

**AN ORDINANCE
OF THE
CITY OF MINNEAPOLIS**

By Gordon

Amending Title 15, Chapter 385 of the Minneapolis Code of Ordinances relating to Offenses--Miscellaneous: In General.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 385.50 of the above-entitled ordinance be amended to read as follows:

385.50. Loitering. (a) No person shall loiter:

- (1) On the streets or in a public place or in a place open to the public with intent to solicit for the purposes of prostitution, illegal narcotic sale, distribution, purchase or possession, or any other act prohibited by law;
 - (2) On the streets or in a public place or in a place open to the public or in a private place with intent to commit any act of burglary, robbery; theft or theft-related crime, or with intent to vandalize or damage public or private property.
- (b) No person shall be present in a motor vehicle stopped, parked or operated on the street, in a public place or in a place open to the public with intent to solicit for the purposes of prostitution, illegal narcotic sale, distribution, purchase or possession, or any other act prohibited by law; or with intent to commit any act of burglary, robbery, theft or theft-related crime, or with intent to vandalize or damage public or private property.
- (c) Among the circumstances which may be considered in determining whether a person intends to loiter for the purposes of engaging in prostitution are whether a person:
- (1) Repeatedly beckons to, stops or attempts to stop, or engages passersby in conversation;
 - (2) Repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture;
 - (3) Is a known prostitute or procurer of prostitutes; or
 - (4) Inquires whether a potential patron, procurer or a prostitute is a police officer or searches for articles that would identify a police officer or requests the touching or exposing of male or female genitals or female breasts to prove that the person is not a police officer.

- (d) Among the circumstances which may be considered in determining whether a person intends to loiter for the purpose of engaging in distributing illegal narcotics are whether a person:
- (1) Repeatedly beckons to, stops or attempts to stop, or engages passersby in conversation.
 - (2) Repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or other bodily gesture.
 - (3) Acts as a look-out.
 - (4) Transfers small objects or packages of currency or any other thing of value in a furtive fashion which would lead an observer to believe or ascertain that a drug transaction has or is about to occur.
 - (5) Carries small objects or packages in one's mouth and transfers such objects or packages to another person for currency or any other thing of value, or swallows or attempts to swallow the objects or packages if approached by a law enforcement officer.

A prima facie case may be established by a law enforcement officer's observations of the offender's behavior, and the seizure or recovery of illegal drugs shall not be a prerequisite to establishment of a prima facie case.

(e) Among the circumstances which may be considered in determining whether a person intends to loiter for the purpose of committing any act of burglary are whether a person:

- (1) Looks into windows of structures;
- (2) Attempts to gain access to structures;
- (3) Possesses burglary tools.

(f) Among the circumstances which may be considered in determining whether a person intends to loiter for the purpose of committing any act of robbery are whether a person:

- (1) Repeatedly beckons to, stops or attempts to stop, or engages passersby in conversation;
- (2) Displays or possesses tools to commit robbery;
- (3) Wears a face mask or other item or items to obscure the person's face;
- (4) Verbally or by way of making furtive or threatening gestures intimates or implies that the person possesses a weapon.

(g) Among the circumstances which may be considered in determining

whether a person intends to loiter for the purpose of committing a theft or theft-related crime are whether a person:

- (1) Repeatedly beckons to, stops or attempts to stop, or engages passersby in conversation;
- (2) Wears a face mask or other item or items to obscure the person's face;
- (3) Looks into the windows of motor vehicles;
- (4) Attempts to gain access to the interior of a motor vehicle, by attempting to open a door or window, or otherwise attempting to gain access to the motor vehicle;
- (5) Uses an item other than a key or remote key to gain access to the interior of a motor vehicle;
- (6) Conceals or hides merchandise on the person or in the person's belongings while in a retail or commercial establishment;
- (7) Removes or replaces price tags on items while in a retail or commercial establishment.

(h) Among the circumstances which may be considered in determining whether a person intends to loiter for the purpose of vandalizing or damaging public or private property are whether a person:

- (1) Possesses graffiti tools or items that could be used to create graffiti.

(i) A violation of this section is a misdemeanor punishable by up to ninety (90) days in jail and/or a one thousand dollar (\$1,000.00) fine. The city prosecutor may request that the court impose, as a condition of pretrial release or probation, that the defendant be geographically restricted from a reasonable and limited area surrounding the location where the crime allegedly occurred. The specific boundaries and duration of the geographic restriction shall be determined by the court and described to the defendant on-the-record or in writing.

(j) Severance. If any section, sentence, clause, or phrase of this law is held invalid or unconstitutional by any court of competent jurisdiction, it shall in no way affect the validity of any remaining portions of this law.

Section 2. That Section 385.80 of the above-entitled ordinance be and is hereby repealed.

~~**385.80. Lurking.** No person, in any public or private place, shall lurk, lie in wait or be concealed with intent to commit any crime or unlawful act.~~