



Text File

Introduced: 2/8/2005

Bill No: 2005-1040, **Version:** 1

Committee: Committee on Public Safety
Services

Status: Died due to expiration of legislative
council session

Presented by Mr. Bodack

Ordinance supplementing the Pittsburgh Code, Title Six - Conduct, Article 1 - Regulated Rights and Actions, Chapter 601 - Public Order - by adding Section 601.19 entitled "LOITERING FOR THE PURPOSE OF ENGAGING IN DRUG-RELATED ACTIVITY".

WHEREAS, the City of Pittsburgh finds that illicit drug trafficking and the use has been increasing rapidly throughout the City, along with an increase in related violent crimes and other criminal activities;

WHEREAS, the increased illicit drug activity and related crimes are causing immediate and imminent danger to the health, safety and welfare of the residents of the City and to property in the areas where drug activity is taking place; and

WHEREAS, the increase in drug activity is being fostered by the practice of persons involved in illicit drug use and trafficking of loitering in certain areas of the City with the intent to engage in drug related activities.

Be it resolved by the Council of the City of Pittsburgh as follows:

Section 1. Title VI, Article 1, Chapter 601 is hereby supplemented by adding Section 601.19 to read as follows:

"Section 601.19 Loitering for the Purpose of Engaging in Drug-Related Activity"

- a) "Drug related activity" means activity contrary to any of the provisions of the Pennsylvania Controlled Substance, Drug, Device and Cosmetics Act, 35 P.S. 780-100, et seq. or an activity contrary to a related provision of the Pennsylvania Crimes Code, such as §903 Criminal Conspiracy or §5107 Aiding Consummation of a Crime, which is carried out in furtherance of a violation of the Pennsylvania Controlled Substance, Drug, Device and Cosmetics Act.
- b) No person shall loiter with the intent to engage in drug-related activity in or near any thoroughfare, place open to the public, or near any public or private place.
- c) No citation shall be made under this ordinance unless and until the officer has probable cause to believe that the individual to be cited is loitering with the intent to engage in drug-related activity.
- d) The circumstances which may be considered in determining whether a person manifests the intent to loiter to engage in drug-related activity include, but are not limited to:
 - i) Such person is a known unlawful drug user, possessor or seller. For purposes hereof, a

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- “known unlawful drug user, possessor or seller” is a person who has, within the knowledge of the citing officer, been convicted in any court within this state of any violation involving the use, possession, or sale of any of the substances referred to in 35 P.S. §113 or substantially similar laws of any other state (although such circumstance cannot be the sole basis for an arrest or citation under this ordinance); or a person who displays physical characteristics of drug intoxication or usage, such as “needle tracks” or a person who possesses drug paraphernalia as described in 35 P.S. §13 (a) 32;
- ii) Such person is currently subject to a court order or administrative order of parole, probation, bond or sentence prohibiting his/her presence in a high drug activity geographic area;
 - iii) Such person behaves in such a manner as to arise a reasonable suspicion that he or she is 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” or hailing or stopping cars;
 - iv) Such person transfers small objects or packages for currency in a furtive fashion;
 - v) Such person manifestly endeavors to conceal himself or herself or any object which reasonably could be involved in an unlawful drug-related activity;
 - vi) The area involved is by public repute known to be an area of unlawful drug use and trafficking or violent activity;
 - vii) Any vehicle involved is registered to a known unlawful drug user, possessor or seller (although such circumstance cannot be the sole basis for an arrest or citation under this ordinance).
- e) Any police officer shall issue a citation to any person who violates this section.
 - f) This ordinance shall be in effect and enforced only during the hours beginning at 11:00PM. And continuing until 7:00AM.
 - g) Any person convicted of violating this section shall be guilty of a summary offense and shall be sentenced to a fine not exceeding Three Hundred Dollars (\$300.00) or imprisonment for not more than ninety (90) days.
 - h) This ordinance shall become effective upon the date and time of its final passage and shall remain in effect for a trial period of twelve months from the time of enactment. Following the trial period of twelve months, the effectiveness of the ordinance shall be reviewed by an Independent Commission described in (i) below and a recommendation whether to reenact the ordinance shall be made to Council.
 - i) An Independent Commission shall be established to review the ordinance to assess whether it is applied in a manner that does not discriminate on the basis of race and to determine whether the ordinance is effective in reducing incidences of public trafficking of drugs. The Independent Commission shall be composed of the following:
 - 1) A representative from the Pittsburgh Human Relations Commission;
 - 2) A representative from the Urban League of Pittsburgh, Inc.;
 - 3) A representative from the Pittsburgh Chapter of the NAACP;
 - 4) A representative from the Office of the Allegheny County District Attorney; and
 - 5) A representative from the Pittsburgh Office of Professional Standards.

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This Independent Commission shall submit a report to City Council quarterly and within thirty (30) days after the expiration of the trial period a report and recommendation whether to reenact the ordinance.