

Attachment 1: Code Comparison Chart

Section Number	Code Requirement	Comparable Code Section
<p>13-1-41(a)(1)(i), (b)(1)-(3)</p>	<p>No panhandling by “approaching, speaking to or following a person in a manner that would cause a reasonable person to fear imminent physical injury, or the imminent commission of a criminal act upon the person or upon property in the person's immediate possession” in any public place, on any public transportation vehicle, or within a Metro or other mass transit station.</p>	<p>13-1-1 - Abusive language. “If any person shall, within the city, in the presence or hearing of another, curse or abuse such person, or use any violent, abusive language to such person concerning himself or any of his relations, or otherwise use such language, under circumstances reasonably calculated to provoke a breach of the peace, he shall be guilty of a class 3 misdemeanor.”</p> <p>13-1-2 - Assault; assault and battery. “Any person who shall commit a simple assault or assault and battery shall be guilty of a class 1 misdemeanor.”</p> <p>Note that a simple assault can include an “overt act intended to place the victim in fear or apprehension of bodily harm and creates such reasonable fear or apprehension in the victim.” <i>Par. 56 Va. App. at 330 (internal citations omitted).</i> While “words alone are never sufficient to constitute an assault,” <i>id.</i>, the Code’s prohibition on abusive language would restrict individuals from speaking in a manner that would lead to a breach of the peace.</p>
<p>13-1-41(a)(1)(ii), (b)(1)-(3)</p>	<p>No panhandling by “touching another person without that person's consent” in any public place, on any public transportation vehicle, or within a Metro or other mass transit station.</p>	<p>13-1-2 - Assault; assault and battery. “Any person who shall commit a simple assault or assault and battery shall be guilty of a class 1 misdemeanor.”</p> <p>Note that battery can include touching “done in a rude, insolent, or angry manner” that does not result in bodily injury. <i>Par., 56 Va. App. at 330-31.</i> Thus if the panhandling ordinance is repealed, a panhandler—like generally anyone else in the City—would nevertheless be unable to touch someone in a rude, insolent, or angry manner.</p>

<p>13-1-41(a)(1)(iii), (b)(1)-(3)</p>	<p>No panhandling by “intentionally blocking or interfering by any means with the free passage of a person” in any public place, on any public transportation vehicle, or within a Metro or other mass transit station.</p>	<p>5-2-16(a) - Placing merchandise on or otherwise obstructing sidewalks and other public rights-of-way. “No person shall... in any way obstruct, any street, sidewalk, walkway of the city....”</p> <p>13-1-2 - Assault; assault and battery. “Any person who shall commit a simple assault or assault and battery shall be guilty of a class 1 misdemeanor.”</p> <p>Note that the panhandling ordinance includes a more expansive list of locations that cannot be obstructed than Code § 5-2-16(a), which applies to the right of way. However, the panhandling ordinance does not extend to buildings or other structures beyond mass transit stations. <i>Id.</i> § 13-1-41(a)(3).</p>
<p>13-1-41(a)(1)(iv), (b)(1)-(3)</p>	<p>No panhandling by “engaging in any conduct with the intention of intimidating another person into giving money or goods to any person” in any public place, on any public transportation vehicle, or within a mass transit station.</p>	<p>13-1-1 - Abusive language. “If any person shall, within the city, in the presence or hearing of another, curse or abuse such person, or use any violent, abusive language to such person concerning himself or any of his relations, or otherwise use such language, under circumstances reasonably calculated to provoke a breach of the peace, he shall be guilty of a class 3 misdemeanor.”</p> <p>13-1-2 - Assault; assault and battery. “Any person who shall commit a simple assault or assault and battery shall be guilty of a class 1 misdemeanor.”</p>
<p>13-1-41(b)(4)</p>	<p>No panhandling “within 15 feet of any automatic teller machine.”</p>	<p>No comparable Code section of general applicability.</p>
<p>13-1-41(b)(5)</p>	<p>No panhandling or receiving “money or any other item of value, while standing or otherwise present in a travel lane, from any operator or occupant of a motor vehicle located in a travel lane.”</p>	<p>5-2-16(a) - Placing merchandise on or otherwise obstructing sidewalks and other public rights-of-way. “No person shall... in any way obstruct, any street, sidewalk, walkway of the city....”</p>

		<p>10-4-4 - Stopping so as to obstruct traffic or on crossing. Vehicles shall not be stopped in such manner as to block and obstruct the orderly and lawful passage of other traffic, nor upon any crossing.</p>
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