from businesses and homeowners in areas previously clear of the women.

Meanwhile, more than a month after several downtown businessmen and women met with city officials to voice their concerns about prostitutes, sev-

eral workers say the situation has gotten little better.

"I'll see them coming in to get something to eat," said John Brown, manager of the Lucky Wishbone restaurant at Fourth Avenue and Karluk Street.

"Then they'll leave and cross the street to ply their trade. There's some nights they'll be over there throughout the night."

"I was surprised that there were some working down here, this far east," he said.

Louie Vukmir, owner of Fifth Avenue's Polar Bar, said prostitutes in his business's block have "hurt us. They're tough."

They're a problem," he said. "The last six months they've

been going strong. I've seen a lot of hookers in this town over the years, and they've never been this strong."

Vukmir said he is building a fence behind his property so that prostitutes will not be able to use his alley as an escape route from police. "When we're done, they won't be able to run behind the building," he said.

Kennedy said the orthodontics profession has been affected, as well. "We've had a few customers transfer to other offices, because some of them don't feel it's appropriate for their children to be exposed to it."

"Both Dr. Nahomey and I have been solicited," he said.

# Anchorage Times 11/21/85 City plagued by aggressive prostitutes

by Earl Swift  
Times Writer

Prostitutes have descended on Anchorage's streets in numbers rivaling those of the city's pipeline years, and local officials say the influx has tested the resources of both police and prosecutors charged with fighting the age-old crime.

Anchorage police officers assigned to the department's General Investiga-

tions Unit said last week there may be as many as 100 female prostitutes working on the city's streets this summer, and that their visibility and aggressiveness at least equals that of prostitutes in Anchorage during the city's mid-1970s oil boom.

All told, the investigators said, some 200 to 250 women, including those not working on the street, are probably in the profession here. The total does not

account for the area's male prostitutes, child prostitutes, and self-employed, high-priced call girls.

And the phenomenon, Cpl. Mark O'Brien, Investigator Larry Robinson and other officers said last week, is at least partly due to the city's oil-rich reputation and stiffened criminal penalties against the women's activities in Lower 48 communities.

See Prostitutes, page A-3

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Anchorage Times 7/21/85

# Pimping Policy Various Roles with

# women they exploit

By Earl S. Smith  
Times Writer

The name conjures up images of soulless men who feed on the addictions, fears and misery of the women they control.

And although the image isn't far off the mark, Anchorage police at the municipality's chief prosecutor say the men are extremely difficult to identify and prosecute.

Pimps in Anchorage are usually lazy, violent men, police say, who somehow convince their workmates that they are necessary to them for "protection." The price the women pay for this supposed sentimentalism is both monetary and physical.

But, at the same time, the men instill a loyalty in their students that police find hard to

shake, and veteran officers say local prosecutors make a point of keeping their profiles low.

"The girls won't testify against them," said Cpl. Mark O'Brien of the police department's General Investigative Unit. "They'll bust up on these girls, but none of (the women) will testify against them. I don't know why these hookers do it. They can't be in it for the money, because they give it all away to their pimps."

Sgt. Mike Fullerton, who worked vice for the department during the mid-1970s, agreed. "You ask every one you arrest, 'Who's your pimp?' and they'll say, 'I don't have a pimp. I'm independent.' But you know they all have them."

The men, Municipal Attorney Jim Ottlinger said, play a multi-

ple role — a synthesis of father figure, lover and professional supervisor — in the women's lives.

"Supposedly he's going to protect them from getting beat up, ball them out," he said. "Some of (the women) have a really warped sense that this guy is protecting them, and ought to keep them in line."

"I've had at least one prostitute tell me that there was no coercion involved, in her case," he said. "She said it was a good relationship. I guess it was a good relationship as long as she kept bringing in money."

The man can sometimes be spotted on periodic rounds of Fourth and Fifth avenues' prostitute populations, officers said, collecting money from the streetwalkers they control.

"They'd make drive throughs and check on the girls," Fullerton said of his own experience.

"You know what they were doing, and they knew that you knew what they were doing."

But establishing a connection between these collectors and illegal activity is tough. "Smart

pimps stay in the background," Ottlinger said.

"In a couple of cases we've gotten assault convictions on these defendants, and I've been convinced they were working as pimps. That's difficult to prove, however."

# 'Chickens' also walk Downtown

by Tony Durr  
Times Managing Editor

And then there's Billy. He is blonde, attractive and glib. He's also a hooker, though in the shadowy underworld of homosexuality he's more comfortable with terms like chickens and chickenhawks instead of hookers, johns and pimps.

"Nope, we don't get his-sled," he said, wrapping his slender fingers around the chipped coffee cup in a Fifth Avenue cafe. Clear fingernail polish highlighted his neat nails; not a hair was out of place on his head.

And, despite having reached his late teen years, his face was smooth.

"I back-shave," he explained, saying that he shaves with the grain of his beard, then against the grain twice every day to keep his youthful appearance.

"The younger the better in this business," he said, repeating a line often spoken by both male hookers and their customers, who typically are white, middle-aged — and often married — men.

Billy and other Anchorage male prostitutes — who make \$15 to \$30 a trick from their pick-up points outside the city's gay bars and adult bookstores — are typically school-aged. And, he said, the Anchorage police leave him and his colleagues alone.

"I guess we're not as high profile," he said.

Municipal Prosecutor Jim Ottinger agreed. "I can't recall, to tell you the truth, a single case along those lines," he said last week.

"It's perhaps because they're not as obtrusive as the women.

"I would imagine that if those men became obnoxious, we would be making a concerted effort to stop them."

# Prosecutors say prostitutes hard to convict

by Earl Smith  
Times Staff

Anchorage lawmen battling the city's rampant sex-for-hire industry say many of their efforts are neutralized by prosecutors who needlessly dismiss—or decline to prosecute—prostitution-related cases, and instill a lack of fear for the law in the area's prostitutes.

But the city's chief prosecutor said last week that the charge is unfair, and suggested that most of the law's problems in dealing with local streets others lie in the nature of the prostitution industry and the city's limited resources.

And, he said, the prosecutor's office plans to establish a co-person task force to pursue such cases—and investigate ways of bettering the law's response to prostitution—this week.

"We'll take a case to them and two weeks after it's been dismissed, we'll hear about it," one officer said. "You'll go to one prosecutor and he'll tell you that one of the other prosecutors made the decision. Then you go to another prosecutor, and he'll tell you somebody else did it."

Another officer agreed. "What we're going to have to do is get all of us and all of them into one room, so they can't get out of it," he said. "They're dropping these cases sometimes, because they don't have a complete report. If they picked up the phone and called us, and said, 'Hey, I need this before we can take it further,' they'd get it."

Anchorage court records show that a number of prostitutes, despite previous convictions, have been allowed to continue their trade for extended periods of time.

The documents show, for instance, that 22 criminal cases have been filed in Anchorage since 1972 against local resident Mary Epperson; she is, however,



Times photo by Earl Smith

## 2 prostitutes stroll downtown recently in search of potential customers

currently at liberty in the area.

More disturbing is the case of 29-year-old Yolanda Cash, convicted of prostitution-related offenses in 1979, 1982 and 1983. Cash, also known as Deborah Banks, was arrested on suspicion of prostitution-related offenses several times and larceny once between February and May 1984.

All of the cases were either dismissed or the subject of completely suspended sentences.

Cash was headed for bigger trouble. Last Oct. 12, she and fellow prostitute Yolanda Haywood allegedly lifted a man's wallet outside Downtown's Palace Hotel, then stabbed him several times. Now the subject of a \$100,000 warrant, she is believed

to be living in Hawaii or Florida.

But Municipal Prosecutor Jim Ottinger said Thursday that while officers have four basic types of law with which to make prostitution arrests, their cases are uniformly difficult to successfully prosecute.

"In the aggregate of cases we get, we don't decline too many of them," he said. "During the last quarter, we only declined four cases that were brought to us. Our policy is not to dismiss a case once we've accepted it for prosecution."

"Having cause to arrest and having sufficient evidence to convict are two different things," he said. "We do decline those cases in which we cannot

pursue a successful prosecution, but the majority of the cases presented to us are good cases.

"We've got one lady who has four cases against her, and chances are we'll dismiss two of those cases in exchange for her accepting criminal responsibility for the other two.

"We don't like to do it, but sometimes we have to," he said. "But still, we try to get an appropriate disposition."

Ottinger said he was aware that prostitutes are often back on the street within days—if not hours—of their arrest. And, he said, prosecutors have not tried prostitution as a high priority until recently, because other, more life-threatening

criminal activity has captured his office's time.

But that's changing, he said. "We really have to do our part when they flare up like this," he said.

"In prostitution cases, you'll often hear someone say, 'Why should you be concerned with what two consenting adults do in private?'"

"In the cases we deal with, and the police have to be concerned about, these women aren't doing their thing in private. They're taking their business to the street, and at that point it becomes a public issue."

Ottinger said he plans to establish himself as a one-person task force to deal with the problem this week. Among other things, he said he hopes to see trails and penalties for prostitution-related offenses re-gularized.

State District Court magistrates currently nation fail to indicting prosecutors in an individual basis. Some regularly assign low amounts for prostitution-related offenders, while others go the opposite route. One magistrate, for instance, assigns bail at \$1,000 for each of a prostitute's prior charges; one unlucky prostitute, police said, was consequently jailed recently in lieu of a whopping \$11,000 bail.

"I'm hoping that by Monday, at the latest, I'm going to get some word on uniform policies in treating the prostitutes who are picked up on the street, or who should be picked up," Ottinger said. "We're trying to get the same punishment for everyone similarly situated."

"One thing we try to do is get a lot of suspended time over somebody's head, along with conditions that we really don't have to go out of our way to prove."

"I think that's very effective," he said. "We've got so many of the cases now that we have to try to get really effective coordination on them."

"We're not talking about professional prostitutes. We're talking about wolf packs. There's a difference."

— Jay Vaught, a bartender at the VFW post



## City streetwalkers aren't sweet talkers

by Paul Jenkins  
ANCHORAGE PRESS

When packs of hungry prostitutes fled downtown Anchorage with police nipping at their high heels, they raised few eyebrows as they sashayed into Joe Spenard's old neighborhood to offer curbside love.

But when some of them mugged two elderly men — one of them disabled — in the parking lot of a Veterans of Foreign Wars post, they went too far.

There are things not tolerated, even in sometimes rough and tumble Spenard, home for everything from quiet neighborhoods to seedy massage parlors, junk stores and bars.

"We're not talking about professional prostitutes," says Jay Vaught, who tends bar at the VFW post. "We're talking about wolf packs. There's a difference."

"If any more of them come down here, I'm going to nail them," says Craig Tucker, the 22-year-old night bartender at the post. He pulled the hookers off their elderly victims. "I was insane. I was really out of my mind. I could have killed somebody; I was that mad. I'm going to harass them, push them down, get physical."

"It's an intolerable situation," says Assemblyman Dave Walsh, who points out that millions of dollars in government and private funding have been spent to revitalize the area. "It makes no sense to allow that work to go to waste and make it a haven for whores."

On the wall outside VFW Memorial Post 1865, named after Capt. James G. Lee, the first Alaskan killed in Vietnam, dangles a curly black wig snatched from one of the more brazen ladies of the evening. It's a reminder to the post's 625 members that things have changed in this corner of the city.

doors. It was live and let live. But now, courtesy of police efforts also here, hordes of hookers have started popping up along Spenard Road like night flowers.

"I wanna be a hooker in Spenard, I mean the job just can't be all that hard, I wanna stand in the shadow of the sleazy bars flashing my goods at passing cars," goes a song by Mr. Whitekeys, "boss" of The Fly by Night Club.

Whitekeys, the only name he gives, is not all that perturbed at the prostitutes who peddle themselves near his business.

"We're a sleazy bar and it's good for the neighborhood. We look at it as an urban beautification project," he says. "There haven't been people that well dressed in the neighborhood in 20 years."

At nearby Spenardo Da Vinci's, an upscale restaurant with one of Anchorage's few dress codes, manager Terry Yurashuk notes the passing parade woe-folly.

"I'd just rather they were someplace else," he says.

### Ladies chased away

Someplace else is where the ladies started out.

Only a few months ago, they were hustling in the Fourth Avenue area of downtown Anchorage in the shadow of the city's classiest hotels. The cynical say they were hounded out at about the time U.S. Conference of Mayors came to town.

Police Chief Brian Porter says the hookers — lots of them — descended on Anchorage after Los Angeles squeezed them out for last year's Summer Olympics and Northwest cities cracked down on prostitution, adding long jail terms for second offenses.

With the increasing numbers came violence.

"There are too many of them," Porter says. "Right now, we have about 100 more than we can accommodate in the city."

### Laughter dies down

Anchorage sometimes is known — to the chagrin of its boosters — as the Junkpile on the Mudflats, L.A. on Ice or, more simply, Los Anchorage. In other parts of Alaska, they laugh at Anchorage. In Anchorage, they laugh at Spenard.

Before being gobbled up in 1975 by its larger neighbor, Spenard itself was a town, named after Joseph A. Spenard, an early settler and businessman.

Traffic glutted Spenard Road knives through the heart of the area. Motels, fast-food joints and the occasional revival tent cluster cheek-by-jowl with modern shops and businesses, crowding the street.

In years past, few seemed upset at the tiny, frame buildings along the road with signs reading "Oriental Lady Dating and Escort Service," "Jazzy Lady," or the "Body Shop," which touts its "double trouble" special. All are open 24 hours a day.

As long as what went on in Spenard's seamy establishments went on behind closed

### Tougher days ahead

Porter hints that things are about to get tough for the "working girls" in Spenard. At the Spenard VFW post, the crunch can't come soon enough.

Some members, like Tucker, believe direct action is called for. They had planned a decoy operation, where elderly members would be sent out to draw prostitutes. When they began robbing the men, other members would give them a good thumping.

But that was called off after Porter stopped in at the post and promised action.

"We know they can clean it up," Tucker says. "They did it for the mayors' convention."

If Assemblyman Walsh has his way, police will arrest hookers and their customers, and have their names printed in local newspapers.

Randy Kruse, at 34 the senior vice commander of the state's 5,500 VFW members, has stepped in to cool things off while police work to drive off the hookers.

Anchorage Times 11/2/85

# Officials, merchants debate merits of police efforts to curb prostitution

by Beth Barrett  
Times Writer

Downtown's prostitution problem has been curtailed, officials and some merchants said Friday, but others contend that the problem simply has moved.

Only about a dozen merchants showed up Friday to discuss prostitution in the downtown core, and city officials attributed the low attendance to the success of a police crackdown this summer.

Susan Vaillancourt, general manager of the Red Ram Motor Lodge, said the lines of prostitutes that clogged the lodge's corner at Fifth Avenue and Gambell Street have disappeared,

along with the trouble and annoyance the women, and at least one man, caused pedestrians.

"I think it's stopped because of the police efforts," Vaillancourt said.

However, some business people complained the police haven't solved the prostitution problem, but have simply pushed it out of sight or into other parts of the city, particularly Spenard.

Commissioner of Public Safety John Franklin said it's naive to believe the prostitution problem in Anchorage has been solved, but said the city's goal of reducing prostitutes' harassment of residents and visitors has largely been met.

This summer, groups of prostitutes regularly stopped and robbed pedestrians or people driving down Fourth and Fifth avenues in their cars.

Franklin said the city had up to five policemen patrolling the area on foot this summer and fall, including an officer stationed at Fourth Avenue and Barrow Street virtually around-the-clock. The commissioner said undercover agents also worked prostitute and drug cases on the avenues, making 41 drug arrests in the past few months.

In addition, the city plans to move the downtown police substation into a remodelled building at Fourth Avenue and D.

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The official news agency  
ORBE said that the trains were

See Collision, page A-10

*Anchorage Times 2/18/86*

# Measures focus on prostitutes

Times Juneau Bureau

JUNEAU — Prostitutes in areas such as Spenard would have to stay off the streets or go to jail if two bills introduced in the state House clear the legislature this year.

The package of legislation would apply to prostitutes across the state, but it is aimed at Spenard, where prostitution activity has stirred controversy in the past.

"(The measure) is designed to rid Spenard and the rest of Alaska of streetwalkers," Rep. Roger Jenkins, R-Anchorage, said in a prepared statement. Jenkins introduced the bills.

One measure would create a law making it illegal to loiter or wander "along public streets without any apparent reason or business."

A companion bill would hand one-year jail sentences to second-time offenders. Currently, those arrested a second time for prostitution get 90 days in jail.

"The residents of Spenard are sick and tired of being known as the prostitution headquarters for Anchorage," said Jenkins, who represents the area.

He said the issue of "prostitutes flaunting themselves on Spenard Road" was the top concern listed by residents responding to his most recent newsletter.

Activity by prostitutes on the streets of downtown Anchorage and the Spenard area of the city has been a matter of concern for merchants, police and city officials.

Merchants have complained that prostitutes have driven prospective customers away from their businesses.

Last summer police moved to rid downtown streets of prostitutes, and merchants said the crackdown reduced street traffic in the area.

Anchorage police had five officers patrolling on foot during the summer and part of the fall, including an officer stationed at Fourth Avenue and Barrow Street virtually around the clock.

Undercover officers concentrated on prostitution and drug crimes in the area, and made 44 arrests related to alleged drug crimes during the crackdown, Commissioner of Public Safety John Franklin said.

But some business people said the crackdown simply moved the prostitution problem from downtown to Spenard.

A-10 Tuesday, February 18, 1986, The Anchorage Times

# Measures aim to curb prostitution

Times Bureau

**JUNEAU** — Prostitutes in areas such as Spenard would have to stay off the streets or go to jail if two bills introduced in the state House clear the legislature this year.

The package of legislation would apply to prostitutes across the state, but it is aimed at Spenard, where prostitution has stirred up controversy.

"(The measure) is designed to rid Spenard and the rest of Alaska of streetwalkers," said Rep. Roger Jenkins, R-Anchorage, in a prepared statement.

Jenkins introduced the bills.

One measure, if passed, would prohibit loitering "along public streets without any apparent reason or business."

A companion bill would hand one-year jail sentences to second-time offenders. Currently, those arrested a second time for prostitution get 90 days in jail.

"The residents of Spenard are sick and tired of being known as the prostitution headquarters for Anchorage," said Jenkins, who represents the area.

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Spenard Road" was the top concern listed by residents responding to his most recent newsletter.

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But some business people said the crackdown simply moved the prostitution problem.

INTRODUCTION OF BILLS (House)

Municipal  
Land Claims  
(determines)

HOUSE BILL NO. 587 by Rep. Adams, relating to municipal land entitlements (identical to SB 414, see page 174 ).

Introduced Feb. 14 and referred to Community and Regional Affairs and Finance.

North  
Slope  
Borough

HOUSE BILL NO. 588 by Rep. Adams. Would make a special appropriation of \$385,000 for a grant to the North Slope Borough to offset the loss of revenue stemming from a municipal boundary change mandated by the state. (Identical to SB 407, see page 172).

Introduced Feb. 14 and referred to Community and Regional Affairs and Finance.

Group Health  
& Life Policies  
(residents)

HOUSE BILL NO. 589, by Reps. Sund, M. M. Miller, Hurley, Duncan, Navarre & Davis. Relates to participation by state residents in state group life and health insurance policies. A bill copy was not available at our deadline. We will provide a summary in the next issue.

Introduced February 14 and referred to Labor & Commerce, Judiciary, Finance.

Loitering  
on Highways  
(prohibits)

HOUSE BILL NO. 590 by Rep. Jenkins. Would add to the crime of obstruction of highways, the offense of loitering on highway rights-of-way, and adds a section which makes it an affirmative defense to a prosecution under the law that no one suffered mental distress or physical injury as a result of the presence of the defendant in the highway right-of-way.

Introduced Feb. 14 and referred to Transportation, Judiciary and Finance.

Crime of  
Prostitution  
(expands)

HOUSE BILL NO. 591 by Rep. Jenkins. Adds to the crime of prostitution the offenses of being an inmate in a place of prostitution. Also makes it a crime of prostitution to loiter in or within view of a public place or highway for the purpose of being hired to engage in sexual conduct. Increases from a Class B to a Class A misdemeanor the penalty for conviction under the law more than once. Defines "inmate" as one who engages in prostitution in or through an agency or place of prostitution. Does not provide effective date (would take effect 90 days after governor signs bill).

Introduced Feb. 14 and referred to Judiciary and Finance.

Primary  
Elections  
(new date)

HOUSE BILL NO. 592 by Rep. Jenkins. Would change the date of state primary elections from the fourth Tuesday in August to the first Tuesday after the first Monday in June, and the date for filing declarations of candidacy and petitions from June 1 to April 1. Bears an effective date of Jan. 1, 1987.

Introduced Feb. 14, and referred to State Affairs and Judiciary.