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FIFTH AMENDMENT

Bill No. 94-28

Ordinance No. 3803

AN ORDINANCE MAKING IT A CRIMINAL MISDEMEANOR TO GUIDE, LEAD, STEER OR OTHERWISE DIRECT ANOTHER FOR THE PURPOSE OF AIDING OR ABETTING THE UNLAWFUL POSSESSION OR DISTRIBUTION OF CONTROLLED SUBSTANCES; PROVIDING FOR PENALTIES FOR A VIOLATION HEREOF, INCLUDING MANDATORY MINIMUM SENTENCES OF IMPRISONMENT; PROVIDING FOR AN ABILITY TO SEEK AND OBTAIN COURT ORDERED COUNSELING AND TREATMENT; PROVIDING FOR MANDATORY REPORTING BY THE ARRESTING OFFICER; PROVIDING FOR REGULAR STATISTICAL REPORTS TO THE CITY COUNCIL FROM THE CITY ATTORNEY; PROVIDING FOR THIS ORDINANCE TO BE EFFECTIVE FOR A PERIOD OF ONE YEAR UNLESS OTHERWISE EXTENDED BY THE CITY COUNCIL; PROVIDING FOR THE ESTABLISHMENT OF AN ANTI-DRUG REVIEW COMMITTEE AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

Sponsored by:

Mayor Jan Laverty Jones

Summary: Prohibits directing another with the intent to aid unlawful possession or distribution of controlled substances and penalizes such conduct as a criminal misdemeanor.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 10 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 73 and consisting of sections 10 to 70, inclusive, reading as follows:

10.73.010 Unlawfully directing another with the intent to aid and abet the unlawful possession or distribution of controlled substances.

(A) Unless a greater penalty is provided for by the Nevada Revised Statutes, it is a misdemeanor for any person, by word, gesture or other conduct to guide, lead, steer or otherwise direct another with the specific intent to aid and abet the unlawful possession or distribution of controlled substances in any public place or place open to the public, including (but not limited to) alleyways, streets, sidewalks, parks, plazas, and squares.

1 (B) It is not a defense to an alleged violation of this provision that the person
2 intended to be aided or abetted did not himself or herself intend to engage in the unlawful
3 possession or distribution of controlled substances.

4 10.73.020 Unlawful possession or distribution of controlled substances defined.

5 The term "unlawful possession or distribution of controlled substances" as used in
6 this ordinance, refers to any possession or distribution of controlled substances made unlawful by
7 the Nevada State Uniform Controlled Substances Act (NRS 453.011 to 453.348).

8 10.73.030 Detention, arrest and conviction.

9 (A) No person may be detained or arrested for a suspected violation of this
10 ordinance except by a peace officer who has special training and education in the enforcement of
11 this ordinance, including training regarding the ethnic and cultural diversity of areas and
12 individuals in the community, and either: (1) was certified within the previous year by the Sheriff
13 of Clark County, Nevada as possessing special training, education and experience in the field the
14 enforcement of the Nevada Uniform Controlled Substance Act referred to in NRS 453.011 (or
15 similar uniform controlled substances act of another jurisdiction) and/or who was at the time of
16 the detention or arrest specially assigned or detailed to an established "Street Crimes Unit" of the
17 Las Vegas Metropolitan Police Department (or its equivalent) or within the last three years had
18 been so assigned for a period in excess of six months; or (2) has had a minimum of 5 years of
19 experience in the enforcement of such Uniform Controlled Substance Act. Nor may any person
20 be detained for a suspected violation of this ordinance unless and until such officer has articulable
21 facts upon which (s)he can state reasonable suspicion that the individual to be detained has
22 engaged or is engaging in conduct which is prohibited in Section 10.73.010. Nothing in this
23 provision is intended to prohibit a law enforcement officer from lawfully approaching and
24 speaking to an individual.

25 (B) No person may be arrested for a violation of this ordinance unless and until
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1 such officer has articulable facts upon which (s)he can state probable cause that the individual to
2 be arrested has engaged or is engaging in conduct which is prohibited in Section 10.73.010. Such
3 articulable facts must be contemporaneously recorded in a written report authored by the arresting
4 officer which must be provided to the Office of the Las Vegas City Attorney within 15 working
5 days of the arrest.

6 (C) No conviction under this ordinance may occur unless any person arrested
7 or detained for a violation of this ordinance was so detained or arrested in compliance with this
8 chapter.

9 10.73.040 Forfeiture of property.

10 Any drug paraphernalia, books, papers, pagers, beepers, imitation controlled
11 substances or firearm, intended to be used or used to facilitate a violation of this ordinance
12 lawfully seized at the time of the arrest may be permanently forfeited upon conviction for a
13 violation of this ordinance pursuant to the applicable provisions of the Nevada Revised Statutes.

14 10.73.050 Penalties.

15 (1) Any person who is found to have violated this ordinance shall be subject
16 to the following penalties:

17 A. For the first violation, the court, without entering a judgment of
18 conviction and with the consent of the accused, shall suspend further proceedings and order
19 successful completion of a Municipal Court diversion program, as designed and recommended by
20 Municipal Court Counseling.

21 (i) The diversion program shall include, but need not be limited to
22 the following components:

23 (a) professional assessment by the State of Nevada Bureau
24 of Alcohol and Drug Abuse (BADA) certified or licensed counsellors to determine illegal drug
25 dependencies. If drug dependency is determined, then placement in a BADA accredited or
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1 licensed drug counseling program, on a voluntary basis.

2 (b) education evaluation at a level equivalent to or better than
3 Basic Aptitude Test (BAT) to determine aptitude and job readiness; upon completion of the initial
4 assessment, placement in either a life skills training program, job training program or job
5 placement program, as deemed appropriate by Municipal Court Counseling.

6 (c) vocational assessment and job training.

7 (ii) the diversion program shall be offered free of charge if the court
8 finds the person to be indigent and thereafter on a sliding fee scale basis depending on the income
9 of the individual. All funds for the diversion program shall be provided by the City of Las
10 Vegas. The City of Las Vegas shall provide adequate staff to provide these services, and a
11 minimum of two staff persons shall track the services provided and the results of said services.

12 (iii) Upon completion of the terms and conditions of the court
13 ordered diversion program, the court shall discharge the accused, dismiss the proceedings against
14 him and order the record sealed.

15 (iv) Upon a determination by Municipal Court Counseling that court
16 ordered diversion is not warranted or upon the accused's failure to complete a term or condition
17 of the court ordered diversion program, the court shall enter a judgment of conviction and may
18 proceed to sentence such person to pay a fine of up to \$100 or three (3) days in jail or both. If
19 Municipal Court Counseling determines that the person has previously successfully completed
20 counseling, that person shall not be eligible for diversion under this section as a first offense and
21 shall be sentenced as otherwise provided herein. Said conviction shall be utilized for enhancement
22 purposes pursuant to the following sections.

23 (v) An individual who has successfully completed the diversion
24 program for a first offense and who subsequently commits another violation of this ordinance,
25 shall not be eligible for diversion under this section and shall be sentence in accordance to law.

1 (B) For the second violation, within one year of the preceding violation,
2 performance of 250 hours of community service work at a facility designated by Municipal Court
3 Counseling.

4 (i) Failure to perform 250 hours of community service work shall
5 result in a hearing at which time the court shall receive evidence on the issue of whether said
6 community service shall be converted to a fine or jail sentence. The following factors shall be
7 considered:

8 (a) employment of the violator;

9 (b) familial obligations of the violator;

10 (c) ability of the violator to pay a fine;

11 (d) good faith effort of the violator to
12 complete 250 hours of community service work.

13 (e) long term residential care.

14 (ii) Counsel shall be appointed for all indigent persons who are
15 subject to a hearing pursuant to this section.

16 (iii) Any fine imposed pursuant to this subsection shall not exceed
17 \$250.00. Any jail sentence imposed pursuant to this subsection shall not exceed ten days.

18 (C) For the third or subsequent violation within one year of a preceding
19 violation, by a jail sentence of not less than 60 days unless the violator;

20 (a) States both the need and commitment to complete voluntary
21 alcohol, drug or personal counseling or treatment;

22 (b) Submits to a court ordered evaluation to determine the nature
23 and extent, if any, of any such counseling or treatment needed;

24 (c) Is classified as an abuser of drugs or alcohol by a counselor
25 certified to make that classification by the bureau of alcohol and drug abuse of the rehabilitation
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1 division of the department of employment, training and rehabilitation, or a physician certified to
2 make that classification by the board of medical examiners or is recommended for personal
3 counseling by a psychiatrist or psychologist duly licensed to practice by the State of Nevada;

4 (d) Presents the court with sufficient proof of satisfactory voluntary
5 completion of counseling or treatment as ordered by the court. The counseling or treatment
6 program shall be provided free of charge, if the court finds the person to be indigent, and
7 thereafter on a sliding fee scale depending upon the income of the individual.

8 10.73.060 Report by City Attorney

9 The City Attorney, or his designee is directed to provide monthly statistical reports
10 to the City Council and to the Anti-Drug Review Committee on the use and effectiveness of this
11 ordinance. The report shall be accompanied by a summary of each arrest made pursuant to
12 §10.73.030(B). These reports should include, but not be limited to: the number of individuals
13 detained for a violation of this ordinance, the number of arrests made, the race, color, nationality,
14 or gender of all persons so arrested or detained, the geographic location of the arrest, the number
15 of convictions obtained under this ordinance, the number of people who have sought counseling
16 or treatment under this ordinance and the number of people who were found to have successfully
17 completed any such counseling or treatment. These reports should be substantially similar to the
18 form reflected in Attachment A to this ordinance.

19 10.73.070 Anti-Drug Review Committee Established.

20 The Anti-Drug Review Committee shall be established within sixty (60) days of the
21 enactment of this ordinance. It shall be comprised of 10 members, with the Mayor and each
22 Council Member individually appointing 2 Committee Members.

23 The Committee shall meet monthly, beginning not more than thirty (30) days
24 following the effective date of this ordinance. The Committee shall be authorized to:

25 (A) Review summaries of arrest reports prepared by the City Attorney
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1 pursuant to § 10.73.060 of this ordinance for the purpose of determining the race, color, ancestry,
2 national origin, and gender of all persons arrested pursuant to this ordinance, as well as the
3 geographic locations of the arrests, the number of convictions obtained under this ordinance, the
4 number of people who have sought counseling or treatment under this ordinance, the number of
5 people who were found to have successfully completed any such counseling or treatment, and
6 information pertaining to peace officer's qualifications to make detention or arrests pursuant to
7 10.73.030.

8 (B) Entertain statements of witnesses as to circumstances surrounding
9 enforcement of this ordinance.

10 (C) Make recommendations to the Mayor and the City Council with regard
11 to the enforcement of this ordinance.

12 (D) Review the effectiveness of the training regarding the ethnic and
13 cultural diversity of areas and individuals in the community.

14 Within six months of the effective date of this ordinance, the Committee
15 shall make findings and recommendations to the Mayor and the City Council as to the
16 effectiveness of the Ordinance in curtailing the criminal conduct sought to prevented and as to
17 whether the ordinance is being enforced without regard to race, color, ancestry, national origin,
18 gender or disability.

19 SECTION 2: This ordinance shall become effective 60 days following its passage,
20 and approval by the Las Vegas City Council and shall remain effective for a period of one year,
21 unless it has been subsequently extended by an enactment of the Las Vegas City Council.

22 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause
23 or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or
24 invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the
25 validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City
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1 Council of the City of Las Vegas, Nevada, hereby declares that it would have passed each section,
2 subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that
3 any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be
4 declared unconstitutional, invalid or ineffective.

5 SECTION 4: All ordinances or parts of ordinances, sections, subsections, phrases,
6 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas,
7 Nevada, 1983 Edition, in conflict herewith are hereby repealed.

8 PASSED, ADOPTED and APPROVED this 18th day of May, 1994.

9 APPROVED:

10 By:

11 JAN LAVERTY JONES, MAYOR

12 ATTEST:

13 Kathleen M. Tighe, City Clerk
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9-27-94

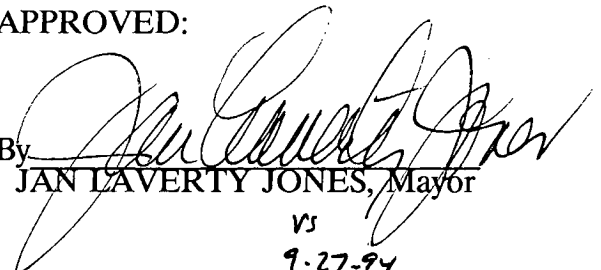
1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 16th day of March, 1994, and referred to the following committee composed of
3 Full Council for recommendation; thereafter the said committee reported favorably on said
4 ordinance on the 18th day of May, 1994, which was a regular meeting of said Council;
5 that at said regular meeting, the proposed ordinance was read by title to the City Council
6 as amended and adopted by the following vote:

7 VOTING "AYE": Councilmen Adamsen, Higginson, Hawkins Jr. and Mayor Jones

8 VOTING "NAY": NONE

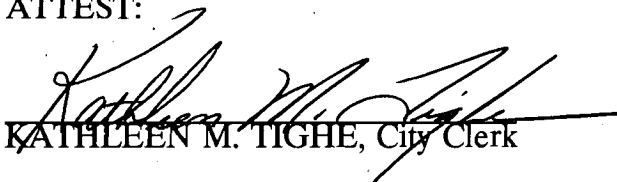
9 ABSENT: Councilman Brass

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11 APPROVED:

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13 By 
14 JAN LAVERTY JONES, Mayor

VS
9-27-94

15 ATTEST:

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17 KATHLEEN M. TIGHE, City Clerk
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FLAGGING SUMMARY STATISTICS

CITY WIDE FLAGGING INCIDENTS	MONTH 1	MONTH 2	MONTH 3	MONTH 4	YEAR TO DATE	
TOTAL FLAGGING INCIDENTS						
TOTAL FLAGGING BY PRECINCT OF OCCURRANCE						
NORTH						
SOUTH						
EAST						
WEST						
CITY WIDE FLAGGING ARRESTS						
TOTAL FLAGGING ARRESTS						
TOTAL FLAGGING ARRESTS BY PRECINCT OF OCCURRANCE						
NORTH						
SOUTH						
EAST						
WEST						
NUMBER OF INDIVIDUALS CHARGED AS RESULT OF FLAGGING ARREST						
FELONY ADULT						
MISD. ADULT						
JUVENILE (UNDER 18)						

TYPE OF CHARGES FILED AS RESULT OF FLAGGING INCIDENTS						
FLAGGING						
V.U.C.S.A.						
OTHER FELONY						
OTHER MISD.						

ARREST FOR FLAGGING BY ETHNICITY						
CAUCASIAN						
ASIAN/PACIFIC ISLANDER						
AFRICAN AMERICAN						
HISPANIC						
NATIVE AMERICAN						
OTHER/UNKNOWN						

PRIOR CONVICTIONS OF DEFENDANTS CHARGED AS RESULT OF FLAGGING INCIDENTS						
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DISPOSITION OF JUVENILE MISD. OR FELONY CASES THAT BEGAN AS FLAGGING						
CHARGES FILED						
PENDING						
DIVERTED						
CONVICTED						
DISMISSED BY MOTION OF PROSECUTOR						
DISMISSED BY COURT						
CHARGES NOT FILED:						
USED IN SENTENCING ON ANOTHER CASE						
ADDITINAL INFORMATION REQUESTED						
INSUFFICIENT EVIDENCE TO CHARGE						
DISPOSITION UNKNOWN						
TOTAL						

DISPOSITION OF FLAGGING CASES- ADULT						
CHARGES FILED:						
CONVICTED						
PENDING						
DISMISSED BY MOTION OF PROSECUTOR						
DISMISSED BY COURT						
SUBTOTAL						
CHARGES NOT FILED:						
TOTAL						

DISPOSITION OF FELONY DRUG CASES RESULTING FOR FLAGGING ARREST (ADULTS)						
CHARGES FILED						
CONVICTED						
PENDING						
DISMISSED BY MOTION OF PROSECUTOR						
DISMISSED BY COURT						
REDUCED CHARGE						
SUBTOTAL						
CHARGES NOT FILED						
TOTAL						

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PROPOSED FOURTH AMENDMENT

Bill No. 94-28

Ordinance No. ____

AN ORDINANCE MAKING IT A CRIMINAL MISDEMEANOR TO GUIDE, LEAD, STEER OR OTHERWISE DIRECT ANOTHER FOR THE PURPOSE OF AIDING OR ABETTING THE UNLAWFUL POSSESSION OR DISTRIBUTION OF CONTROLLED SUBSTANCES; PROVIDING FOR PENALTIES FOR A VIOLATION HEREOF, INCLUDING MANDATORY MINIMUM SENTENCES OF IMPRISONMENT; PROVIDING FOR AN ABILITY TO SEEK AND OBTAIN COURT ORDERED COUNSELING AND TREATMENT; PROVIDING FOR MANDATORY REPORTING BY THE ARRESTING OFFICER; PROVIDING FOR REGULAR STATISTICAL REPORTS TO THE CITY COUNCIL FROM THE CITY ATTORNEY; PROVIDING FOR THIS ORDINANCE TO BE EFFECTIVE FOR A PERIOD OF 180 DAYS UNLESS OTHERWISE EXTENDED BY THE CITY COUNCIL; *PROVIDING FOR THE ESTABLISHMENT OF A HUMAN RIGHTS AND ANTI-DRUG REVIEW COMMITTEE* AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

Sponsored by:

Mayor Jan Lavery Jones

Summary: Prohibits directing another with the intent to aid unlawful possession or distribution of controlled substances and penalizes such conduct as a criminal misdemeanor.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS, DOES HEREBY
ORDAIN AS FOLLOWS:

SECTION 1: Title 10 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 73 and consisting of sections 10 to [70] 80, inclusive, reading as follows:

10.73.010 Unlawfully directing another with the intent to aid and abet the unlawful possession or distribution of controlled substances.

(A) Unless a greater penalty is provided for by the Nevada Revised Statutes, it is a misdemeanor for any person, by word, gesture or other conduct to guide, lead, steer or otherwise direct another with the *specific* intent to aid and abet the unlawful possession or distribution of controlled substances in any public place or place open to the public, including (but not limited to) alleyways, streets, sidewalks, parks, plazas, and squares.

1 (B) It is not a defense to an alleged violation of this provision that the person
2 intended to be aided or abetted did not himself or herself intend to engage in the unlawful
3 possession or distribution of controlled substances.

4 10.73.020 Unlawful possession or distribution of controlled substances defined.

5 The term "unlawful possession or distribution of controlled substances" as used in
6 this ordinance, refers to any possession or distribution of controlled substances made unlawful by
7 the Nevada State Uniform Controlled Substances Act (NRS 453.011 to 453.348).

8 10.73.030 Detention, arrest and conviction.

9 (A) No person may be detained or arrested for a suspected violation of this
10 ordinance except by a peace officer who [at the time of the detention or arrest] either: (1) was
11 certified within the previous year by the Sheriff of Clark County, Nevada as possessing special
12 training, education and experience in the field the enforcement of the Nevada Uniform Controlled
13 Substance Act referred to in NRS 453.011 (or similar uniform controlled substances act of another
14 jurisdiction) and *who was at the time of the detention or arrest* specially assigned or detailed to
15 an established "Street Crimes Unit" of the Las Vegas Metropolitan Police Department [(or its
16 equivalent) or within the last three years] *or* had been so assigned for a period in excess of six
17 months; or (2) *has* had a minimum of 5 years of experience in the enforcement of such Uniform
18 Controlled Substance Act. Nor may any person be detained for a suspected violation of this
19 ordinance unless and until such officer has articulable facts upon which (s)he can state reasonable
20 suspicion that the individual to be detained has engaged or is engaging in conduct which is
21 prohibited in Section 10.73.010. *Such articulable facts must be contemporaneously recorded in*
22 *a written report authored by the officer which must be provided to the Office of the Las Vegas City*
23 *Attorney within 5 working days of the suspect's detention.* Nothing in this provision is intended
24 to prohibit a law enforcement officer from lawfully approaching and speaking to an individual.

25 (B) No[r may any] person *may* be arrested for a [suspected] violation of this
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1 ordinance unless and until such officer has articulable facts upon which (s)he can state probable
2 cause that the individual to be arrested has engaged or is engaging in conduct which is prohibited
3 in Section 10.73.010. Such articulable facts must be contemporaneously recorded in a written
4 report authored by the arresting officer which must be provided to the Office of the Las Vegas
5 City Attorney within [15] 5 working days of the arrest.

6 (C) *Officers shall receive an annual minimum of forty (40) hours of cultural*
7 *awareness and racial sensitivity training prior to detention or arrests being made under this*
8 *ordinance. Said training shall be provided by a nationally recognized agency and the expense*
9 *shall be borne by the Metropolitan Police Department.*

10 (D) No conviction under this ordinance may occur unless any person arrested or
11 detained for a violation of this ordinance was so detained or arrested in compliance with this
12 chapter.

13 **10.73.040 Opportunity to explain purpose and conduct.**

14 Prior to making an arrest for a violation of this ordinance, the individual to be
15 arrested must be afforded a reasonable opportunity to explain his or her conduct and purpose at
16 the site.

17 **10.73.050 Forfeiture of property.**

18 Any drug paraphernalia, books, papers, pagers, beepers, imitation controlled
19 substances or firearm, intended to be used or used to facilitate a violation of this ordinance
20 lawfully seized at the time of the arrest may be permanently forfeited upon conviction for a
21 violation of this ordinance pursuant to the applicable provisions of the Nevada Revised Statutes.

22 **10.73.060 Penalties.**

23 [Except as otherwise provided by Section 10.73.080(2), any person who
24 violates this ordinance shall be punished as follows:

25 (A) For the first violation, by imprisonment for not less than thirty (30) days and
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1 by a fine of not less than two hundred and fifty dollars (\$250);

2 (B) For the second violation within three years of the first violation, by
3 imprisonment for not less than sixty (60) days and by a fine of not less than five hundred dollars
4 (\$500);

5 (C) For any third or subsequent violation which is within three years of a
6 preceding violation, by imprisonment of not less than six months and a fine of not less than five
7 hundred dollars (\$500);]

8 (I) *Any person who is found to have violated this ordinance shall be subject to the*
9 *following penalties:*

10 A. *For the first violation, sentencing shall be suspended, pending successful*
11 *completion of a Municipal Court diversion program, to be designed and implemented by Municipal*
12 *Court Counseling. Upon successful completion of a court ordered diversion program, the*
13 *violation shall be dismissed and the record sealed.*

14 (i) *The diversion program shall include, but need not be limited to*
15 *the following components:*

16 (a) *professional assessment by BADA certified or licensed*
17 *counsellors to determine illegal drug dependencies. If drug dependency is determined, then*
18 *placement in a BADA accredited or licensed drug counseling program, on a voluntary basis.*

19 (b) *education evaluation at a level equivalent to or better*
20 *than BAT to determine aptitude and job readiness; upon completion of the initial assessment,*
21 *placement in either a life skills training program, job training program or job placement program,*
22 *as deemed appropriate by Municipal Court Counseling.*

23 (c) *vocational assessment and job training.*

24 (ii) *the diversion program shall be offered free of charge if the court*
25 *finds the person to be indigent and thereafter on a sliding fee scale basis depending on the income*
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1 of the individual. All funds for the diversion program shall be provided by the City of Las Vegas.
2 The City of Las Vegas shall provide adequate staff to provide these services, and a minimum of
3 two staff persons shall track the services provided and the results of said services.

4 (iii) Failure to successfully complete a court ordered diversion
5 program, shall result in a conviction under this Ordinance. Said conviction shall be utilized for
6 enhancement purposes pursuant to the following sections.

7 (B) For the second violation, within one year of the preceding violation,
8 performance of 250 hours of community service work at a facility designated by Municipal Court
9 Counseling.

10 (i) Failure to perform 250 hours of community service work shall
11 result in a hearing at which time the court shall receive evidence on the issue of whether said
12 community service shall be converted to a fine or jail sentence. The following factors shall be
13 considered:

14 (a) employment of the violator;

15 (b) familial obligations of the violator;

16 (c) ability of the violator to pay a fine;

17 (d) good faith effort of the violator to

18 complete 250 hours of community service work.

19 (e) long term residential care.

20 (ii) Counsel shall be appointed for all indigent persons who are
21 subject to a hearing pursuant to this section.

22 (iii) Any fine imposed pursuant to this subsection shall not exceed
23 \$250.00. Any jail sentence imposed pursuant to this subsection shall not exceed ten days.

24 (C) For the third or subsequent violation within one year of a preceding
25 violation, by a jail sentence of not less than 60 days unless the violator;

1 (a) States both the need and commitment to complete voluntary
2 alcohol, drug or personal counseling or treatment;

3 (b) Submits to a court ordered evaluation to determine the nature
4 and extent, if any, of any such counseling or treatment needed;

5 (c) Is classified as an abuser of drugs or alcohol by a counselor
6 certified to make that classification by the bureau of alcohol and drug abuse of the rehabilitation
7 division of the human resources or a physician certified to make that classification by the board
8 of medical examiners or is recommended for personal counseling by a psychiatrist or psychologist
9 duly licensed to practice by the State of Nevada;

10 (d) Presents the court with sufficient proof of satisfactory voluntary
11 completion of counseling or treatment as ordered by the court. [Unless the court finds the person
12 to be indigent, any counseling or treatment shall not be complete without payment therefore by
13 the person convicted of a violation of this ordinance.] *The counseling or treatment program shall*
14 *be provided free of charge, if the court finds the person to be indigent, and thereafter on a sliding*
15 *fee scale depending upon the income of the individual.*

16 [A court may continue the time of original sentencing of any person for the purpose
17 of allowing such person to undergo or continue such voluntary counseling or treatment.]

18 10.73.070 *Report by City Attorney*

19 The City Attorney is directed to provide monthly statistical reports to the City
20 Council *and to the Human Rights and Anti-Drug Committee* on the use and effectiveness of this
21 ordinance. *The report shall be accompanied by a summary of each arrest made pursuant to §*
22 *10.73.030(B).* These reports should include, but not be limited to: the number of individuals
23 detained for a violation of this ordinance, the number of arrests made, *the race, color, nationality,*
24 *or gender of all persons so arrested or detained, the geographic location of the arrest,* the number
25 of convictions obtained under this ordinance, the number of people who have sought counseling
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1 or treatment under this ordinance and the number of people who were found to have successfully
2 completed any such counseling or treatment. These reports should be substantially similar to the
3 form reflected in Attachment A to this ordinance.

4 *10.73.080 Human Rights and Anti-Drug review Committee Established.*

5 *The Human Rights and Anti-Drug Review Committee shall be established within*
6 *sixty (60) days of the enactment of this ordinance. It shall be comprised on one member from*
7 *each of the following organizations: Community Peace, NLS, NAACP, National Alliance for*
8 *Racial Justice, DPA and two alumni of drug offenders treatment programs and appointees from*
9 *each Council Member and the Mayor, for a total of 12 members.*

10 *The Committee shall meet monthly, beginning not more than thirty (30) days*
11 *following the effective date of this ordinance. The Committee shall be authorized to:*

12 *(A) Review summaries of arrest reports prepared by the City Attorney*
13 *pursuant to § 10.73.070 of this ordinance for the purpose of determining the race, color, ancestry,*
14 *national origin, and gender of all persons arrested pursuant to this ordinance, as well as the g*
15 *geographic locations of the arrests, the number of convictions obtained under this ordinance, the*
16 *number of people who have sought counseling or treatment under this ordinance, the number of*
17 *people who were found to have successfully completed any such counseling or treatment, and*
18 *information pertaining to peace officer's qualifications to make detention or arrests pursuant to*
19 *10.73.030.*

20 *(B) Make findings based upon statements of witnesses as to circumstances*
21 *surrounding enforcement of this ordinance.*

22 *(C) Make recommendations to the Mayor and the City Council with regard*
23 *to the enforcement of this ordinance.*

24 *(D) Review the effectiveness of the cultural awareness and racial sensitivity*
25 *training and recommend enhancement of the training.*

1 (E) *The Committee shall be provided copies of all arrest records made*
2 *under this ordinance.*

3 *Within six months of the effective date of this ordinance, the Committee shall make*
4 *findings and recommendations to the Mayor and the City Council as to the effectiveness of the*
5 *Ordinance in curtailing the criminal conduct sought to prevented and as to whether the ordinance*
6 *is being enforced without regard to race, color, ancestry, national origin, gender or disability.*

7 SECTION 2: This ordinance shall become effective upon its passage, and approval
8 by the Las Vegas City Council and shall remain effective for a period of 180 days, unless it has
9 been subsequently extended by an enactment of the Las Vegas City Council.

10 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause
11 or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or
12 invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the
13 validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City
14 Council of the City of Las Vegas, Nevada, hereby declares that it would have passed each section,
15 subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that
16 any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be clared
17 unconstitutional, invalid or ineffective.

18 SECTION 4: All ordinances or parts of ordinances, sections, subsections, phrases,

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1 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas,
2 Nevada, 1983 Edition, in conflict heewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this _____ day of _____,
4 1994.

5 APPROVED:

6
7 By: _____
8 JAN LAVERTY JONES, MAYOR

9 ATTEST:

10
11 _____
12 Kathleen M. Tighe, City Clerk

13 The above and foregoing ordinance was first proposed and read by title to the City
14 Council on the _____ day of _____, 1994 and referred to the following committee
15 composed of _____ and
16 _____ for recommendation; thereafter the said
17 committee repoted favorably on said ordinance on the _____ day of _____, 1994, which
18 was a _____ meeting, the proposed ordinance was read by title to the City
19 Council as amended and adopted by the following vote:

20 VOTING "AYE": _____

21 VOTING "NAY": _____

22 ABSENT: _____

23
24 APPROVED:

25 By: _____
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FLAGGING SUMMARY STATISTICS

CITY WIDE FLAGGING INCIDENTS	MONTH 1	MONTH 2	MONTH 3	MONTH 4	YEAR TO DATE	
TOTAL FLAGGING INCIDENTS,						
TOTAL FLAGGING BY PRECINCT OF OCCURANCE						
NORTH						
SOUTH						
EAST						
WEST						
CITY WIDE FLAGGING ARRESTS						
TOTAL FLAGGING ARRESTS						
TOTAL FLAGGING ARRESTS BY PRECINCT OF OCCURANCE						
NORTH						
SOUTH						
EAST						
WEST						
NUMBER OF INDIVIDUALS CHARGED AS RESULT OF FLAGGING ARREST						
FELONY ADULT						
MISD. ADULT						
JUVENILE (UNDER 18)						

TYPE OF CHARGES FILED AS RESULT OF FLAGGING INCIDENTS						
FLAGGING						
V.U.C.S.A.						
OTHER FELONY						
OTHER MISD.						

ARREST FOR FLAGGING BY ETHNICITY						
CAUCASIAN						
ASIAN/PACIFIC ISLANDER						
AFRICAN AMERICAN						
HISPANIC						
NATIVE AMERICAN						
OTHER/UNKNOWN						

PRIOR CONVICTIONS OF DEFENDANTS CHARGED AS RESULT OF FLAGGING INCIDENTS						
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DISPOSITION OF JUVENILE MISD. OR FELONY CASES THAT BEGAN AS FLAGGING						
CHARGES FILED						
PENDING						
DIVERTED						
CONVICTED						
DISMISSED BY MOTION OF PROSECUTOR						

DISMISSED BY COURT						
CHARGES NOT FILED:						
USED IN SENTENCING ON ANOTHER CASE						
ADDITINAL INFORMATION REQUESTED						
INSUFFICIENT EVIDENCE TO CHARGE						
DISPOSITION UNKNOWN						
TOTAL						

DISPOSITION OF FLAGGING CASES- ADULT						
CHARGES FILED:						
CONVICTED						
PENDING						
DISMISSED BY MOTION OF PROSECUTOR						
DISMISSED BY COURT						
SUBTOTAL						
CHARGES NOT FILED:						
TOTAL						

DISPOSITION OF FELONY DRUG CASES RESULTING FOR FLAGGING ARREST (ADULTS)						
CHARGES FILED						
CONVICTED						

PENDING						
DISMISSED BY MOTION OF PROSECUTOR						
DISMISSED BY COURT						
REDUCED CHARGE						
SUBTOTAL						
CHARGES NOT FILED						
TOTAL						

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PROPOSED THIRD AMENDMENT

Bill No. 94-28

Ordinance No. ____

AN ORDINANCE MAKING IT A CRIMINAL MISDEMEANOR TO [REMAIN IN AN AREA FOR THE PURPOSE OF ENGAGING IN OR] *GUIDE, LEAD, STEER OR OTHERWISE DIRECT ANOTHER FOR THE PURPOSE OF* AIDING OR ABETTING [UNLAWFUL DRUG RELATED ACTIVITY] *THE UNLAWFUL POSSESSION OR DISTRIBUTION OF CONTROLLED SUBSTANCES*; PROVIDING FOR PENALTIES FOR THE VIOLATION HEREOF, INCLUDING MANDATORY MINIMUM SENTENCES OF IMPRISONMENT; PROVIDING FOR [GUIDELINES FOR THE DETENTION OR ARREST OF SUSPECTED VIOLATORS] *AN ABILITY TO SEEK AND OBTAIN COURT ORDERED COUNSELING AND TREATMENT; PROVIDING FOR MANDATORY REPORTING BY THE ARRESTING OFFICER; PROVIDING FOR REGULAR STATISTICAL REPORTS TO THE CITY COUNCIL FROM THE CITY ATTORNEY; PROVIDING FOR THIS ORDINANCE TO BE EFFECTIVE FOR A PERIOD OF 180 DAYS UNLESS OTHERWISE EXTENDED BY THE CITY COUNCIL;* [PROVIDING FOR PUBLIC HEARINGS CONCERNING THE EFFECTIVENESS AND THE ENFORCEMENT OF THIS ORDINANCE] AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

Sponsored by:

Mayor Jan Laverty Jones

Summary: Prohibits [remaining in public places for the purpose of unlawful drug related activity] directing another with the intent to aid unlawful possession or distribution of controlled substances and penalizes such conduct as a criminal misdemeanor.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS, DOES HEREBY
ORDAIN AS FOLLOWS:

SECTION 1: Title 10 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 73 and consisting of Sections 10 to [80] 70, inclusive, reading as follows:

10.73.010 Unlawfully [remaining in a public place with the intent to engage in or aid or abet unlawful drug-related activity] *directing another with the intent to aid and abet the unlawful possession or distribution of controlled substances.*

(A) Unless a greater penalty is provided for by the Nevada Revised Statutes, it is

1 a misdemeanor for any person [to stand, sit, lay or otherwise remain within fifty (50) feet of a
2 licensed drug or alcohol treatment facility; in or near any thoroughfare; in or on any public
3 transportation facility; or in any other public place or place open to the public, including (but not
4 limited to) streets, sidewalks, parks, plazas, and squares, while conducting himself or herself with
5 the intent to engage in, or aid and abet another believed to be engaging in unlawful drug-related
6 activity and in a manner manifesting such intent.] , *by word, gesture, or other conduct to guide,*
7 *lead, steer or otherwise direct another with the intent to aid and abet the unlawful possession or*
8 *distribution of a controlled substance in any public place or place open to the public, including*
9 *(but not limited to) alleyways, streets, sidewalks, parks, plazas and squares.*

10 (B) It is not a defense to an alleged violation of this provision that the person
11 intended to be aided or abetted did not himself or herself intend to engage in [unlawful drug-
12 related activity] *the unlawful possession or distribution of controlled substances.* [It is not a
13 defense to an alleged violation of this ordinance that there is an absence of proof of the existence,
14 possession or delivery of a controlled substance or of an actual attempt or conspiracy to conduct
15 drug-related activity.]

16 10.73.020 Unlawful [drug-related activity] *possession or distribution of*
17 *controlled substances* defined.

18 The term "unlawful [drug-related activity] *possession or distribution of controlled*
19 *substances* " as used in this ordinance, refers to any [activity which is contrary to any of the
20 provisions of Nevada Revised Statutes Section 453.316, 453.321, 453.323, 453.326, 453.332,
21 453.336, 453.337, 453.338, 453.3385, 453.339, 453.3395, 453.401, 453.411, 453.560, 453.562,
22 453.564 or 453.566.] *possession or distribution of controlled substances made unlawful by the*
23 *Nevada State Uniform Controlled Substances Act (NRS 453.011 to 453.348).*

24 10.73.030 Detention, arrest and conviction.

25 (A) No person may be detained *or arrested* for a suspected violation of this
26

1 ordinance except by a peace officer *who at the time of the detention or arrest either: (1) had been*
2 *certified within the previous year by the Sheriff of Clark County, Nevada as possessing special*
3 *training, education and experience in the field the enforcement of the Nevada Uniform Controlled*
4 *Substances Act referred to in NRS 453.011 (or similar uniform controlled substances act of*
5 *another jurisdiction) and specially assigned or detailed to [the enforcement of such uniform*
6 *controlled substance act] an established "Street Crimes Unit" of the Las Vegas Metropolitan Police*
7 *Department (or its equivalent) or within the last three years had been so assigned for a period in*
8 *excess of six months; or (2) had a minimum of 5 years of experience in the enforcement of such*
9 *Uniform Controlled Substance Act.* Nor may any person be detained for a suspected violation of
10 this ordinance unless and until such officer has articulable facts upon which (s)he can state
11 reasonable suspicion that the individual to be detained has engaged or is engaging in conduct
12 which is prohibited in Section 10.73.010. Nothing in this provision is intended to prohibit a law
13 enforcement officer from lawfully approaching and speaking to an individual.

14 (B) [No arrest under this ordinance may occur except by a peace officer certified
15 within the previous year by the Sheriff of Clark County, Nevada as possessing special training,
16 education and experience in the field the enforcement of the Nevada Uniform Controlled
17 Substances Act referred to in NRS 453.011 (or similar uniform controlled substances act of
18 another jurisdiction) and specially assigned or detailed to the enforcement of such uniform
19 controlled substance act.] Nor may any person be arrested for a suspected violation of this
20 ordinance unless and until the arresting officer has articulable facts upon which (s)he can state
21 probable cause that the individual to be arrested has engaged or is engaging in conduct which is
22 prohibited in Section 10.73.010. *Such articulable facts must be recorded in a written report*
23 *authored by the officer which must be provided to the Office of the Las Vegas City Attorney within*
24 *15 working days of the suspect's arrest.*

25 (C) No conviction under this ordinance may occur unless any person arrested or
26

1 detained for a violation of this ordinance was so detained or arrested in compliance with this
2 chapter.

3 10.73.040 **Opportunity to explain purpose and conduct.**

4 Prior to making an arrest for a violation of this ordinance, the individual to be
5 arrested must be afforded a reasonable opportunity to explain his or her conduct and purpose at
6 the site.

7 10.73.050 [Non-exclusive factors which may impact manifested intent.

8 (A) Circumstances which may be considered in combination when determining
9 whether an intent to engage in or aid and abet unlawful drug-related activity is manifested by a
10 person's action(s) include, but are not limited to when:

11 (1) Such person is a known unlawful drug user,
12 possessor, or seller. For purposes of this section, a "known
13 unlawful drug user, possessor, or seller" is a person who has,
14 within the available information and belief of a law enforcement
15 officer, within the previous three years been convicted in any court
16 of any violation involving the use, possession, or sale of any of the
17 controlled substances or drug paraphernalia items referred to in
18 Nevada Revised Statutes Section 453.316, 453.321, 453.323,
19 453.326, 453.332, 453.336, 453.337, 453.338, 453.3385, 453.339,
20 453.3395, 453.401, 453.411, 453.560, 453.562, 453.564 or
21 453.566 or the similar laws of any political subdivision of this state
22 or of any other state; or a person who, in the opinion of a police
23 officer observing such person, displays physical characteristics of
24 drug intoxication or usage in accordance with such officer's
25 training, education and experience;

19 (2) The area involved is by public repute known to be an
20 area of unlawful drug use or other unlawful drug-related activity;

21 (3) The premises involved are known to have been
22 reported to law enforcement as a place suspected of unlawful drug
23 use or other unlawful drug-related activity within the previous 3
24 months;

23 (4) Any vehicle involved is known to be registered to and
24 observed to be occupied by a "known unlawful drug user, possessor,
25 or seller", or person for which there is an outstanding warrant for
26 unlawful drug-related activity;

 (5) Such person takes flight upon the appearance of a

1 police officer or police vehicle;

2 (6) Such person manifestly endeavors to conceal himself
3 or herself, or conceal any object that reasonably could be involved
4 in an unlawful drug-related activity;

5 (7) The person repeatedly beckons to, stops, attempts to
6 stop, or engage in conversations with passers-by, whether such
7 passers-by are on foot or in a motor vehicle during any consecutive
8 four hours or less;

9 (8) The person repeatedly passes to or receives from
10 passers-by money, objects capable of containing or concealing
11 controlled substances or money, or written material, whether such
12 passers-by are on foot or in a motor vehicle during any period of
13 four consecutive hours or less;

14 (9) The person repeatedly has short periods of contact
15 with different people during any period of four consecutive hours or
16 less;

17 (10) A vehicle or residence occupied by the person has
18 several short contacts with different people during any period of
19 four consecutive hours or less;

20 (11) The person is known by the investigating officer to be
21 the subject of a court or administrative order of parole, probation,
22 bond, or sentence, prohibiting his or her presence in the area, or in
23 any geographic activity with a high level of recorded or reported
24 drug activity.

25 (12) Such person is either reputed within his or her
26 community, or known by law enforcement officers through their
prior or contemporaneous observations, to have firearms within his
or her dominion or control, whether or not such firearms are
concealed.

(13) Such person behaves in another manner commonly
associated with one who is then acting or has acted with the intent
to engage in or aid and abet another in unlawful drug-related
activity;

(B) The fact that a person is a "known drug user, possessor or seller" in an area,
vehicle or residence reputed or reported in the past to be associated with "unlawful drug activity",
without articulable conduct evincing present unlawful intent as required in this Chapter establishes
neither reasonable suspicion to detain, nor probable cause to arrest such person for a violation of

1 this ordinance.

2 10.73.060] Forfeiture of property.

3 Any drug paraphernalia, books, papers, pagers, beepers, imitation controlled
4 substances or firearm, intended to be used or used to facilitate a violation of this ordinance
5 lawfully seized at the time of the arrest may be permanently forfeited upon conviction for a
6 violation of this ordinance pursuant to the applicable provisions of the Nevada Revised Statutes.

7 [10.73.070] 10.73.060 Penalties.

8 (1) Except as otherwise provided by Section 10.73.080(2), any person who violates
9 this ordinance shall be punished as follows:

10 (A) For the first violation, by imprisonment for not less than thirty (30)
11 days and by a fine of not less than two hundred and fifty dollars (\$250);

12 (B) For the second violation within three years of the first violation, by
13 imprisonment for not less than sixty (60) days and by a fine of not less than five hundred dollars
14 (\$500);

15 (C) For any third or subsequent violation which is within three years of a
16 preceding violation, by imprisonment of not less than six months and a fine of not less than five
17 hundred dollars (\$500);

18 (2) A court [may] *must* sentence any person violating the provisions of this chapter
19 to less than the minimum sentence otherwise required if, at the time of original sentencing, such
20 person:

21 (a) *States both the need and commitment to complete voluntary alcohol, drug*
22 *or personal counseling or treatment;*

23 (b) *Submits to a court ordered evaluation to determine the nature and extent,*
24 *if any, of any such counseling or treatment needed;*

25 (c) Is classified as an abuser of drugs by either a counselor certified to make
26

1 that classification by the bureau of alcohol and drug abuse of the rehabilitation division of the
2 human resources or a physician certified to make that classification by the board of medical
3 examiners[; and (b)] *or is recommended for personal counseling by a psyciatrist or psycologist*
4 *duly licensed to practice by the State of Nevada;*

5 (d) Presents the court with sufficient proof of satisfactory voluntary
6 [participation in a program of in house drug abuse] *completeion of counseling or treatment*[,
7 including payment therefore, of a duration which is at least equivalent to the minimum term of
8 imprisonment otherwise provided for under this chapter] *as ordered by the court. Unless the court*
9 *finds the person to be indigent, any counseling or treatment shall not be complete without payment*
10 *therefore by the person convicted of a violation of this ordinance.*

11 A court may continue the time of original sentencing of any person for purposes
12 of allowing such person to undergo or continue such voluntary [in house drug abuse] counseling
13 *or treatment.*

14 [The term "in house drug abuse counseling" refers to any licensed drug abuse
15 treatment facility whose services are recognized by the court as valid in counseling and treating
16 addicts for drug abuse and which requires it's patients to remain within their facility until such
17 a restriction is removed by the licensed drug abuse treatment facility.]

18 [10.73.080] 10.73.070 [During each of the two (2) years following enactment of
19 this ordinance, one (1) designated member of the Las Vegas City Council and the Sheriff of the
20 City of Las Vegas, jointly, shall conduct at least one (1) public hearing a year to ascertain the
21 effectiveness of said ordinance in reducing drug trafficking and its attendant criminal behavior and
22 to ensure that this section is being enforce without regard to race, color, ancestry, national origin,
23 gender or disability. Within one (1) month after each hearing, the designated Council member and
24 the Sheriff shall issue a report to the City Council summarizing the testimony at the hearing. The
25 report shall contain any changes they deem advisable.] *The City Attorney is directed to provide*
26

1 *monthly statistical reports to the City Council on the use and effectiveness of this ordinance. These*
2 *reports should include, but not be limited to: the number of individuals detained for a violation*
3 *of this ordinance, the number of arrests made, the number of convictions obtained under this*
4 *ordinance, the number of people who have sought counseling or treatment under this ordinance*
5 *and the number of people who were found to have successfully completed any such counseling or*
6 *treatment. These reports should be substantially similar to the form reflected in Attachment A to*
7 *this ordinance.*

8 SECTION 2: *This ordinance shall become effective upon its passage, adoption and*
9 *approval by the Las Vegas City Council and shall remain effective for a period of 180 days, unless*
10 *it has been subsequently extended by an enactment of the Las Vegas City Council.*

11 SECTION [2]3: If any section, subsection, subdivision, paragraph, sentence,
12 clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional
13 or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the
14 validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City
15 Council of the City of Las Vegas, Nevada, hereby declares that it would have passed each section,
16 subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that
17 any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be
18 declared unconstitutional, invalid or ineffective.

19 SECTION [3]4: All ordinances or parts of ordinances, sections, subsections,
20 phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las
21 Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

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1 [SECTION 4: This ordinance shall take effect upon passage, adoption and
2 approval by the Las Vegas City Council.]

3 PASSED, ADOPTED and APPROVED this ____ day of _____, 1994.

4 APPROVED:

5 By _____
6 JAN LAVERTY JONES, MAYOR

7 ATTEST:

8 _____
9 Kathleen M. Tighe, City Clerk

10 The above and foregoing ordinance was first proposed and read by title to the City Council
11 on the ____ day of _____, 1994 and referred to the following committee composed of
12 _____ and _____
13 for recommendation; thereafter the said committee reported favorably on said ordinance on the
14 ____ day of _____, 1994, which was a _____ meeting of said Council; that
15 at said _____ meeting, the proposed ordinance was read by title to the City Council
16 as amended and adopted by the following vote:

17 VOTING "AYE" : _____

18 VOTING "NAY" : _____

19 ABSENT: _____

20 APPROVED:

21 By _____
22 JAN LAVERTY JONES, MAYOR

23 ATTEST:

24 _____
25 Kathleen M. Tighe, City Clerk
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FLAGGING SUMMARY STATISTICS

CITY WIDE FLAGGING INCIDENTS	MONTH 1	MONTH 2	MONTH 3	MONTH 4	YEAR TO DATE	
TOTAL FLAGGING INCIDENTS,						
TOTAL FLAGGING BY PRECINCT OF OCCURANCE						
NORTH						
SOUTH						
EAST						
WEST						
CITY WIDE FLAGGING ARRESTS						
TOTAL FLAGGING ARRESTS						
TOTAL FLAGGING ARRESTS BY PRECINCT OF OCCURANCE						
NORTH						
SOUTH						
EAST						
WEST						
NUMBER OF INDIVIDUALS CHARGED AS RESULT OF FLAGGING ARREST						
FELONY ADULT						
MISD. ADULT						
JUVENILE (UNDER 18)						

TYPE OF CHARGES FILED AS RESULT OF FLAGGING INCIDENTS						
FLAGGING						
V.U.C.S.A.						
OTHER FELONY						
OTHER MISD.						

ARREST FOR FLAGGING BY ETHNICITY						
CAUCASIAN						
ASIAN/PACIFIC ISLANDER						
AFRICAN AMERICAN						
HISPANIC						
NATIVE AMERICAN						
OTHER/UNKNOWN						

PRIOR CONVICTIONS OF DEFENDANTS CHARGED AS RESULT OF FLAGGING INCIDENTS						
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DISPOSITION OF JUVENILE MISD. OR FELONY CASES THAT BEGAN AS FLAGGING						
CHARGES FILED						
PENDING						
DIVERTED						
CONVICTED						
DISMISSED BY MOTION OF PROSECUTOR						

DISMISSED BY COURT						
CHARGES NOT FILED:						
USED IN SENTENCING ON ANOTHER CASE						
ADDITIONAL INFORMATION REQUESTED						
INSUFFICIENT EVIDENCE TO CHARGE						
DISPOSITION UNKNOWN						
TOTAL						

DISPOSITION OF FLAGGING CASES- ADULT						
CHARGES FILED:						
CONVICTED						
PENDING						
DISMISSED BY MOTION OF PROSECUTOR						
DISMISSED BY COURT						
SUBTOTAL						
CHARGES NOT FILED:						
TOTAL						

DISPOSITION OF FELONY DRUG CASES RESULTING FOR FLAGGING ARREST (ADULTS)						
CHARGES FILED						
CONVICTED						

PENDING						
DISMISSED BY MOTION OF PROSECUTOR						
DISMISSED BY COURT						
REDUCED CHARGE						
SUBTOTAL						
CHARGES NOT FILED						
TOTAL						

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PROPOSED SECOND AMENDMENT

Bill No. 94-28

Ordinance No. ____

AN ORDINANCE MAKING IT A CRIMINAL MISDEMEANOR TO REMAIN IN AN AREA FOR THE PURPOSE OF ENGAGING IN OR AIDING OR ABETTING UNLAWFUL DRUG RELATED ACTIVITY; PROVIDING FOR PENALTIES FOR THE VIOLATION HEREOF, INCLUDING MANDATORY MINIMUM SENTENCES OF IMPRISONMENT; PROVIDING FOR GUIDELINES FOR THE DETENTION OR ARREST OF SUSPECTED VIOLATORS; PROVIDING FOR PUBLIC HEARINGS CONCERNING THE EFFECTIVENESS AND THE ENFORCEMENT OF THIS ORDINANCE AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

Sponsored by:

Mayor Jan Lavery Jones

Summary: Prohibits remaining in public places for the purpose of unlawful drug related activity and penalizes such conduct as a criminal misdemeanor.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS, DOES HEREBY
ORDAIN AS FOLLOWS:

SECTION 1: Title 10 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 73 and consisting of Sections 10 to 80, inclusive, reading as follows:

10.73.010 **Unlawfully remaining in a public place with the intent to engage in or aid or abet unlawful drug-related activity.**

(A) Unless a greater penalty is provided for by the Nevada Revised Statutes, it is a misdemeanor for any person to stand, sit, lay or otherwise remain within fifty (50) feet of a licensed drug or alcohol treatment facility; in or near any thoroughfare; in or on any public transportation facility; or in any other public place or place open to the public, including (but not limited to) streets, sidewalks, parks, plazas, and squares, while conducting himself or herself with the intent to engage in, or aid and abet another believed to be engaging in unlawful drug-related activity and in a manner manifesting such intent.

1 (B) It is not a defense to an alleged violation of this provision that the person
2 intended to be aided or abetted did not himself or herself intend to engage unlawful drug-related
3 activity. It is not a defense to an alleged violation of this ordinance that there is an absence of
4 proof of the existence, possession or delivery of a controlled substance or of an actual attempt or
5 conspiracy to conduct drug-related activity.

6 10.73.020 **Unlawful drug-related activity defined.**

7 The term "unlawful drug-related activity" as used in this ordinance, refers to any
8 activity which is contrary to any of the provisions of Nevada Revised Statutes Section 453.316,
9 453.321, 453.323, 453.326, 453.332, 453.336, 453.337, 453.338, 453.3385, 453.339, 453.3395,
10 453.401, 453.411, 453.560, 453.562, 453.564 or 453.566.

11 10.73.030 **Detention, arrest and conviction.**

12 (A) No person may be detained for a suspected violation of this ordinance *except*
13 *by a peace officer certified within the previous year by the Sheriff of Clark County, Nevada as*
14 *possessing special training, education and experience in the field the enforcement of the Nevada*
15 *Uniform Controlled Substances Act referred to in NRS 453.011 (or similar uniform controlled*
16 *substances act of another jurisdiction) and specially assigned or detailed to the enforcement of*
17 *such uniform controlled substance act. Nor may any person be detained for a suspected violation*
18 *of this ordinance unless and until [the law enforcement] such officer has articulable facts upon*
19 *which (s)he can state reasonable suspicion that the individual to be detained has engaged or is*
20 *engaging in conduct which is prohibited in Section 10.73.010. Nothing in this provision is*
21 *intended to prohibit a law enforcement officer from lawfully approaching and speaking to an*
22 *individual.*

23 (B) No arrest under this ordinance may occur *except by a peace officer certified*
24 *within the previous year by the Sheriff of Clark County, Nevada as possessing special training,*
25 *education and experience in the field the enforcement of the Nevada Uniform Controlled*
26

1 *Substances Act referred to in NRS 453.011 (or similar uniform controlled substances act of another*
2 *jurisdiction) and specially assigned or detailed to the enforcement of such uniform controlled*
3 *substance act.* Nor may any person be arrested for a suspected violation of this ordinance unless
4 and until the arresting [individual] officer has articulable facts upon which (s)he can state probable
5 cause that the individual to be arrested has engaged or is engaging in conduct which is prohibited
6 in Section 10.73.010.

7 (C) No conviction under this ordinance may occur unless any person arrested or
8 detained for a violation of this ordinance was so detained or arrested in compliance with this
9 chapter.

10 10.73.040 **Opportunity to explain purpose and conduct.**

11 Prior to making an arrest for a violation of this ordinance, the individual to be
12 arrested must be afforded a reasonable opportunity to explain his or her conduct and purpose at
13 the site.

14 10.73.050 **Non-exclusive factors which may impact manifested intent.**

15 (A) Circumstances which may be considered in combination when determining
16 whether an intent to engage in or aid and abet unlawful drug-related activity is manifested by a
17 person's action(s) include, but are not limited to when:

18 (1) Such person is a known unlawful drug user,
19 possessor, or seller. For purposes of this section, a "known
20 unlawful drug user, possessor, or seller" is a person who has,
21 within the available information and belief of a law enforcement
22 officer, within the previous three years been convicted in any court
23 of any violation involving the use, possession, or sale of any of the
24 controlled substances or drug paraphernalia items referred to in
25 Nevada Revised Statutes Section 453.316, 453.321, 453.323,
26 453.326, 453.332, 453.336, 453.337, 453.338, 453.3385, 453.339,
453.3395, 453.401, 453.411, 453.560, 453.562, 453.564 or
453.566 or the similar laws of any political subdivision of this state
or of any other state; or a person who, in the opinion of a police
officer observing such person, displays physical characteristics of
drug intoxication or usage in accordance with such officer's
training, education and experience;

1 (2) The area involved is by public repute known to be an
2 area of unlawful drug use or other unlawful drug-related activity;

3 (3) The premises involved are known to have been
4 reported to law enforcement as a place suspected of unlawful drug
5 use or other unlawful drug-related activity within the previous 3
6 months;

7 (4) Any vehicle involved is known to be registered to and
8 observed to be occupied by a "known unlawful drug user, possessor,
9 or seller", or person for which there is an outstanding warrant for
10 unlawful drug-related activity;

11 (5) Such person takes flight upon the appearance of a
12 police officer or police vehicle;

13 (6) Such person manifestly endeavors to conceal himself
14 or herself, or conceal any object that reasonably could be involved
15 in an unlawful drug-related activity;

16 (7) The person repeatedly beckons to, stops, attempts to
17 stop, or engage in conversations with passers-by, whether such
18 passers-by are on foot or in a motor vehicle during any consecutive
19 four hours or less;

20 (8) The person repeatedly passes to or receives from
21 passers-by money, objects capable of containing or concealing
22 controlled substances or money, or written material, whether such
23 passers-by are on foot or in a motor vehicle during any period of
24 four consecutive hours or less;

25 (9) The person repeatedly has short periods of contact
26 with different people during any period of four consecutive hours or
less;

(10) A vehicle or residence occupied by the person has
several short contacts with different people during any period of
four consecutive hours or less;

(11) The person is known by the investigating officer to be
the subject of a court or administrative order of parole, probation,
bond, or sentence, prohibiting his or her presence in the area, or in
any geographic activity with a high level of recorded or reported
drug activity.

(12) Such person is either reputed within his or her
community, or known by law enforcement officers through their
prior or contemporaneous observations, to have firearms within his
or her dominion or control, whether or not such firearms are
concealed.

1 (13) Such person behaves in another manner commonly
2 associated with one who is then acting or has acted with the intent
3 to engage in or aid and abet another in unlawful drug-related
4 activity;

5 (B) The fact that a person is a "known drug user, possessor or seller" in an area,
6 vehicle or residence reputed or reported in the past to be associated with "unlawful drug activity",
7 without articulable conduct evincing present unlawful intent as required in this Chapter establishes
8 neither reasonable suspicion to detain, nor probable cause to arrest such person for a violation of
9 this ordinance.

10 10.73.060 **[Excluded factors.**

11 A suspect's gender, race, creed or color shall not be a factor in either investigating
12 or evaluating his or her intent under this chapter.

13 10.73.070] **Forfeiture of property.**

14 Any drug paraphernalia, books, papers, pagers, beepers, imitation controlled
15 substances or firearm, intended to be used or used to facilitate a violation of this ordinance
16 lawfully seized at the time of the arrest may be permanently forfeited upon conviction for a
17 violation of this ordinance pursuant to the applicable provisions of the Nevada Revised Statutes.

18 [10.073.080] 10.73.070 **Penalties.**

19 (1) Except as otherwise provided by Section 10.73.080(2), any person who violates
20 this ordinance shall be punished as follows:

21 (A) For the first violation, by imprisonment for not less than thirty (30) days and
22 by a fine of not less than two hundred and fifty dollars (\$250);

23 (B) For the second violation within three years of the first violation, by
24 imprisonment for not less than sixty (60) days and by a fine of not less than five hundred dollars
25 (\$500);

26 (C) For any third or subsequent violation which is within three years of a
preceding violation, by imprisonment of not less than six months and a fine of not less than five

1 hundred dollars (\$500);

2 [(D) For at least twice the mandatory minimum term of imprisonment which would
3 be otherwise provided for in Subsection (A) or (B) of this Section and a minimum fine of five
4 hundred dollars (\$500) where the prosecutor alleges in the complaint for a violation of this chapter
5 and proves by a preponderance of the evidence at the time of sentencing that either the defendant
6 or the person intended to be aided and abetted, at the time of the violation, was a criminal street
7 gang member or had a firearm within his or her dominion or control.

8 As referred to in this Chapter, a "criminal street gang member" is defined as a
9 member of any ongoing association, organization or group of three or more persons, whether
10 formal or informal, which entity has a common name or common identifying sign or symbol,
11 whose members have tacitly or expressly adopted as one of their activities either (a) the
12 commission of unlawful drug-related activity as defined under this chapter or (b) the commission
13 of any violation of the Nevada Revised Statutes which restrict the use or possession of firearms
14 or the threatening, intimidation or harassment of victims or witnesses and involving one or more
15 members having, individually or collectively, on two or more separate occasions attempted to
16 commit, committed or solicited the commission of either (a) unlawful drug-related activity as
17 defined under this chapter or (b) any violation of the Nevada Revised Statutes which restrict the
18 use or possession of firearms or the threatening, intimidation or harassment of victims or
19 witnesses, provided that at least one of those violations occurred after the effective date of this
20 Section and the last of those violations occurred within three years after a prior violation, and the
21 violations are committed on separate occasions, or by two or more persons.]

22 (2) A court may sentence any person violating the provisions of this chapter to less
23 than the minimum sentence otherwise required if, at the time of original sentencing, such person:

24 (a) Is classified as an abuser of drugs by either a counselor certified to make that
25 classification by the bureau of alcohol and drug abuse of the rehabilitation division of the human
26

1 resources or a physician certified to make that classification by the board of medical examiners;
2 and

3 (b) Presents the court with sufficient proof of satisfactory voluntary participation
4 in a program of in house drug abuse counseling, including payment therefore, of a duration which
5 is at least equivalent to the minimum term of imprisonment otherwise provided for under this
6 chapter.

7 A court may continue the time of original sentencing of any person for purposes
8 of allowing such person to undergo or continue such voluntary in house drug abuse counseling.

9 The term "in house drug abuse counseling" refers to any licensed drug abuse
10 treatment facility whose services are recognized by the court as valid in counseling and treating
11 addicts for drug abuse and which requires it's patients to remain within their facility until such
12 a restriction is removed by the licensed drug abuse treatment facility.

13 [10.73.090] 10.73.080 During each of the two (2) years following enactment of
14 this ordinance, one (1) designated member of the Las Vegas City Council and the Sheriff of the
15 City of Las Vegas, jointly, shall conduct at least one (1) public hearing a year to ascertain the
16 effectiveness of said ordinance in reducing drug trafficking and its attendant criminal behavior and
17 to ensure that this section is being enforce without regard to race, color, ancestry, national origin,
18 gender or disability. Within one (1) month after each hearing, the designated Council member and
19 the Sheriff shall issue a report to the City Council summarizing the testimony at the hearing. The
20 report shall contain any changes they deem advisable.

21 SECTION 2: If any section, subsection, subdivision, paragraph, sentence,
22 clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional
23 or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the
24 validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City
25 Council of the City of Las Vegas, Nevada, hereby declares that it would have passed each section,
26

1 subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that
2 any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be
3 declared unconstitutional, invalid or ineffective.

4 SECTION 3: All ordinances or parts of ordinances, sections, subsections,
5 phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las
6 Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

7 SECTION 4: This ordinance shall take effect upon passage, adoption and approval
8 by the Las Vegas City Council.

9 PASSED, ADOPTED and APPROVED this ____ day of _____, 1994.

10 APPROVED:

11 By _____
12 JAN LAVERTY JONES, MAYOR

13 ATTEST:

14 _____
15 Kathleen M. Tighe, City Clerk
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The above and foregoing ordinance was first proposed and read by title to the City Council on the ____ day of _____, 1994 and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the ____ day of _____, 1994, which was a _____ meeting of said Council; that at said _____ meeting, the proposed ordinance was read by title to the City Council as amended and adopted by the following vote:

VOTING "AYE" : _____

VOTING "NAY" : _____

ABSENT: _____

APPROVED:

By _____
JAN LAVERTY JONES, MAYOR

ATTEST:

Kathleen M. Tighe, City Clerk

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PROPOSED FIRST AMENDMENT
SEE PROPOSED SECOND AMENDMENT

Bill No. 94-28

Ordinance No. ____

AN ORDINANCE MAKING IT A CRIMINAL MISDEMEANOR TO LOITER FOR THE PURPOSE OF ENGAGING IN OR AIDING OR ABETTING UNLAWFUL DRUG RELATED ACTIVITY; PROVIDING FOR PENALTIES FOR THE VIOLATION HEREOF, INCLUDING MANDATORY MINIMUM SENTENCES OF IMPRISONMENT AND ENHANCEMENT FOR THOSE WHO ARE CRIMINAL STREET GANG MEMBERS OR AID CRIMINAL STREET GANG MEMBERS; PROVIDING FOR GUIDELINES FOR THE DETENTION OR ARREST OF SUSPECTED VIOLATORS - EXCLUDING GENDER, RACE, CREED OR COLOR; PROVIDING FOR THE CREATION OF AN ANTI-DRUG STREET MARKETING COMMITTEE AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

Sponsored by:

Mayor Jan Laverty Jones

Summary: Prohibits loitering in public places for the purpose of unlawful drug related activity and penalizes such conduct as a criminal misdemeanor.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS, DOES HEREBY
ORDAIN AS FOLLOWS:

SECTION 1: Title 10 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 73 and consisting of Sections 10 to 90, inclusive, reading as follows:

10.73.010 Unlawfully remaining in a public place with the intent to engage in or aid or abet unlawful drug-related activity.

(A) Unless a greater penalty is provided for by the Nevada Revised Statutes, it is a misdemeanor for any person to stand, sit, lay or otherwise remain within fifty (50) feet of a licensed drug or alcohol treatment facility; in or near any thoroughfare; in or on any public transportation facility; or in any other public place or place open to the public, including (but not limited to) streets, sidewalks, parks, plazas, and squares, while conducting himself or herself with the intent to engage in, or aid and abet another believed to be engaging in unlawful drug-related

1 activity and in a manner manifesting such intent.

2 (B) It is not a defense to an alleged violation of this provision that the person
3 intended to be aided or abetted did not himself or herself intend to engage unlawful drug-related
4 activity. It is not a defense to an alleged violation of this ordinance that there is an absence of
5 proof of the existence, possession or delivery of a controlled substance or of an actual attempt or
6 conspiracy to conduct drug-related activity.

7 **10.73.020 Unlawful drug-related activity defined.**

8 The term "unlawful drug-related activity" as used in this ordinance, refers to any
9 activity which is contrary to any of the provisions of Nevada Revised Statutes Section 453.316,
10 453.321, 453.323, 453.326, 453.332, 453.336, 453.337, 453.338, 453.3385, 453.339, 453.3395,
11 453.401, 453.411, 453.560, 453.562, 453.564 or 453.566.

12 **10.73.030 Detention, arrest and conviction.**

13 (A) No person may be detained for a suspected violation of this ordinance unless
14 and until the law enforcement officer has articulable facts upon which (s)he can state reasonable
15 suspicion that the individual to be detained *has engaged or* is engaging in conduct which is
16 prohibited in Section 10.73.010. Nothing in this provision is intended to prohibit a law
17 enforcement officer from lawfully approaching and speaking to an individual.

18 (B) No arrest under this ordinance may occur unless and until the arresting
19 individual has articulable facts upon which (s)he can state probable cause that the individual to
20 be arrested *has engaged or* is engaging in [an activity] *conduct which is* prohibited in Section
21 10.73.010.

22 (C) No conviction under this ordinance may occur unless any person arrested or
23 detained for a violation of this ordinance was so detained or arrested in compliance with this
24 chapter.

1 10.73.040 **Opportunity to explain purpose and conduct.**

2 Prior to making an arrest for a violation of this ordinance, the individual to be
3 arrested must[,] be afforded a reasonable opportunity to explain his or her conduct and purpose
4 at the site.

5 10.73.050 **Non-exclusive factors which may impact manifested intent.**

6 (A) Circumstances which may be considered in combination when determining
7 whether an intent to engage in or aid and abet unlawful drug-related activity is manifested by a
8 person's action(s) include, but are not limited to when:

9 (1) Such person is a known unlawful drug user,
10 possessor, or seller. For purposes of this section, a "known
11 unlawful drug user, possessor, or seller" is a person who has,
12 within the available information and belief of a law enforcement
13 officer, *within the previous three years* been convicted in any court
14 of any violation involving the use, possession, or sale of any of the
15 controlled substances or drug paraphernalia items referred to in
16 Nevada Revised Statutes Section 453.316, 453.321, 453.323,
453.326, 453.332, 453.336, 453.337, 453.338, 453.3385, 453.339,
453.3395, 453.401, 453.411, 453.560, 453.562, 453.564 or
453.566 or the similar laws of any political subdivision of this state
or of any other state; or a person who, *in the opinion of a police
officer observing such person*, displays physical characteristics of
drug intoxication or usage [, including "needle tracks"] *in
accordance with such officer's training, education and experience;*

17 (2) The area involved is by public reputation known to be an
18 area of unlawful drug use or other unlawful drug-related activity;

19 (3) The premises involved are known to have been
20 reported to law enforcement as a place suspected of unlawful drug
use or other unlawful drug-related activity *within the previous 3
months;*

21 (4) Any vehicle involved is known to be registered to *and*
22 *observed to be occupied by* a "known unlawful drug user, possessor,
or seller", or *person* for which there is an outstanding warrant for
23 unlawful drug-related activity;

24 (5) Such person takes flight upon the appearance of a
police officer or police vehicle;

25 (6) Such person manifestly endeavors to conceal himself
26 or herself, or conceal any object that reasonably could be involved

1 in an unlawful drug-related activity;

2 (7) The person repeatedly beckons to, stops, attempts to
3 stop, or engage in conversations with passers-by, whether such
4 passers-by are on foot or in a motor vehicle during any consecutive
5 four hours or less;

6 (8) The person repeatedly passes to or receives from
7 passers-by money, objects capable of containing or concealing
8 controlled substances or money, or written material, whether such
9 passers-by are on foot or in a motor vehicle during any period of
10 four consecutive hours or less;

11 (9) The person repeatedly has short periods of contact
12 with different people during any period of four consecutive hours or
13 less;

14 (10) A vehicle or residence occupied by the person has
15 several short contacts with different people during any period of
16 four consecutive hours or less;

17 (11) The person is known by the investigating officer to be
18 the subject of a court or administrative order of parole, probation,
19 bond, or sentence, prohibiting his or her presence in the area, or in
20 any geographic activity with a high level of recorded or reported
21 drug activity.

22 (12) Such person is either reputed within his or her
23 community, or known by law enforcement officers through their
24 prior or contemporaneous observations, to have firearms within his
25 or her dominion or control, whether or not such firearms are
26 concealed.

(13) Such person behaves in another manner commonly
associated with one who is [about to act with the intent to engage in
or aid and abet another, is] then acting [with the intent to engage in
or aid and abet another] or has acted with the intent to engage in or
aid and abet another in unlawful drug-related activity;

(B) The fact that a person is a "known drug user, possessor or seller" in an area,
vehicle or residence reputed or reported in the past to be associated with "unlawful drug activity",
without [more] *articulable conduct evincing present unlawful intent as required in this Chapter*
establishes neither reasonable suspicion to detain, nor probable cause to arrest such person for a
violation of this ordinance.

1 10.73.060 **Excluded factors.**

2 A suspect's gender, race, creed or color shall not be a factor in either investigating
3 or evaluating his or her intent under this chapter.

4 10.73.070 **Forfeiture of property.**

5 Any [property, including a motor vehicle] drug paraphernalia, books, papers,
6 pagers, beepers, imitation controlled substances or firearm, *intended to be used or* used to
7 facilitate a violation of this ordinance[, or used in connection with activity that violates this
8 ordinance, may be] *lawfully* seized at the time of the arrest *may be* [and] permanently forfeited
9 upon conviction for a violation of this ordinance pursuant to *the* applicable provisions of *the*
10 Nevada Revised Statutes.

11 10.073.080 **Penalties.**

12 (1) Except as otherwise provided by Section 10.73.080(2), any person who violates
13 this ordinance shall be punished as follows:

14 (A) For the first violation, by imprisonment for not less than thirty (30) days and
15 by a fine of not less than two hundred and fifty dollars (\$250);

16 (B) For the second violation within three years of the first violation, by
17 imprisonment for not less than sixty (60) days and by a fine of not less than five hundred dollars
18 (\$500);

19 (C) For any third or subsequent violation which is within three years of a
20 preceding violation, by imprisonment of not less than six months and a fine of not less than five
21 hundred dollars (\$500);

22 (D) For at least twice the mandatory minimum term of imprisonment which would
23 be otherwise provided for in Subsection (A) or (B) of this Section and a minimum fine of five
24 hundred dollars (\$500) where the prosecutor alleges in the complaint for a violation of this chapter
25 and proves by a preponderance of the evidence at the time of sentencing that either the defendant
26

1 or the person intended to be aided and abetted, at the time of the violation, was a criminal street
2 gang member or had a firearm within his or her dominion or control.

3 As referred to in this Chapter, a "criminal street gang member" is defined as a
4 member of any ongoing association, organization or group of three or more persons, whether
5 formal or informal, which entity has a common name or common identifying sign or symbol,
6 whose members have tacitly or expressly adopted as one of their activities either (a) the
7 commission of unlawful drug-related activity as defined under this chapter or (b) the commission
8 of any violation of the Nevada Revised Statutes which restrict the use or possession of firearms
9 or the threatening, intimidation or harassment of victims or witnesses and involving one or more
10 members having, *individually or collectively*, on two or more separate occasions attempted to
11 commit, committed or solicited the commission of either (a) unlawful drug-related activity as
12 defined under this chapter or (b) any violation of the Nevada Revised Statutes which restrict the
13 use or possession of firearms or the threatening, intimidation or harassment of victims or
14 witnesses, *provided that at least one of those violations occurred after the effective date of this*
15 *Section and the last of those violations occurred within three years after a prior violation, and the*
16 *violations are committed on separate occasions, or by two or more persons.*

17 (2) A court may sentence any person violating the provisions of this chapter to less
18 than the minimum sentence otherwise required if, at the time of original sentencing, such person:

19 (a) Is classified as an abuser of drugs by either a counselor certified to make that
20 classification by the bureau of alcohol and drug abuse of the rehabilitation division of the human
21 resources or a physician certified to make that classification by the board of medical examiners;
22 and

23 (b) Presents the court with sufficient proof of satisfactory voluntary participation
24 in a program of in house drug abuse counseling, including payment therefore, of a duration which
25 is at least equivalent to the minimum term of imprisonment otherwise provided for under this
26

1 chapter.

2 A court may continue the time of original sentencing of any person for purposes
3 of allowing such person to undergo or continue such voluntary in house drug abuse counseling.

4 The term "in house drug abuse counseling" refers to any licensed drug abuse
5 treatment facility whose services are recognized by the court as valid in counseling and treating
6 addicts for drug abuse and which requires it's patients to remain within their facility until such
7 a restriction is removed by the licensed drug abuse treatment facility.

8 10.73.090 [Anti-Drug Street Marketing Committee established.

9 An Anti-Drug Street Marketing Ordinance Review Committee, composed of one
10 member appointed by the Mayor and one member appointed by each member of the City Council
11 shall be established within six months of the enactment of this ordinance. The committee shall
12 assemble such information as is allowed by law and make such reports and recommendations to
13 the Council as it sees fit, as to the implementation of this law, its use in a non-arbitrary and non-
14 discriminatory manner, and its effectiveness. The committee members shall serve for a period of
15 three years, unless re-appointed and shall adopt such rules and procedures as are necessary and
16 proper to accomplish its purpose.] *During each of the two (2) years following enactment of this*
17 *ordinance, the Mayor of the City of Las Vegas (or designee) and the Sheriff of Clark County,*
18 *Nevada (or designee), jointly, shall conduct at least one (1) public hearing a year to ascertain the*
19 *effectiveness of said ordinance in reducing drug trafficking and its attendant criminal behavior and*
20 *to ensure that this section is being enforce without regard to race, color, ancestry, national*
21 *origin, gender or disability.* Within one (1) month after each hearing, the Mayor of the City of Las
22 Vegas (or designee) and the Sheriff of Clark County (or designee) shall issue a report to the City
23 Council summarizing the testimony at the hearing. The report shall contain any changes they deem
24 advisable.

25 SECTION 2: If any section, subsection, subdivision, paragraph, sentence
26

1 clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional
2 or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the
3 validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City
4 Council of the City of Las Vegas, Nevada, hereby declares that it would have passed each section,
5 subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that
6 any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be
7 declared unconstitutional, invalid or ineffective.

8 SECTION 3: All ordinances or parts of ordinances, sections, subsections,
9 phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las
10 Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

11 SECTION 4: This ordinance shall take effect upon passage, adoption and approval
12 by the Las Vegas City Council.

13 PASSED, ADOPTED and APPROVED this ____ day of _____, 1994.

14 APPROVED:

15 By _____
16 JAN LAVERTY JONES, MAYOR

17 ATTEST:

18 _____
19 Kathleen M. Tighe, City Clerk

20 The above and foregoing ordinance was first proposed and read by title to the City Council
21 on the ____ day of _____, 1994 and referred to the following committee composed of
22 _____ and _____
23 for recommendation; thereafter the said committee reported favorably on said ordinance on the
24 ____ day of _____, 1994, which was a _____ meeting of said Council; that
25 at said _____ meeting, the proposed ordinance was read by title to the City Council
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as amended and adopted by the following vote:

VOTING "AYE" : _____

VOTING "NAY" : _____

ABSENT: _____

APPROVED:

By _____
JAN LAVERTY JONES, MAYOR

ATTEST:

Kathleen M. Tighe, City Clerk

Ordinance No. ____

AN ORDINANCE MAKING IT A CRIMINAL MISDEMEANOR TO LOITER FOR THE PURPOSE OF ENGAGING IN OR AIDING OR ABETTING UNLAWFUL DRUG RELATED ACTIVITY; PROVIDING FOR PENALTIES FOR THE VIOLATION HEREOF, INCLUDING MANDATORY MINIMUM SENTENCES OF IMPRISONMENT AND ENHANCEMENT FOR THOSE WHO ARE CRIMINAL STREET GANG MEMBERS OR AID CRIMINAL STREET GANG MEMBERS; PROVIDING FOR GUIDELINES FOR THE DETENTION OR ARREST OF SUSPECTED VIOLATORS - EXCLUDING GENDER, RACE, CREED OR COLOR; PROVIDING FOR THE CREATION OF AN ANTI-DRUG STREET MARKETING COMMITTEE AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

Sponsored by:

Summary: Prohibits loitering in public places for the purpose of unlawful drug related activity and penalizes such conduct as a criminal misdemeanor.

Mayor Jan Laverty Jones

THE CITY COUNCIL OF THE CITY OF LAS VEGAS, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 10 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 73 and consisting of Sections 10 to 90, inclusive, reading as follows:

10.73.010 Unlawfully remaining in a public place with the intent to engage in or aid or abet unlawful drug-related activity.

(A) Unless a greater penalty is provided for by the Nevada Revised Statutes, it is a misdemeanor for any person to stand, sit, lay or otherwise remain within fifty (50) feet of a licensed drug or alcohol treatment facility; in or near any thoroughfare; in or on any public transportation facility; or in any other public place or place open to the public, including (but not limited to) streets, sidewalks, parks, plazas, and squares, while conducting himself or herself with the intent to engage in, or aid and abet another believed to be engaging in unlawful drug-related activity and in a manner manifesting such intent.

(B) It is not a defense to an alleged violation of this provision that the person

1 intended to be aided or abetted did not himself or herself intend to engage unlawful drug-related
2 activity. It is not a defense to an alleged violation of this ordinance that there is an absence of
3 proof of the existence, possession or delivery of a controlled substance or of an actual attempt or
4 conspiracy to conduct drug-related activity.

5 10.73.020 **Unlawful drug-related activity defined.**

6 The term "unlawful drug-related activity" as used in this ordinance, refers to any
7 activity which is contrary to any of the provisions of Nevada Revised Statutes Section 453.316,
8 453.321, 453.323, 453.326, 453.332, 453.336, 453.337, 453.338, 453.3385, 453.339, 453.3395,
9 453.401, 453.411, 453.560, 453.562, 453.564 or 453.566.

10 10.73.030 **Detention, arrest and conviction.**

11 (A) No person may be detained for a suspected violation of this ordinance unless
12 and until the law enforcement officer has articulable facts upon which (s)he can state reasonable
13 suspicion that the individual to be detained is engaging in conduct which is prohibited in Section
14 10.73.010. Nothing in this provision is intended to prohibit a law enforcement officer from
15 lawfully approaching and speaking to an individual.

16 (B) No arrest under this ordinance may occur unless and until the arresting
17 individual has articulable facts upon which (s)he can state probable cause that the individual to
18 be arrested is engaging in an activity prohibited in Section 10.73.010.

19 (C) No conviction under this ordinance may occur unless any person arrested or
20 detained for a violation of this ordinance was so detained or arrested in compliance with this
21 chapter.

22 10.73.040 **Opportunity to explain purpose and conduct.**

23 Prior to making an arrest for a violation of this ordinance, the individual to be
24 arrested must, be afforded a reasonable opportunity to explain his or her conduct and purpose at
25 the site.
26

10.73.050 **Non-exclusive factors which may impact manifested intent.**

(A) Circumstances which may be considered in combination when determining whether an intent to engage in or aid and abet unlawful drug-related activity is manifested by a person's action(s) include, but are not limited to when:

(1) Such person is a known unlawful drug user, possessor, or seller. For purposes of this section, a "known unlawful drug user, possessor, or seller" is a person who has, within the available information and belief of a law enforcement officer, been convicted in any court of any violation involving the use, possession, or sale of any of the controlled substances or drug paraphernalia items referred to in Nevada Revised Statutes Section 453.316, 453.321, 453.323, 453.326, 453.332, 453.336, 453.337, 453.338, 453.3385, 453.339, 453.3395, 453.401, 453.411, 453.560, 453.562, 453.564 or 453.566 or the similar laws of any political subdivision of this state or of any other state; or a person who displays physical characteristics of drug intoxication or usage, including "needle tracks";

(2) The area involved is by public repute known to be an area of unlawful drug use or other unlawful drug-related activity;

(3) The premises involved are known to have been reported to law enforcement as a place suspected of unlawful drug use or other unlawful drug-related activity;

(4) Any vehicle involved is known to be registered to a known unlawful drug user, possessor, or seller, or for which there is an outstanding warrant for unlawful drug-related activity;

(5) Such person takes flight upon the appearance of a police officer or police vehicle;

(6) Such person manifestly endeavors to conceal himself or herself, or conceal any object that reasonably could be involved in an unlawful drug-related activity;

(7) The person repeatedly beckons to, stops, attempts to stop, or engage in conversations with passers-by, whether such passers-by are on foot or in a motor vehicle during any consecutive four hours or less;

(8) The person repeatedly passes to or receives from passers-by money, objects capable of containing or concealing controlled substances or money, or written material, whether such passers-by are on foot or in a motor vehicle during any period of four consecutive hours or less;

1 (9) The person repeatedly has short periods of contact
2 with different people during any period of four consecutive hours or
less;

3 (10) A vehicle or residence occupied by the person has
4 several short contacts with different people during any period of
four consecutive hours or less;

5 (11) The person is known by the investigating officer to be
6 the subject of a court or administrative order of parole, probation,
7 bond, or sentence, prohibiting his or her presence in the area, or in
any geographic activity with a high level of recorded or reported
drug activity.

8 (12) Such person is either reputed within his or her
9 community, or known by law enforcement officers through their
prior or contemporaneous observations, to have firearms within his
10 or her dominion or control, whether or not such firearms are
concealed.

11 (13) Such person behaves in another manner commonly
12 associated with one who is about to act with the intent to engage in
or aid and abet another, is then acting with the intent to engage in
13 or aid and abet another or has acted with the intent to engage in or
aid and abet another in unlawful drug-related activity;

14 (B) The fact that a person is a "known drug user, possessor or seller" in an area,
15 vehicle or residence reputed or reported in the past to be associated with "unlawful drug activity",
16 without more establishes neither reasonable suspicion to detain, nor probable cause to arrest such
17 person for a violation of this ordinance.

18 10.73.060 **Excluded factors.**

19 A suspect's gender, race, creed or color shall not be a factor in either investigating
20 or evaluating his or her intent under this chapter.

21 10.73.070 **Forfeiture of property.**

22 Any property, including a motor vehicle or firearm, used to facilitate a violation
23 of this ordinance, or used in connection with activity that violates this ordinance, may be seized
24 at the time of the arrest and permanently forfeited upon conviction for a violation of this
25 ordinance pursuant to applicable provisions of Nevada Revised Statutes.

1 10.073.080 **Penalties.**

2 (1) Except as otherwise provided by Section 10.73.080(2), any person who violates
3 this ordinance shall be punished as follows:

4 (A) For the first violation, by imprisonment for not less than thirty (30) days and
5 by a fine of not less than two hundred and fifty dollars (\$250);

6 (B) For the second violation within three years of the first violation, by
7 imprisonment for not less than sixty (60) days and by a fine of not less than five hundred dollars
8 (\$500);

9 (C) For any third or subsequent violation which is within three years of a
10 preceding violation, by imprisonment of not less than six months and a fine of not less than five
11 hundred dollars (\$500);

12 (D) For at least twice the mandatory minimum term of imprisonment which would
13 be otherwise provided for in Subsection (A) or (B) of this Section and a minimum fine of five
14 hundred dollars (\$500) where the prosecutor alleges in the complaint for a violation of this chapter
15 and proves by a preponderance of the evidence at the time of sentencing that either the defendant
16 or the person intended to be aided and abetted, at the time of the violation, was a criminal street
17 gang member or had a firearm within his or her dominion or control.

18 As referred to in this Chapter, a "criminal street gang member" is defined as a
19 member of any ongoing association, organization or group of three or more persons, whether
20 formal or informal, which entity has a common name or common identifying sign or symbol,
21 whose members have tacitly or expressly adopted as one of their activities either (a) the
22 commission of unlawful drug-related activity as defined under this chapter or (b) the commission
23 of any violation of the Nevada Revised Statutes which restrict the use or possession of firearms
24 or the threatening, intimidation or harassment of victims or witnesses and involving one or more
25 members having, on two or more separate occasions attempted to commit, committed or solicited
26

1 the commission of either (a) unlawful drug-related activity as defined under this chapter or (b) any
2 violation of the Nevada Revised Statutes which restrict the use or possession of firearms or the
3 threatening, intimidation or harassment of victims or witnesses.

4 (2) A court may sentence any person violating the provisions of this chapter to less
5 than the minimum sentence otherwise required if, at the time of original sentencing, such person:

6 (a) Is classified as an abuser of drugs by either a counselor certified to make that
7 classification by the bureau of alcohol and drug abuse of the rehabilitation division of the human
8 resources or a physician certified to make that classification by the board of medical examiners;
9 and

10 (b) Presents the court with sufficient proof of satisfactory voluntary participation
11 in a program of in house drug abuse counseling, including payment therefore, of a duration which
12 is at least equivalent to the minimum term of imprisonment otherwise provided for under this
13 chapter.

14 A court may continue the time of original sentencing of any person for purposes
15 of allowing such person to undergo or continue such voluntary in house drug abuse counseling.

16 The term "in house drug abuse counseling" refers to any licensed drug abuse
17 treatment facility whose services are recognized by the court as valid in counseling and treating
18 addicts for drug abuse and which requires it's patients to remain within their facility until such
19 a restriction is removed by the licensed drug abuse treatment facility.

20 10.73.090 **Anti-Drug Street Marketing Committee established.**

21 An Anti-Drug Street Marketing Ordinance Review Committee, composed of one
22 member appointed by the Mayor and one member appointed by each member of the City Council
23 shall be established within six months of the enactment of this ordinance. The committee shall
24 assemble such information as is allowed by law and make such reports and recommendations to
25 the Council as it sees fit, as to the implementation of this law, its use in a non-arbitrary and non-

1 discriminatory manner, and its effectiveness. The committee members shall serve for a period of
2 three years, unless re-appointed and shall adopt such rules and procedures as are necessary and
3 proper to accomplish its purpose.

4 SECTION 2: If any section, subsection, subdivision, paragraph, sentence,
5 clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional
6 or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the
7 validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City
8 Council of the City of Las Vegas, Nevada, hereby declares that it would have passed each section,
9 subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that
10 any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be
11 declared unconstitutional, invalid or ineffective.

12 SECTION 3: All ordinances or parts of ordinances, sections, subsections,
13 phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las
14 Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

15 SECTION 4: This ordinance shall take effect upon passage, adoption and approval
16 by the Las Vegas City Council.

17 PASSED, ADOPTED and APPROVED this ____ day of _____, 1994.

18 APPROVED:

19 By _____
 JAN LAVERTY JONES, MAYOR

20 ATTEST:

21 _____
22 Kathleen M. Tighe, City Clerk
23
24
25
26

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the ____ day of ____, 1994 and referred to the following committee composed of
3 _____ and _____
4 for recommendation; thereafter the said committee reported favorably on said ordinance on the
5 ____ day of ____, 1994, which was a _____ meeting of said Council; that
6 at said _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:
8 VOTING "AYE" : _____
9 VOTING "NAY" : _____
10 ABSENT: _____
11 APPROVED:
12 By _____
13 JAN LAVERTY JONES, MAYOR
14 ATTEST:
15 _____
16 Kathleen M. Tighe, City Clerk
17
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19
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23
24
25
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AFFIDAVIT OF PUBLICATION

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FIFTH AMENDMENT
BILL NO. 94-28
ORDINANCE NO. 3803

AN ORDINANCE MAKING IT A CRIMINAL MISDEMEANOR TO GUIDE, LEAD, STEER, OR OTHERWISE DIRECT ANOTHER FOR THE PURPOSE OF AIDING OR ABETTING THE UNLAWFUL POSSESSION OR DISTRIBUTION OF CONTROLLED SUBSTANCES; PROVIDING FOR PENALTIES FOR A VIOLATION HEREOF, INCLUDING MANDATORY MINIMUM SENTENCES OF IMPRISONMENT; PROVIDING FOR AN ABILITY TO SEEK AND OBTAIN COURT ORDERED COUNSELING AND TREATMENT; PROVIDING FOR MANDATORY REPORTING BY THE ARRESTING OFFICER; PROVIDING FOR REGULAR STATISTICAL REPORTS TO THE CITY COUNCIL FROM THE CITY ATTORNEY; PROVIDING FOR THIS ORDINANCE TO BE EFFECTIVE FOR A PERIOD OF (180 DAYS) ONE YEAR UNLESS EXTENDED BY THE CITY COUNCIL; PROVIDING FOR THE ESTABLISHMENT OF A HUMAN RIGHTS AND AN ANTI-DRUG REVIEW COMMITTEE AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

Sponsored by: -

Summary: Prohibits directing another with the intent to aid unlawful possession or distribution of controlled substances and penalizes such conduct as a criminal misdemeanor.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 6th day of April, 1994, and referred to the following committee composed of the Full Council for recommendation; thereafter the said committee reported favorably on said amended ordinance on the 18th day of May, 1994, which was a regular meeting of said City Council; and that of said regular meeting the proposed ordinance was read by title to the City Council as amended and adapted by the following vote:

VOTING "AYE" Councilmen: Adamsen, Higginson, Hawkins Jr., and Mayor Jones

VOTING "NAY" NONE

EXCUSED: Councilman Brass
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: May 24, 1994
Los Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

ANDREA DAVIS

, being first duly sworn, deposes and says:

That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of MAY 24, 1994 to MAY 24, 1994, on the following days:

MAY 24, 1994

Signed: Andrea Davis

Subscribed and sworn to before me this

27

day of May

, 19 94

Peggy D. Barron

Notary Public



PEGGY D. BARRON
Notary Public - Nevada
Clark County
My appt. exp. Feb. 17, 1998

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May 31 10 39 AM '94

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FIFTH AMENDMENT
BILL NO. 94-28
ORDINANCE NO. 3803

AN ORDINANCE MAKING IT A CRIMINAL MISDEMEANOR TO GUIDE, LEAD, STEER, OR OTHERWISE DIRECT ANOTHER FOR THE PURPOSE OF AIDING OR ABETTING THE UNLAWFUL POSSESSION OR DISTRIBUTION OF CONTROLLED SUBSTANCES; PROVIDING FOR PENALTIES FOR A VIOLATION HEREOF, INCLUDING MANDATORY MINIMUM SENTENCES OF IMPRISONMENT; PROVIDING FOR AN ABILITY TO SEEK AND OBTAIN COURT ORDERED COUNSELING AND TREATMENT; PROVIDING FOR MANDATORY REPORTING BY THE ARRESTING OFFICER; PROVIDING FOR REGULAR STATISTICAL REPORTS TO THE CITY COUNCIL FROM THE CITY ATTORNEY; PROVIDING FOR THIS ORDINANCE TO BE EFFECTIVE FOR A PERIOD OF [180 DAYS] ONE YEAR UNLESS EXTENDED BY THE CITY COUNCIL; PROVIDING FOR THE ESTABLISHMENT OF A HUMAN RIGHTS AND AN ANTI-DRUG REVIEW COMMITTEE AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

Sponsored by: --
Summary: Prohibits directing another with the intent to aid unlawful possession or distribution of controlled substances and penalizes such Mayor Jon Laverly Jones conduct as a criminal misdemeanor. The above and foregoing ordinance was first proposed and read by title to the City Council on the 6th day of April, 1994, and referred to the following committee composed of the Full Council for recommendation; thereafter the said committee reported favorably on said amended ordinance on the 18th day of May, 1994 which was a regular meeting of said City Council; and that of said regular meeting the proposed ordinance was read by title to the City Council as amended and adopted by the following vote:
VOTING "AYE" Councilmen: Adamsen, Higginson, Hawkins Jr., and Mayor Jones
VOTING "NAY" NONE
EXCUSED: Councilmen Brass
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: May 21, 1994
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

ANDREA DAVIS, being first duly sworn, deposes and says:

That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of MAY 21, 1994 to MAY 21, 1994, on the following days:

MAY 21, 1994

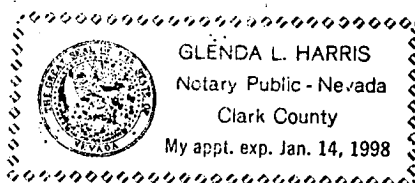
Signed: Andrea Davis

Subscribed and sworn to before me this

26 day of May, 1994

Glenda L Harris

Notary Public



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**PROPOSED FIRST AMENDMENT
BILL NO. 94-28**

AN ORDINANCE MAKING IT A CRIMINAL MISDEMEANOR TO LOITER FOR THE PURPOSE OF ENGAGING IN OR AIDING OR ABETTING UNLAWFUL DRUG RELATED ACTIVITY; PROVIDING FOR PENALTIES FOR THE VIOLATION HEREOF, INCLUDING MANDATORY MINIMUM SENTENCES OF IMPRISONMENT AND ENHANCEMENT FOR THOSE WHO ARE CRIMINAL STREET GANG MEMBERS OR AID CRIMINAL STREET GANG MEMBERS; PROVIDING FOR GUIDELINES FOR THE DETENTION OR ARREST OF SUSPECTED VIOLATORS EXCLUDING GENDER, RACE, CREED OR COLOR; PROVIDING FOR THE CREATION OF AN ANTI-DRUG STREET MARKETING COMMITTEE AND PROVIDING FOR OTHER MATTER PROPERLY RELATED THERE TO.

Sponsored by: Mayor
Jan Laverty Jones
Summary: Prohibits loitering in public places for the purpose of unlawful drug related activity, and penalizes such conduct as a criminal misdemeanor.

At a City Council meeting
March 16, 1994
BILL NO. 94-28 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: Full Council
COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: April 22, 1994
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

ANDREA DAVIS _____, being first duly sworn, deposes and says:

That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of APRIL 22, 1994 to APRIL 22, 1994, on the following days:

APRIL 22, 1994

Signed: Andrea Davis

Subscribed and sworn to before me this

27 day of April, 19 94

Peggy D. Barron

Notary Public



PEGGY D. BARRON
Notary Public - Nevada
Clark County
My appt. exp. Feb. 17, 1998

AFFIDAVIT OF PUBLICATION

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FIFTH AMENDMENT
BILL NO. 9428
ORDINANCE NO. 3803

AN ORDINANCE MAKING IT A CRIMINAL MISDEMEANOR TO GUIDE, LEAD, STEER, OR OTHERWISE DIRECT ANOTHER FOR THE PURPOSE OF AIDING OR ABETTING THE UNLAWFUL POSSESSION OR DISTRIBUTION OF

CONTROLLED SUBSTANCES; PROVIDING FOR PENALTIES FOR A VIOLATION HEREOF, INCLUDING MANDATORY MINIMUM SENTENCES OF IMPRISONMENT; PROVIDING FOR AN ABILITY TO SEEK AND OBTAIN COURT ORDERED COUNSELING AND TREATMENT; PROVIDING FOR MANDATORY REPORTING BY THE ARRESTING OFFICER; PROVIDING FOR REGULAR STATISTICAL REPORTS TO THE CITY COUNCIL FROM THE CITY ATTORNEY; PROVIDING FOR THIS ORDINANCE TO BE EFFECTIVE FOR A PERIOD OF (180 DAYS) ONE YEAR UNLESS EXTENDED BY THE CITY COUNCIL; PROVIDING FOR THE ESTABLISHMENT OF (A HUMAN RIGHTS AND) AN ANTI-DRUG REVIEW COMMITTEE AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

Sponsored by: -

Summary: Prohibits directing another with the intent to aid unlawful possession or distribution of controlled substances and penalizes such conduct as a criminal misdemeanor.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 6th day of April, 1994, and referred to the following committee composed of the Full Council for recommendation; thereafter the said committee reported favorably on said amended ordinance on the 18th day of May, 1994, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as amended and adopted by the following vote:

VOTING "AYE" Councilmen: Adamsen, Higginson, Hawkins Jr., and Mayor Jones

VOTING "NAY" NONE

EXCUSED: Councilman Brass
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: May 24, 1994
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

ANDREA DAVIS, being first duly sworn, deposes and says:

That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of MAY 24, 1994 to MAY 24, 1994, on the following days:

MAY 24, 1994

Signed: Andrea Davis

Subscribed and sworn to before me this

27 day of May, 1994

Peggy D. Barron

Notary Public



PEGGY D. BARRON
Notary Public - Nevada
Clark County
My appt. exp. Feb. 17, 1998



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FIFTH AMENDMENT
BILL NO. 94-28
ORDINANCE NO. 3803

AN ORDINANCE MAKING IT A CRIMINAL MISDEMEANOR TO GUIDE, LEAD, STEER, OR OTHERWISE DIRECT ANOTHER FOR THE PURPOSE OF AIDING OR ABETTING THE UNLAWFUL POSSESSION OR DISTRIBUTION OF CONTROLLED SUBSTANCES; PROVIDING FOR PENALTIES FOR A VIOLATION HEREOF, INCLUDING MANDATORY MINIMUM SENTENCES OF IMPRISONMENT; PROVIDING FOR AN ABILITY TO SEEK AND OBTAIN COURT ORDERED COUNSELING AND TREATMENT; PROVIDING FOR MANDATORY REPORTING BY THE ARRESTING OFFICER; PROVIDING FOR REGULAR STATISTICAL REPORTS TO THE CITY COUNCIL FROM THE CITY ATTORNEY; PROVIDING FOR THIS ORDINANCE TO BE EFFECTIVE FOR A PERIOD OF (180 DAYS) ONE YEAR UNLESS EXTENDED BY THE CITY COUNCIL; PROVIDING FOR THE ESTABLISHMENT OF A HUMAN RIGHTS AND AN ANTI-DRUG REVIEW COMMITTEE AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERE TO.

Sponsored by: -
Summary: Prohibits directing another with the intent to aid unlawful possession or distribution of controlled substances and penalizes such Mayor Jan Laverty Jones conduct as a criminal misdemeanor.
The above and foregoing ordinance was first proposed and read by title to the City Council on the 4th day of April, 1994, and referred to the following committee composed of the Full Council for recommendation; thereafter the said committee reported favorably on said amended ordinance on the 18th day of May, 1994, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as amended and adopted by the following vote:
VOTING "AYE" Councilmen: Adamsen, Higginson, Hawkins Jr., and Mayor Jones
VOTING "NAY" NONE
EXCUSED: Councilman Brass
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: May 21, 1994
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

ANDREA DAVIS, being first duly sworn, deposes and says:

That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of MAY 21, 1994 to MAY 21, 1994, on the following days:

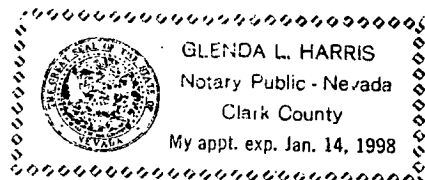
MAY 21, 1994

Signed: Andrea Davis

Subscribed and sworn to before me this

24 day of May, 1994

Glenda L. Harris
Notary Public



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CITY CLERK

APR 29 10 38 AM '94

AFFIDAVIT OF PUBLICATION

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**PROPOSED FIRST AMENDMENT
BILL NO. 94-28**

AN ORDINANCE MAKING IT A CRIMINAL MISDEMEANOR TO LOITER FOR THE PURPOSE OF ENGAGING IN OR AIDING OR ABETTING UNLAWFUL DRUG RELATED ACTIVITY; PROVIDING FOR PENALTIES FOR THE VIOLATION HEREOF, INCLUDING MANDATORY MINIMUM SENTENCES OF IMPRISONMENT AND ENHANCEMENT FOR THOSE WHO ARE CRIMINAL STREET GANG MEMBERS OR AID CRIMINAL STREET GANG MEMBERS; PROVIDING FOR GUIDELINES FOR THE DETENTION OR ARREST OF SUSPECTED VIOLATORS EXCLUDING GENDER, RACE, CREED OR COLOR; PROVIDING FOR THE CREATION OF AN ANTI-DRUG STREET MARKETING COMMITTEE AND PROVIDING FOR OTHER MATTER PROPERLY RELATED THERETO.

Sponsored by: Mayor
Jan Laverty Jones

Summary: Prohibits loitering in public places for the purpose of unlawful drug related activity and penalizes such conduct as a criminal misdemeanor.

At a City Council meeting
March 16, 1994

BILL NO. 94-28 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: Full Council
COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: April 22, 1994
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

ANDREA DAVIS

, being first duly
sworn, deposes and says:

That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of APRIL 22, 1994 to APRIL 22, 1994, on the following days:

APRIL 22, 1994

Signed: Andrea Davis

Subscribed and sworn to before me this

29 day of April, 19 94

Peggy D. Barron

Notary Public



PEGGY D. BARRON
Notary Public - Nevada

Clark County
My appt. exp. Feb. 17, 1998



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