



**Decriminalization of the Act of Loitering for Purposes of
Prostitution
(S.1351-Hoylman/A.3355-Paulin)
Memorandum of Opposition**

Bill S.1351-Hoylman/A.3355-Paulin would repeal Penal Law § 247, which bans loitering in a public place for the purpose of (a) engaging in prostitution; (b) patronizing a person for prostitution; or (c) promoting prostitution.

The bill's sponsors argue that this statute is unnecessary, is disproportionately enforced against certain minority groups, and has been used to arrest and prosecute innocent persons. This argument is based on anecdotal evidence and on statistics that are subject to interpretation. Even if the argument is correct, however, the repeal of § 247 is not the appropriate remedy. If a law is unjust, it should be repealed. If a just law is unfairly enforced, the solution to that problem is to work with law enforcement to correct the unfairness.

Penal Law § 247 should not be repealed. Repealing this statute would make it more difficult to police areas where prostitution is common. Furthermore, allowing loitering for purposes of prostitution would be detrimental to New York's neighborhoods and, by extension, to New Yorkers and their families. This bill is nothing more than a stepping stone toward the full legalization of prostitution. Members of the Legislature should recognize this and vote "no."