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**DISORDERLY CONDUCT AMENDMENTS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Carl Wimmer**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies offenses against public order and decency in the Utah Criminal Code.

**Highlighted Provisions:**

This bill:

- ▶ removes the word annoyance from the crime of disorderly conduct;
- ▶ provides that the offense of disorderly conduct does not apply to the exercise of First Amendment rights; and
- ▶ makes technical corrections.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-9-102**, as last amended by Laws of Utah 1999, Chapter 20

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **76-9-102** is amended to read:

**76-9-102. Disorderly conduct.**

(1) A person is guilty of disorderly conduct if the person:



28 (a) ~~[he]~~ refuses to comply with the lawful order of the police to move from a public  
29 place, or knowingly creates a hazardous or physically offensive condition~~[-]~~ by any act which  
30 serves no legitimate purpose; or

31 (b) ~~[intending]~~ intends to cause public inconvenience~~[-, annoyance,]~~ or alarm, or  
32 recklessly ~~[creating a risk thereof, he]~~ creates a risk of public inconvenience or alarm, by:

33 (i) ~~[engages]~~ engaging in fighting or in violent, tumultuous, or threatening behavior;

34 (ii) ~~[makes]~~ making unreasonable noises in a public place;

35 (iii) ~~[makes]~~ making unreasonable noises in a private place which can be heard in a  
36 public place; or

37 (iv) ~~[obstructs]~~ obstructing vehicular or pedestrian traffic.

38 (2) ~~["Public place," for the purpose of this section,]~~ As used in this section, "public  
39 place" means any place to which the public or a substantial group of the public has access and  
40 includes ~~[but is not limited to]~~ streets, highways, and the common areas of schools, hospitals,  
41 apartment houses, office buildings, transport facilities, and shops.

42 (3) (a) Disorderly conduct is an infraction except under Subsection (3)(b).

43 (b) Disorderly conduct is a class C misdemeanor if the offense continues after a request  
44 by a person to desist. ~~[Otherwise it is an infraction.]~~

45 (4) This section does not apply to or infringe upon a person's exercise of the rights  
46 under the First Amendment to the Constitution of the United States or under Article I, Section  
47 15 of the Utah Constitution.

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**Legislative Review Note**  
**as of 1-28-10 10:16 AM**

**Office of Legislative Research and General Counsel**

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**H.B. 301 - Disorderly Conduct Amendments**

**Fiscal Note**

2010 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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