

76-9-903 Gang loitering -- Failure to disperse -- Penalties.

- (1) When a law enforcement officer observes a person whom the officer reasonably believes to be a member of a criminal street gang engaging in gang loitering in the presence of one or more other persons in any public place where gang loitering is prohibited under Section 76-9-905, the police officer shall:
 - (a) inform all the persons that they are within an area in which loitering by a group containing one or more criminal street gang members is prohibited;
 - (b) order all the persons in the group to disperse and remove themselves from within sight and hearing of the location where the officer issues the order to disperse; and
 - (c) inform the persons that any person in the group will be subject to being charged with a criminal offense and will also be subject to arrest if the person fails to promptly obey the order to disperse.
- (2) The officer under Subsection (1) shall also advise the persons the officer is directing to disperse that each of the persons directed to disperse is subject to being charged with a criminal offense and will also be subject to arrest if the person is again, within eight hours after the current order to disperse is made:
 - (a) present in a public place with a group that includes one or more persons a peace officer reasonably believes to be a member of a criminal street gang; and
 - (b) within sight or hearing of the location where the law enforcement officer is currently issuing the order to disperse.

Enacted by Chapter 86, 2009 General Session