

## Information Regarding Repeal of Prince William County Panhandling Ordinances, Effective July 1, 2016

### Background:

- Two recent Federal Court cases in Virginia struck down panhandling laws as unconstitutional.
- A subsequent U.S. Supreme Court ruling means that panhandling ordinances are subject to the toughest possible scrutiny.

### Why Are Courts Ruling That Panhandling Ordinances Are Unconstitutional?

- The First Amendment of the U.S. Constitution prohibits the enactment of laws "abridging the freedom of speech."
- The courts have said "There is no question that panhandling and solicitation of charitable contributions are protected speech."
- Medians are traditional public forums. The government has very limited power to regulate speech in a traditional public forum.
- Panhandling ordinances are "content-based" and therefore subject to the toughest standard of review - "strict scrutiny."
- For a law to survive strict scrutiny, a court must find that the regulation is "narrowly tailored" to serve a "compelling state interest." Panhandling ordinances fail both requirements.
- The difficult requirements of the strict scrutiny standard means that content-based laws are nearly always considered illegal.

### Why Did PWC Repeal Its Panhandling Ordinances?

- PWC's ordinances on panhandling were worded similarly to ordinances that were struck down by the courts in other jurisdictions.
- If the County's panhandling ordinances were challenged and struck down in court, the County would likely have to pay attorney's fees.
- Last year the Charlottesville City Council approved a \$125,000 settlement with the five homeless men that sued the city over its panhandling ordinance.
- Other Virginia localities have repealed their panhandling ordinances.

### What PWC Ordinances Were Repealed?

- Prince William County Code Section 13-412(b), which prohibited "[t]he solicitation of contributions of any nature from the occupants of motor vehicles on highways."
- Prince William County Code Section 16-55, which prohibited various kinds of aggressive or dangerous solicitations.

- For more information, please follow the link to the Agenda item for the June 21, 2016 Board of County Supervisors meeting:  
<http://eservice.pwcgov.org/documents/bocs/agendas/2016/0621/9-A.pdf>

Are There Other PWC Ordinances That Can Help?

- Prince William County Code Section 13-313 prohibits impeding traffic.
- If there are concerns regarding traffic safety, please contact the Police Department (911 if an emergency, 703 792-6500 if a non-emergency)