OKC MUNICIPAL ORDINANCE:

§ 30-428. - Legislative findings.

The Council of The City of Oklahoma City hereby makes the following findings:

(a) The City of Oklahoma City has a duty to protect the rights of all people to exercise their First Amendment rights safely. The City of Oklahoma City has a compelling governmental interest in imposing certain reasonable time, place and manner regulations whenever potential First Amendment activities such as begging, solicitation and panhandling occur on streets, highways, sidewalks, walkways, plazas, and other public venues within the City.

(b) this division is not intended to limit any persons from exercising their constitutional right to solicit funds, picket, protest or engage in constitutionally protected activities. The provisions of this division are expressly established to most narrowly tailor any such restrictions to protect the First Amendment rights of all people within the City as well as the rights of non-participating people and their property, and to ensure the rights and safety of all people and/or property to the extent possible.

(c) persons approached by individuals asking for money, objects or other things of any value are particularly vulnerable to real, apparent or perceived coercion when such request is accompanied by or immediately followed or preceded with aggressive behavior such as:

1. continuing to beg or solicit from a person after the person has given a negative response to such solicitation;

2. touching another person in the course of begging or soliciting without that person’s consent;

3. blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means;

4. using violent or threatening gestures which are likely to provoke an immediate violent reaction from the person who is the subject of the solicitation or request for money;

5. closely following behind, ahead or alongside a person who has been solicited or asked for money after that person has given a negative response to such solicitation;

6. using profane, threatening, or abusive language, either during the solicitation or begging or following a refusal;

7. begging or soliciting money from anyone who is waiting in line for tickets, entering a public building or riding on public transportation;

8. begging or soliciting in a manner with conduct, words or gestures intended or likely to cause a reasonable person to fear imminent bodily harm, danger or damage to or loss of property or otherwise to be intimidated into giving money or any other thing of value; or
begging or soliciting in a group of two or more persons in an intimidating fashion.

(d) the City desires to respect a person’s potential right to solicit, beg or panhandle while simultaneously protecting another’s right to not be unduly coerced.

(e) the City further finds that aggressive soliciting, begging or panhandling of persons within 20 feet of any outdoor seating area of any cafe, restaurant or other business, automated teller machine, mass transportation stop, public teller or pay telephone also subjects people being solicited to improper and undue influence and/or fear and should not be allowed.

(f) persons approaching other individuals in an aggressive manner asking for money, objects or other things of any value after dark in public places inspire alarm and fear, which coupled with the inherent difficulty of establishing identity should not be allowed.

§ 30-429. - Purpose and intent.

The public purpose of this division is to protect the rights of all peoples to exercise their First Amendment rights as well as the people and/or property of those who chose to be non-participating.

(Ord. No. 22655, § 3, 2-8-05)

§ 30-430. - Definitions.

The following words, terms and phrases, when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) “Beg,” “begging” or “panhandling” shall be synonymous and shall mean asking for money or objects of value, with the intention that the money or object be transferred at that time, and at that place. “Solicit” or “Soliciting” shall include using the spoken, written, or printed word, bodily gestures, signs, or other means of communication with the purpose of obtaining an immediate donation of money or other thing of value the same as begging or panhandling and also include the offer to immediately exchange and/or sell any goods or services.

(b) “Aggressive manner” shall mean:

(1) approaching or speaking to a person, or following a person before, during or after soliciting if that conduct is intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another, or damage to or loss of property or otherwise to be intimidated into giving money or other thing of value;

(2) continuing to solicit from a person after the person has given a negative response to such soliciting;

(3) intentionally touching or causing physical contact with another person without that person’s consent in the course of soliciting;

(4) intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;

(5)
using violent or threatening language and/or gestures toward a person solicited which are likely to provoke an immediate violent reaction from the person being solicited;

(6) following the person being solicited, with the intent of asking that person for money or other things of value;

(7) speaking in a volume unreasonably loud under the circumstances;

(8) soliciting money from anyone who is waiting in line for tickets, for entry to a building or for any other purpose;

(9) soliciting in a manner with conduct, words or gestures intended or likely to cause a reasonable person to fear immediate bodily harm, danger or damage to or loss of property or otherwise be intimidated into giving money or any other thing of value;

(10) begging in a group of two or more persons in an intimidating fashion;

(11) soliciting any person within 20 feet of any outdoor seating area of any cafe, restaurant or other business, automated teller machine, mass transportation stop, public toilet or pay telephone;

(12) soliciting any person in public after dark, which shall mean the time from one-half hour before sunset to one-half hour after sunrise.

(c) "Automated teller machine" shall mean a device, linked to a financial institution’s account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments which are made available to banking customers.

(d) "Public place" shall mean a place to which a governmental entity has title, to which the public or a substantial group of persons has access, including, but not limited to: any street, highway, sidewalk, walkway, parking lot, plaza, transportation facility, school, place of amusement, park, or playground.

§ 30-431. - Offense.

It shall be unlawful for any person to aggressively beg, panhandle or solicit any other person.

FEDERAL LAW:
Federal courts have repeatedly ruled that panhandling is a form of free speech, protected by the First Amendment. Cities may, however, restrict "aggressive panhandling."

OTHER CITIES:

Wichita - must have a permit
1st violation - warning
2nd - citation to appear in court for violating ordinance, face fine
Dallas - The city has long prohibited, if lightly enforced, panhandling at night, along streets and at cash
machines and parking meters.
solicitation free zones in some areas of town (mainly tourists hot spots) especially when big tourist events
are in town

TULSA: (like OKC)
Under Title 27, Section 1407, a Tulsa city ordinance declares that "a person is guilty of aggressive
begging if he or she:
1. "Repeatedly begs in a manner that hinders or obstructs the free passage of any person in a public
place; or
2. "By physical action while in the act of begging, intentionally causes or attempts to cause another
person to reasonably fear imminent force or violence."

Austin - used to ban it but ruled unconstitutional in 2008 - (law is same as ours)

Memphis - MEMPHIS, TN (WMC-TV) - The city of Memphis wants to crack down on panhandling with a
tougher ordinance against offenders. But what kind of punishment do offenders really get?

The ordinance does not specifically ban all panhandling everywhere, but it does place a list of restrictions
on the activity.

For instance, the ordinance does not outlaw the act of standing passively with a sign, as long as it does
not specifically address one person.
The ordinance outlaws what's described as "abusive solicitation," which includes seven different
characteristics:
'B7   'B7Coming within three feet of a person, or about an arm's length
'B7   Blocking passage
'B7   Following
'B7   Threatening physical harm
'B7   Using abusive words intended to provoke
'B7   Touching
'B7   Panhandling in prohibited places, which are all spelled out in the ordinance.
The ordinance makes certain types of panhandling a misdemeanor crime. So, in order to prosecute, an
law officer must witness the activity, or someone must file a formal complaint.

Anyone caught begging for money improperly could face arrest, jail time, and/or monetary fines.