



DELAWARE STATE SENATE
153rd GENERAL ASSEMBLY

SENATE BILL

AN ACT TO AMEND TITLES 11 AND 21 OF THE DELAWARE CODE RELATING TO LOITERING AND SOLICITATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 101, Title 21 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows and by redesignating accordingly:

3 §101. Words and phrases.

4 For the purposes of this title, unless the context otherwise clearly indicates:

5 () "Traffic median" means an area between opposing lanes of traffic on a roadway, excluding turn lanes.

6 Section 2. Amend § 4147, Title 21 of the Delaware Code by making deletions as shown by strike through and
7 insertions as shown by underline as follows:

8 § 4147. Pedestrians soliciting rides or business Impeding vehicular and bicycle traffic; pedestrians on medians.

9 (a) No person shall stand in a highway for the purpose of soliciting any employment, business or contributions
10 from the occupant of any vehicle, block or slow the lawful progress of vehicular or bicycle traffic on or about the
11 highway by stepping into traffic, standing in traffic, standing or approaching the travel portion of a highway so closely as
12 to render the person a hazard to a vehicle, its occupants, bicyclists, other pedestrians, or themselves, or by intentionally
13 requesting or causing a motor vehicle or bicycle to stop or slow on the highway.

14 (b) No person shall walk into vehicular or bicycle traffic on or about a highway when a motor vehicle or bicycle is
15 stopped in obedience to any traffic-control device applicable thereto.

16 (b)(c) No person shall stand, sit, stand, or remain on or in proximity to a highway for the purpose of soliciting
17 the watching or guarding of any vehicle while parking or about to be parked on a highway, a traffic median, as defined in
18 §101 of this title, which is:

19 (1) Unpaved or unprotected on any roadway, or

20 (2) Equal to or less than 6 feet wide on a roadway with a speed limit of 25 miles per hour or greater, or

21 (3) On a roadway with a speed limit that renders the person sitting, standing, or remaining on the traffic
22 median a hazard to a vehicle, its occupants, pedestrians, or themselves.

23 (c) No person shall stand in a highway for the purpose of soliciting a ride.

24 (d) No person shall at any time be jailed solely for violation of subsection (e) of this section.

25 (e) The prohibition against soliciting contributions contained in subsection (a) of this section shall not apply on the
26 Saturday immediately prior to Father's Day each year to solicitations by charitable organizations, defined as those
27 organizations previously qualified as such under the federal Internal Revenue Code [26 U.S.C. § 1 et seq.], when those
28 solicitations take place only during daylight hours, at intersections with traffic control signals in place, using only existing
29 median strips or other off street facilities, using individuals no younger than 18 years of age to conduct the solicitation,
30 without using any devices to alter or impede the traffic flow.

31 (d) This section shall not apply to a person that is actively engaged in the process of lawfully crossing a highway,
32 including crossing a highway at a crosswalk which continues through a traffic median, or that is otherwise complying with
33 a lawful order or direction of an authorized person directing traffic as set forth in § 4103 of this title or applicable traffic-
34 control device.

35 Section 3. Amend § 1320, Title 11 of the Delaware Code by making deletions as shown by strike through and
36 insertions as shown by underline as follows:

37 § 1320. Loitering on property of a state-supported school, ~~college-college~~, or university; violation.

38 A person is guilty of loitering on property of a state-supported school, ~~college~~college, or university when the
39 person ~~loiter~~stands, sits, or remains in or about the buildings or grounds of a school, ~~college~~college, or university
40 supported in whole or in part with state funds, not having any reason or relationship involving custody of or responsibility
41 for a pupil or student, or any other specific, legitimate reason for being there, and not having written permission from
42 anyone authorized to grant the same.

43 Any law-enforcement officer, state official or employee, the owner or occupier of such lands or property, an agent
44 or employee of such persons, or any other person or persons whom they may call to their assistance, may arrest such
45 loiterer, either with or without warrant, either upon the premises or in immediate flight therefrom and, if with warrant, then
46 at any place.

47 Loitering on property of a state-supported school, college, or university is a violation.

48 Section 4. Amend § 1321, Title 11 of the Delaware Code by making deletions as shown by strike through and
49 insertions as shown by underline as follows:

51 (a) A person is guilty of loitering when: when a person does any of the following:

(1) The person fails or refuses to move on when lawfully ordered to do so by any police officer; or

63 (4) The person loiters, remains or wanders about in a public place for the purpose of begging; or

(5) The person loiters or remains in a public place for the purpose of engaging or soliciting another person to engage in sexual intercourse or deviate sexual intercourse; or

66 (6)-(3) The person ~~loiters, congregates with others or prowls~~ stands, sits, or remains in a place at a time or
67 in a manner not usual for law-abiding individuals under circumstances that warrant ~~alarm a reasonable~~
68 apprehension or immediate concern for the safety of persons or property in the ~~vicinity, especially in light of~~
69 ~~the crime rate in the relevant area.~~ vicinity. Unless flight by the accused or other circumstances make it
70 impracticable, a peace officer shall, prior to any arrest for an offense under this paragraph, afford the
71 accused an opportunity to dispel any ~~alarm apprehension or concern~~ which would otherwise be warranted,
72 by requesting ~~identification the person's name~~ and an a reasonable explanation of the person's presence and
73 conduct. No person shall be convicted of an offense under this paragraph if the peace officer did not comply with
74 the preceding sentence, or if it appears that the explanation given by the accused was true and, if believed by the
75 peace officer at the time, would have dispelled the ~~alarm apprehension or concern~~.

76 (b) Loitering is a violation.

(c) This section shall not be read to prevent orderly protests or other lawful assembly.

SYNOPSIS

This Act updates the sections dealing with loitering in Title 11 and replaces a section of Title 21 that addressed "pedestrians soliciting rides or business" with one that addresses traffic safety in proximity to highways.

Author: