



The Office of The Chief of Police

CITY OF STONE MOUNTAIN
POLICE DEPARTMENT
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Proposed Ordinance Amendment (Chapter 17, Article V, Sec. 17-101)

Chapter 17, Article V

Sec. 17-101. – *Loitering or Prowling.*

(a) A person commits the offense of loitering or prowling when the person is in a place at a time or in a manner not usual for law-abiding individuals, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity. Such circumstances shall be evaluated consistent with the standards set forth in O.C.G.A. § 16-11-36.

(b) Among the circumstances which may be considered in determining whether alarm is warranted are the fact that the person takes flight upon the appearance of a law enforcement officer, refuses to identify himself or herself, or refuses to provide a credible account of his or her presence and conduct. The officer may also consider whether the person is attempting to conceal himself or herself or any object.

Unless flight by the person or other exigent circumstances make it impractical, a law enforcement officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm or immediate concern by requesting the person to identify himself or herself and explain his or her presence and conduct, consistent with O.C.G.A. § 16-11-36.

No person shall be convicted of an offense under this section if the law enforcement officer failed to comply with the foregoing procedure, or if it appears at trial that the explanation given by the person was true and, if believed at the time, would have dispelled the alarm or immediate concern.