

12A.20.050 - Drug-traffic loitering.

A. As used in this Section 12A.20.050:

"Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW, or the equivalent provisions of any federal statute, state statute, or ordinance of any political subdivision of this state, and includes a verdict of guilty, a finding of guilty and an acceptance of a plea of guilty.

"Drug paraphernalia" means drug paraphernalia as the term is defined in the Uniform Controlled Substance Act, RCW 69.50.102, excluding, however, items obtained from or exchanged at any needle exchange program sponsored by Seattle-King County Public Health, and hypodermic syringes or needles in the possession of a confirmed diabetic or a person directed by his or her physician to use such items.

"Illegal drug activity" means unlawful conduct contrary to any provision of chapter 69.41, 69.50, or 69.52 RCW, or the equivalent federal statute, state statute, or ordinance of any political subdivision of this state.

"Known drug trafficker" means a person who has, within the knowledge of the arresting officer, been convicted within the last two years in any court of any felony illegal drug activity.

"Public place" is an area generally visible to public view and includes, but is not limited to, streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, transit stations, shelters and tunnels, automobiles visible to public view (whether moving or not), and buildings, including those that serve food or drink, or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

- B. A person is guilty of drug-traffic loitering if he or she remains in a public place and intentionally solicits, induces, entices, or procures another to engage in unlawful conduct contrary to chapter 69.41, 69.50, or 69.52 RCW.
- C. The following circumstances do not by themselves constitute the crime of drug-traffic loitering. Among the circumstances that may be considered in determining whether the actor intends such prohibited conduct are that he or she:
1. Is seen by the officer to be in possession of drug paraphernalia; or
 2. Is a known drug trafficker (provided, however, that being a known drug trafficker, by itself, does not constitute the crime of drug-traffic loitering); or
 3. Repeatedly beckons to, stops or attempts to stop passersby, or engages passersby in conversation; or
 4. Repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms, or any other bodily gesture; or
 5. Circles an area in a motor vehicle and repeatedly beckons to, contacts, or attempts to stop pedestrians; or
 6. Is the subject of any court order, which directs the person to stay out of any specified area as a condition of release from custody, a condition of probation or parole or other supervision or any court order, in a criminal or civil case involving illegal drug

activity; or

7. Has been evicted as the result of his or her illegal drug activity and ordered to stay out of a specified area affected by drug-related activity.
- D. No person may be arrested for drug-traffic loitering unless probable cause exists to believe that he or she has remained in a public place and has intentionally solicited, induced, enticed, or procured another to engage in unlawful conduct contrary to chapter 69.41, 69.50, 69.52 RCW.
- E. A person convicted of drug-traffic loitering shall be guilty of a gross misdemeanor and punished in accordance with Chapter 12A.02.

(Ord. 116307, §§ 1, 2, 1992.)