

## LOITERING ELEMENTS

The elements of the crime of loitering (juvenile) are:

1. That the defendant, [NAME]
2. In the City of Montrose, County of Montrose, State of Colorado, at or about the date and place charged;
3. Unlawfully loitered on or about any street, avenue, highway, road, sidewalk, curb, gutter, parking lot, alley, vacant lot, park, playground, yard, building, place of amusement, or eating place, whether public or private. Loiter means remaining idle in essentially one location, to be dilatory, to tarry, to dawdle and, shall include but not be limited to, standing around, hanging out, sitting, kneeling, sauntering or prowling.
4. without the consent or permission of the owner or occupant thereof;
5. [during the hours beginning at 12:00 a.m. through 6:00 a.m. on Saturday and Sunday], OR [during the hours beginning at 10:00 p.m. on Sunday night through Thursday night through 6:00 a.m. the following day]; and
6. the defendant is under the age of 18 years and
7. the defendant is unaccompanied by a parent, guardian or other adult person over the age of 21 years who is authorized by a parent or guardian of such juvenile to take said parent's place in accompanying said juvenile for a designated period of time and purpose within a specified area

After considering all the evidence, if you decide the prosecution has proven each of the elements beyond a reasonable doubt, you should find the defendant guilty of loitering.

After considering all the evidence, if you decide the prosecution has failed to prove any one or more of the elements beyond a reasonable doubt, you should find the defendant not guilty of loitering.

The elements of the crime of loitering (adult – parent or guardian) are:

1. That the defendant, [NAME]
2. In the City of Montrose, County of Montrose, State of Colorado, at or about the date and place charged;
3. Having the care and custody of a juvenile under the age of 18 years in capacity as a parent, guardian, or other adult person;
4. Knowingly;
5. Permitted or allowed such juvenile to unlawfully loiter on or about any street, avenue, highway, road, sidewalk, curb, gutter, parking lot, alley, vacant lot, park, playground, yard, building, place of amusement, or eating place, whether public or private without the consent or permission of the owner or occupant thereof; [during the hours beginning at 12:00 a.m. through 6:00 a.m. on Saturday and Sunday], OR [during the hours beginning at 10:00 p.m. on Sunday night through Thursday night through 6:00 a.m. the following day]. Loiter means remaining idle in essentially one location, to be dilatory, to tarry, to dawdle and, shall include but not be limited to, standing around, hanging out, sitting, kneeling, sauntering or prowling.

Knowingly means when he or she is aware that his or her conduct is of such nature or that such circumstance exists. A person acts "knowingly" or "willfully," with respect to a result of his or her conduct, when he or she is aware that his or her conduct is practically certain to cause the result. For purposes of this definition, knowingly includes knowledge which a parent should be reasonably expected to have concerning the whereabouts of a juvenile in that parent or guardian's custody.

After considering all the evidence, if you decide the prosecution has proven each of the elements beyond a reasonable doubt, you should find the defendant guilty of loitering.

After considering all the evidence, if you decide the prosecution has failed to prove any one or more of the elements beyond a reasonable doubt, you should find the defendant not guilty of loitering.