

ORDINANCE NO. 3450

AN ORDINANCE to add a new Section 13-1-24.1 (LOITERING FOR PURPOSES OF ENGAGING IN AN UNLAWFUL DRUG TRANSACTION) to Chapter 1 (GENERAL OFFENSES), Title 13 (MISCELLANEOUS OFFENSES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 1, Title 13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended by adding a new Section 13-1-24.1 to read as follows:

Sec. 13-1-24.1 Loitering for purposes of engaging in an unlawful drug transaction.

(a) It shall be unlawful for any person to loiter in a public place under circumstances manifesting the purpose of engaging in the sale, gift, distribution, possession or purchase of a controlled substance prohibited by section 18.2-248, 18.2-248.1 or 18.2-250 of the Code of Virginia (1950), as amended. Circumstances manifesting such a purpose on the part of a person shall be: (1) the person is in the same general location for at least 15 minutes; (2) while in the same general location and in a public place, the person has two or more face-to-face contacts with other individuals; and (3) each of such contacts (a) is with one or more different individuals, (b) lasts no more than two minutes, (c) involves actions or movements by the person consistent with an exchange of money or other small objects, (d) involves actions or movements by the person consistent with an effort to conceal an object appearing to be or to have been exchanged, and (e) terminates shortly after the completion of the apparent exchange. For purposes of this subsection, "same general location" shall mean an area defined as a circle with a radius of 750 feet and a center being the place where a person is first observed by a law enforcement officer.

(b) No person shall be arrested or convicted for a violation of this section unless each of the circumstances identified in subsection (a) is present.

(c) No person shall be arrested for a violation of this section unless the arresting officer first provides the person an opportunity to explain the conduct in question. No person shall be convicted under this section if it appears at trial that the person was present in a public place for a lawful purpose.

(d) For purposes of this section, the term "public place" means any street, sidewalk, alley, park, bridge, driveway, parking lot or other public property open to the general public.

(e) Any person convicted of violating this section shall be guilty of a class 1 misdemeanor.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

JAMES P. MORAN, JR.
Mayor

Final Passage: April 24, 1990