

# HOUSE BILL 643

L2, E1

71r2319

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By: **Delegates McDonough and Impallaria**  
Introduced and read first time: February 8, 2007  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Harford County and Baltimore County – Criminal Law – Loitering**

3 FOR the purpose of establishing the offense of loitering in Harford County and  
4 Baltimore County; prohibiting a person from loitering in a commercial  
5 establishment without conducting lawful business and without certain consent  
6 or if the person is asked to leave by certain individuals; prohibiting a person  
7 from loitering in a residence without certain consent or if the person is asked to  
8 leave by certain individuals; prohibiting a person from loitering in a public place  
9 if the person is asked to leave by a law enforcement officer; establishing that  
10 this Act may not be construed to prevent orderly picketing or other lawful  
11 assembly; establishing a certain penalty; defining certain terms; and generally  
12 relating to the crime of loitering in Harford County and Baltimore County.

13 BY adding to  
14 Article – Criminal Law  
15 Section 10–206  
16 Annotated Code of Maryland  
17 (2002 Volume and 2006 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Criminal Law**

21 **10–206.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
2 MEANINGS INDICATED.

3                   (2) (I) “COMMERCIAL ESTABLISHMENT” MEANS A BUSINESS  
4 PREMISES TO WHICH THE PUBLIC OR A PORTION OF THE PUBLIC HAS ACCESS  
5 FOR A LAWFUL PURPOSE.

6                           (II) “COMMERCIAL ESTABLISHMENT” INCLUDES:

7                                   1. A RESTAURANT, SHOP, SHOPPING CENTER,  
8 STORE, TAVERN, OR OTHER PLACE OF BUSINESS;

9                                   2. A HOTEL OR MOTEL;

10                                  3. A PLACE USED FOR PUBLIC RESORT OR  
11 AMUSEMENT, INCLUDING AN AMUSEMENT PARK, GOLF COURSE, RACETRACK,  
12 SPORTS ARENA, SWIMMING POOL, AND THEATER; AND

13                                  4. THE PARKING AREAS, SIDEWALKS, AND OTHER  
14 GROUNDS AND STRUCTURES THAT ARE PART OF A COMMERCIAL  
15 ESTABLISHMENT.

16                   (3) “LOITER” MEANS TO IDLE, STAND, OR REMAIN, ALONE OR AS  
17 PART OF A GROUP OF INDIVIDUALS.

18                   (4) (I) “PUBLIC PLACE” MEANS A PLACE TO WHICH THE  
19 GENERAL PUBLIC HAS ACCESS FOR A LAWFUL PURPOSE.

20                           (II) “PUBLIC PLACE” INCLUDES:

21                                   1. A PUBLIC BUILDING;

22                                   2. A PUBLIC PARKING LOT;

23                                   3. A PUBLIC STREET, SIDEWALK, OR RIGHT-OF-WAY;

24                                   4. A PUBLIC PARK OR OTHER PUBLIC GROUNDS; AND

1                   **5. A PLACE OR BUILDING USED FOR ENTERING OR**  
2 **EXITING A PUBLIC CONVEYANCE, INCLUDING AN AIRPORT TERMINAL, BUS**  
3 **STATION, DOCK, RAILWAY STATION, SUBWAY STATION, AND WHARF.**

4                   **(5) "RESIDENCE" INCLUDES THE COMMON AREAS OF A BUILDING**  
5 **CONTAINING FOUR OR MORE SEPARATE DWELLING UNITS, INCLUDING A**  
6 **CORRIDOR, ELEVATOR, LOBBY, AND STAIRWELL.**

7                   **(B) THIS SECTION APPLIES ONLY IN HARFORD COUNTY AND**  
8 **BALTIMORE COUNTY.**

9                   **(C) (1) A PERSON MAY NOT LOITER ON OR ABOUT A COMMERCIAL**  
10 **ESTABLISHMENT:**

11                   **(I) 1. WITHOUT CONDUCTING ANY LAWFUL BUSINESS**  
12 **WITH THE OWNER OR OPERATOR OF THE COMMERCIAL ESTABLISHMENT; AND**

13                   **2. WITHOUT THE CONSENT OF THE OWNER OR**  
14 **OPERATOR OF THE PROPERTY OR AN EMPLOYEE OF THE OWNER OR OPERATOR**  
15 **OF THE PROPERTY; OR**

16                   **(II) IF THE PERSON IS ASKED TO LEAVE THE COMMERCIAL**  
17 **ESTABLISHMENT BY:**

- 18                   **1. THE OWNER OR OPERATOR OF THE PROPERTY;**  
19                   **2. AN EMPLOYEE OF THE OWNER OR OPERATOR OF**  
20 **THE PROPERTY; OR**  
21                   **3. A LAW ENFORCEMENT OFFICER.**

22                   **(2) A PERSON MAY NOT LOITER ON OR ABOUT A RESIDENCE:**

23                   **(I) WITHOUT THE CONSENT OF:**

- 24                   **1. THE OWNER OR LESSEE OF THE RESIDENCE; OR**  
25                   **2. A PERSON LEGALLY AUTHORIZED TO EXERT**  
26 **CONTROL OVER THE RESIDENCE; OR**

1                   **(II) IF THE PERSON IS ASKED TO LEAVE THE RESIDENCE BY:**

2                   **1. THE OWNER OR LESSEE OF THE RESIDENCE;**

3                   **2. A PERSON LEGALLY AUTHORIZED TO EXERT**  
4 **CONTROL OVER THE RESIDENCE; OR**

5                   **3. A LAW ENFORCEMENT OFFICER.**

6                   **(3) A PERSON MAY NOT LOITER ON OR ABOUT A PUBLIC PLACE IF**  
7 **THE PERSON IS ASKED TO LEAVE THE PUBLIC PLACE BY A LAW ENFORCEMENT**  
8 **OFFICER.**

9                   **(D) THIS SECTION MAY NOT BE CONSTRUED TO PREVENT ORDERLY**  
10 **PICKETING OR OTHER LAWFUL ASSEMBLY.**

11                   **(E) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**  
12 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**  
13 **EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

14                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2007.