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Status of Law on Panhandling

Following the Fourth Circuit Court of Appeals’ decision in Reynolds v. Middleton, 779 F.3d 222 (4th Cir. 2015), striking down the City of Henrico’s Panhandling Ordinance, the City Attorney’s office recommended, and Council approved the repeal of Hampton’s panhandling ordinance, City Code 21-188. Since that time, the City Attorney’s Office has been studying the state of the law on panhandling. *Reed v. Town of Gilbert*, 135 S.Ct. 2218, (2015), changed the face of First Amendment law, by expanding the circumstances when a law or regulation is considered to be “content-based,” and subject to strict scrutiny by the courts. Since that ruling, many solicitation and panhandling ordinances, including aggressive solicitation and panhandling ordinances, have been struck down by the federal courts. At this time, the City Attorney’s Office does not believe that the City can adopt an ordinance regulating panhandling, and recommends the repeal of the City’s Aggressive Solicitation Ordinance.

**Impact:**

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