

EXHIBIT A – ORD. 6825

A. ~~No person may~~ ~~It is unlawful for any person to~~ loiter in or near any public rights-of-way, or any public or private property in a manner ~~or and~~ under circumstances manifesting the intent to engage in illegal drug-related activity contrary to RCW Chapters 69.41, 69.50, 69.52 or 69.53 ~~RCW~~. For purposes of this section, “loiter” shall have the same meaning as ACC 9.50.010.A., or to Chapter 9.22 AGG.

B. The following may be considered in determining the intent required by subsection A: Among the circumstances which may be considered in determining whether such intent is manifested are the following:

1. Whether the ~~Such~~ person is a known unlawful drug user, possessor, or seller. For purposes of this ~~section~~ ~~chapter~~, a “known unlawful drug user, possessor, or seller” is a person who:

a. ~~a person who~~ has been convicted in any court within this state of any controlled substance violation within RCW 69.41, 69.50, 69.52 or 69.53, or a involving the use, possession, or sale of any of the substances referred to in Chapters 69.41, 69.50, 69.52 and 69.53 RCW, or substantially similar laws of any political subdivision of this or any other state or of any other state; or

b. ~~who~~ is known to have been arrested for a drug-related crime violation that not resulting in ~~a conviction because~~ the person’s participation in a diversionary program, deferral program, drug court or ~~a~~ similar program; or

c. ~~a person who~~ displays physical characteristics or behaviors of drug intoxication ~~and/or~~ usage, such as “needle tracks”; or

d. ~~who is in possession of~~ ~~possesses~~ marijuana in a manner not authorized by RCW 69.50.4013 ~~(1), 69.50.4013(2)~~ and/or in amounts that exceeding those ~~set forth in~~ 69.50.360(3);

2. Whether the ~~Such~~ person is currently subject to an order from any court prohibiting their presence in a high drug activity geographic area, such as an order issued pursuant to ACC 9.24.020 and/or ACC 9.24.030;

3. Whether the ~~Such~~ person’s current observed behavior ~~behaves in such a manner as to raise~~ raises a reasonable suspicion that they are currently or are about to engage in ~~or is then engaged in an~~ unlawful drug-related activity, including (by way of example only); ~~such person~~ acting as a “lookout”;

4. Whether a police officer is able to identify the person based on articulable factors ~~Such person is physically identified by a police officer, based on articulable factors,~~ as a member of a “gang,” or ~~an~~ association that which engages in illegal drug activity. Such ~~F~~ factors may ~~that support an officer physically identifying a person as a member of such a gang or association~~ include, but are not limited to: ; clothing, tattoos, known association and/or affiliation with such a gang or association, specific and observed acts

or circumstances consistent with drug-related activity, and gestures, signs, greetings and movements that are consistent with gang-related activity. The person's; ~~provided, that~~ clothing alone shall not be sufficient, ~~without more,~~ to support such an identification; ~~an officer physically identifying a person as a member of such a gang or association~~;

5. Whether the Such person is observed furtively transferring small objects or packages for currency ~~in a furtive fashion~~;

6. Whether the Such person flees ~~takes flight~~ upon the appearance of a police officer;

7. Whether the Such person manifestly endeavors to conceal themselves or any object which reasonably could be involved in an unlawful drug-related activity;

8. Whether the ~~The~~ area where the person is observed loitering is involved ~~is by public repute~~ known to police or to the public as ~~be~~ an area of unlawful drug use and trafficking ~~or~~;

9. ~~The premises involved are known to have been reported to law enforcement as~~ a place suspected of drug activity pursuant to RCW Chapter 69.53 ~~RCW~~; and

10. Whether Any vehicle involved in the observed activity is registered to a known unlawful drug user, possessor, or seller, or to a person with ~~for whom there is an outstanding active bench~~ warrant for a crime involving drug-related activity.

C. Penalty. Violation of this section is a gross misdemeanor punishable by up to 364 days in jail and/or a \$5,000 fine.