

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2012 Legislative Session

Bill No. CB-42-2012

Chapter No. 81

Proposed and Presented by Council Member Toles

Introduced by Council Members Toles, Davis, Franklin, Lehman and Turner

Co-Sponsors _____

Date of Introduction October 23, 2012

BILL

1 AN ACT concerning

2 Loitering

3 For the purpose of amending the Loitering Ordinance and providing for a written warning for the
4 first offense; increasing penalties for the second, third and subsequent written offenses;
5 providing for a certain length of time for return; and generally relating to loitering.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 14. MORALS AND CONDUCT.

8 Section 14-139.03,

9 The Prince George's County Code

10 (2011 Edition).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
12 Maryland, that Section 14-139.03 of the Prince George's County Code be and the same is hereby
13 repealed and reenacted with the following amendments:

14 SUBTITLE 14. MORALS AND CONDUCT.

15 DIVISION 5. OFFENSES AGAINST PUBLIC SAFETY AND MORALS.

16 **Sec. 14-139.03. Loitering.**

17 (a) In this Section, "loiter" means for a person to:

18 (1) Remain on a public street, sidewalk, or pathway, including one privately-owned
19 but used by the public in general, so as to obstruct the free passage of a pedestrian or vehicle
20 after a regular or special police officer has notified the person that the action is unlawful and has
21 requested the person to move;

1 (2) Remain in or on a vehicle on a public street, sidewalk, or pathway, including one
 2 privately-owned but used by the public in general, so as to obstruct the free passage of a
 3 pedestrian or vehicle after a regular or special police officer has notified the person that the
 4 action is unlawful and has requested the person to move;

5 (3) Refuse or fail to leave a private business, commercial establishment, or parking
 6 lot that is posted with conspicuous "No Loitering" signs if the business or establishment is not
 7 open for business, and the person has been requested to leave by the owner, the owner's agent, or
 8 a regular or special police officer, unless the person:

9 (A) Has written permission from the owner, lessee, or operator to be present; or

10 (B) Is window-shopping under conditions and at a time of the day or night that
 11 would be considered conducive to that activity;

12 (4) Refuse or fail to leave a private business or commercial establishment that is open
 13 for business, or a parking lot of the business or establishment, after having been requested to do
 14 so by the owner or the owner's agent;

15 (5) Refuse or fail to leave a public building, public grounds, or a public recreational
 16 area, or a parking lot of a public building, public grounds, or a public recreational area, after
 17 being requested to do so by a regular or special police officer or by a regularly employed guard,
 18 watchman, or other authorized employee of the agency or institution responsible for the public
 19 building, public grounds, recreational area, or parking lot if the circumstances indicate that the
 20 person has no apparent lawful business or purpose to pursue at that place;

21 (6) Return, for no apparent lawful business or purpose, to the same public or private
 22 property from which the person was asked to leave [within 24 hours before] and not return for 30
 23 days.

24 (b) This Section does not prohibit picketing or orderly demonstration by labor unions or
 25 members of the public.

26 (c) A person who loiters is guilty of a misdemeanor and, on conviction, is subject to:

27 (1) For the first written offense, [a fine not exceeding \$100 or imprisonment not
 28 exceeding 10 days, or both;] a written warning requesting an individual to move; and

29 (2) For a [subsequent] second written offense, a fine not exceeding \$500 or
 30 imprisonment not exceeding 30 days, or both; and

1 (3) For a third written offense and subsequent written offenses, a fine not exceeding
2 \$1,000 or imprisonment not exceeding 30 days, or both.

3 (d) No person shall be charged with a violation of this Section unless and until the
4 arresting officer has first warned the person of the violation and the person has failed or refused
5 to stop the violation.

6 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
7 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
8 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
9 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
10 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
11 Act, since the same would have been enacted without the incorporation in this Act of any such
12 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

13 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
14 calendar days after it becomes law.

Adopted this 20th day of November, 2012.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Andrea C. Harrison
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____

BY: _____
Rushern L. Baker, III
County Executive