

Article 2: Police — Police Regulations — Offenses Against Government

Division 30: Loitering For Drug Activities

*(“Loitering For Drug Activities”
added 11–29–1993 by O–18011 N.S.)*

§52.3001 Acts Prohibited

It is unlawful for any person to loiter in, on or near any thoroughfare or place open to the public or near any public or private place in a manner and under circumstances manifesting the purpose of engaging in drug-related activity defined as offenses in Chapters 6 and 6.5 of Division 10 of the California Health and Safety Code.
(“Acts Prohibited” added 11–29–1993 by O–18011 N.S.)

§52.3002 Circumstances Manifesting Drug-related Activity

Among circumstances that may be considered in determining whether such purpose is manifested are that the person:

- (a) is a known unlawful drug user, possessor, or seller. For purposes of this division, a “known unlawful drug user, possessor, or seller” is:
 - (1) a person who, within the knowledge of the arresting officer, has been convicted in any court within California of any violation involving the use, possession or sale of any of the substances referred to in Chapters 6 and 6.5 of Division 10 of the California Health and Safety Code; or
 - (2) a person who has been convicted of any violation of Chapters 6 and 6.5 of Division 10 of the California Health and Safety Code or substantially similar laws of any political subdivision of California or of any other state; or
 - (3) a person who displays physical characteristics of drug intoxication or usage, such as “needle tracks”; or
 - (4) a person who possesses drug paraphernalia as defined in California Health and Safety Code section 11014.5; or
- (b) is currently subject to an order prohibiting his or her presence in a high drug activity geographic area; or

- (c) behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is then engaged in an unlawful drug-related activity, including, for example, acting as a “lookout”; or
- (d) is physically identified by an officer as a member of a “gang” or association which has as its purpose illegal drug activity; or
- (e) transfers small objects or packages for currency in a furtive fashion; or
- (f) takes flight upon the appearance of a police officer; or
- (g) tries to conceal himself or herself or any object which reasonably could be involved in an unlawful drug-related activity; or
- (h) is in an area that is known for unlawful drug use and trafficking; or
- (i) is on or in premises that have been reported to law enforcement as a place suspected of unlawful drug activity; or
- (j) is in or within six (6) feet of any vehicle registered to a known unlawful drug user, possessor, seller, or person for whom there is an outstanding warrant for a crime involving drug-related activity.

(“Circumstances Manifesting Drug-related Activity” added 11-29-1993 by O-18011 N.S.)

§52.3003 Definitions

As used in this Division, the following definitions apply:

- (a) “in a manner and under circumstances manifesting” means that, while loitering a person must perform objectively, ascertainable, overt conduct that is commonly associated with illegal drug-related activity.
- (b) “purpose of engaging in drug-related activity” means the specific intent to engage in drug-related activity.

(“Definitions” added 11-29-1993 by O-18011 N.S.)