

DISORDERLY CONDUCT AMENDMENTS

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Afton B. Bradshaw

AN ACT RELATING TO CRIMINAL LAW; AMENDING THE DEFINITION OF DISORDERLY CONDUCT BY DELETING ABUSIVE OR OBSCENE LANGUAGE, IN COMPLIANCE WITH A UTAH SUPREME COURT RULING; MAKING TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

76-9-102, as enacted by Chapter 196, Laws of Utah 1973

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:

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

(b) [~~Intending~~] intending to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, he:

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

(ii) [~~He~~] makes unreasonable noises in a public place; [~~or~~]

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

~~[(iv) He engages in abusive or obscene language or makes obscene gestures in a public place; or]~~

~~[(v) He] (iv)~~ obstructs vehicular or pedestrian traffic.

(2) "Public place," for the purpose of this section, means any place to which the public or a substantial group of the public has access and includes but is not limited to streets, highways, and

the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

(3) Disorderly conduct is a class C misdemeanor if the offense continues after a request by a person to desist. Otherwise it is an infraction.

Section 2. Effective date.

If approved by two-thirds of all the members elected to each house, this act takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.