

TITLE 6: CRIMES AND CRIMINAL PROCEDURES
DIVISION 3: MISCELLANEOUS OFFENSES

§ 3113. Loitering Outside a Business Establishment on a Public Thoroughfare for the Purpose of Luring, Enticing, or Soliciting Persons for Commercial Gain is Hereby Prohibited.

(a) A person commits loitering if the person is found on a public thoroughfare engaged in the following conduct:

(1) Attempting more than one time to stop or detain a person by shouting, loudly calling, or beckoning to a person to lure, entice, or solicit a person for commercial gain whether for legal or illegal purposes; or

(2) Attempting to stop or detain a person by physically touching or grabbing a person for the purpose of handing out fliers or handbills regarding a commercial enterprise for a fee or to lure, entice, or solicit a person for commercial gain whether for legal or illegal purposes.

(3) Following or attempting to follow a person for the purpose of handing out fliers or handbills regarding a commercial enterprise for a fee or to lure, entice, or solicit a person for commercial gain whether for legal or illegal purposes.

(b) Public thoroughfare for the purposes of this section shall mean any sidewalk, square, mall, parking lot, street, or beach area.

(c) A person convicted of loitering under this section may be punished by fine of not more than \$1000 and by imprisonment of not more than 30 days.

Source: PL 14-50, § 2 (3112), modified; (b) amended by PL 14-93, § 2; amended by PL 15-113, § 2.

Commission Comment: Because the specified section number in PL 14-50 was already assigned, the Commission assigned a different section number pursuant to its authority by 1 CMC § 3806(a). PL 14-50 was enacted on January 7, 2005 and contained the following findings and purpose, in addition to severability, and savings clause provisions:

Section 1. Findings and Purpose. The Legislature finds that it is the practice of many businesses and commercial enterprises in tourist areas of Garapan, Saipan, to have persons loiter outside of businesses on public thoroughfares for the purpose of luring, enticing, or soliciting customers for commercial gains. The Legislature further finds that some of these businesses are fronts for illegal activities such as gambling and prostitution. Tourists, as the usual victims of this practice, are often harassed to the extent of creating negative publicity for the Commonwealth. Therefore, the purpose of this Act is to prohibit persons from loitering on public thoroughfares for the purpose of luring, enticing, or soliciting persons for commercial gain. It is further the intent of this Act to curb not only the harassment and intimidation of tourists but also illegal activities.

PL 14-93 took effect on October 17, 2005 and contained the following findings and purpose, in addition to severability and savings clauses:

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Section 1. Findings and Purpose. The Legislature finds that Public Law 14-50 prohibits loitering outside of businesses on public thoroughfares for the purpose of luring, enticing, or soliciting customers for commercial gains. However, the law does not prohibit such acts in the beach areas. The Legislature further finds that the same problems addressed by Public Law 14-50 are occurring in the beach areas. Tourists, as the usual victims of solicitation, are often harassed to the extent of creating negative publicity for the Commonwealth. Therefore, the purpose of this Act is to prohibit persons from loitering on public thoroughfares, including beach areas, for the purpose of luring, enticing, or soliciting persons for commercial gain. It is also the intent of this Act to further curb not only the harassment and intimidation of tourists but also illegal activities.

PL 15-113 took effect on November 29, 2007 and contained the following, in addition to severability and savings clauses:

Section 1. Findings and Purpose. The Commonwealth Legislature finds that the original loitering act as enacted through Public Laws 14-50 and 14-93 has been largely ineffective in curbing the continued aggressive street-side solicitation of tourists and other individuals in the CNMI. The Legislature also finds that the language of 6 CMC § 3113 is in need of refining in order to adequately place the public on notice of what types of conduct are prohibited. The attempt, more than one time, to lure a customer into a commercial transaction, whether legal or illegal, through aggressive shouting, calling, or beckoning shall not be permitted. Further, any grabbing or other touching whatsoever of potential customers for commercial gain shall not be tolerated. Finally, the following or aggressive pursuit of potential customers for commercial gain must be discouraged.