

ORDINANCE NO. 3500

AN ORDINANCE to rescind Section 13-1-24.1 (LOITERING FOR THE PURPOSE OF ENGAGING IN AN UNLAWFUL DRUG TRANSACTION) of, and to add a new Section 13-1-24.1 (LOITERING IN A PUBLIC PLACE WITH INTENT TO ENGAGE 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 That Section 13-1-24.1 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is rescinded.

Section 2. 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:

[The following is all new language]

Sec. 13-1-24.1 Loitering in a public place with intent to engage in an unlawful drug transaction.

(a) It shall be unlawful for any person to loiter in a public place with the intent to sell, give, distribute, possess or purchase a controlled substance, as defined in section 54.1-3401 of the Code of Virginia, (1950), as amended, or any successor provision of the Virginia Code. For purposes of this section, the term "controlled substance" shall also include marijuana.

(b) No person shall be arrested for a violation of this section unless a law enforcement officer or officers shall have observed, and no person shall be convicted of a violation of this section except upon testimony of a law enforcement officer or officers of, the following:

- (1) the person remains in one or more public places in the same general location for a period of at least 15 minutes;
- (2) during this period and while in a public place in the same general location, the person has two or more face-to-face contacts with other individuals;
- (3) each of such contacts (i) is with one or more different individuals, (ii) lasts no more than two minutes, (iii) involves actions or movements by the person consistent with an exchange of money or other small objects, (iv) involves actions or movements by the person consistent with an effort

to conceal an object appearing to be or to have been exchanged, and (v) terminates shortly after the completion of the apparent exchange; and

- (4) the person engages in some additional overt act, or there is additional circumstantial evidence, that manifests an intent on the person's part to sell, give, distribute, possess or purchase a controlled substance, as defined in subsection (a).

For purposes of this subsection (b), "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.

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

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

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

PATRICIA S. TICER  
Mayor

Final Passage: February 23, 1991