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Council Members Split On Lewd Conduct Bill

By Judy Willmore

In a vote seen by City Councilman Joel Wachs as a victory for the gay community, the City Council was unable to take a position Friday on SB 513, which would remove the word "solicit" from Sec. 647a of the Penal Code.

The bill, sponsored by Sen. George Moscone, D-San Francisco, would delete the provision of the Penal Code which currently makes it a misdemeanor to solicit lewd or dissolute conduct in a public place.

The bill would also add a section to the Education Code stating that the provisions of that code relating to grounds for prohibiting employment or revocation of teaching credentials would not include conviction for "solicitation of lewd or dissolute conduct," prior to or after the enactment of SB 513.

The bill was opposed by the Los Angeles Police Department, which said that the majority of the persons arrested under Sec. 647a prior to soliciting the lewd act engaged in masturbation or indecent exposure to entice a prospective partner.

The department also felt the effect of the bill would be to curtail prostitution arrests. (Existing law permits the arrest of a prostitute for lewd solicitation alone when no offer of money is made.)

Wachs defended the bill, stating that prosecution of solicitation offenses alone "is a waste of the court's time."

"The bill is an attempt to tighten up the law to require proof," he added. "The bill will separate legitimate arrests from the others."

The council also considered written testimony from attorney Thomas Frank Coleman stating that Sec. 647a is vague and violative of the First and Fourteenth amendments of the Constitution.

The final vote showed the council split 6-6 on the motion to oppose the bill.