

1                                   **CRIMINAL PENALTIES FOR RIOTS AND**  
2                                   **FALSE ALARMS**

3                                   2001 SECOND SPECIAL SESSION  
4                                   STATE OF UTAH

5                                   **Sponsor: Lyle W. Hillyard**

6   **This act modifies the Utah Criminal Code by increasing the penalties for riots and giving a**  
7   **false alarm. The act provides an effective date.**

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

9   AMENDS:

10           **76-9-101**, as last amended by Chapter 289, Laws of Utah 1997

11           **76-9-105**, as enacted by Chapter 196, Laws of Utah 1973

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

13           Section 1. Section **76-9-101** is amended to read:

14           **76-9-101. Riot -- Penalties.**

15           (1) A person is guilty of riot if:

16           (a) simultaneously with two or more other persons he engages in tumultuous or violent  
17   conduct and thereby knowingly or recklessly creates a substantial risk of causing public alarm; or

18           (b) he assembles with two or more other persons with the purpose of engaging, soon  
19   thereafter, in tumultuous or violent conduct, knowing, that two or more other persons in the  
20   assembly have the same purpose; or

21           (c) he assembles with two or more other persons with the purpose of committing an  
22   offense against a person or property of another who he supposes to be guilty of a violation of law,  
23   believing that two or more other persons in the assembly have the same purpose.

24           (2) Any person who refuses to comply with a lawful order to withdraw given to him  
25   immediately prior to, during, or immediately following a violation of Subsection (1) is guilty of  
26   riot. It is no defense to a prosecution under this Subsection (2) that withdrawal must take place  
27   over private property; provided, however, that no persons so withdrawing shall incur criminal or



28 civil liability by virtue of acts reasonably necessary to accomplish the withdrawal.

29 (3) Riot is a felony of the third degree if, in the course of and as a result of the conduct,  
30 any person suffers bodily injury, or substantial property damage, arson occurs or the defendant was  
31 armed with a dangerous weapon, as defined in Section 76-1-601; otherwise it is a class [B] A  
32 misdemeanor.

33 Section 2. Section **76-9-105** is amended to read:

34 **76-9-105. Giving a false alarm.**

35 (1) A person is guilty of giving a false alarm if he initiates or circulates a report or warning  
36 of any fire, impending bombing, or other crime or catastrophe, knowing that the report or warning  
37 is false or baseless and is likely to cause evacuation of any building, place of assembly, or facility  
38 of public transport, to cause public inconvenience or alarm or action of any sort by any official or  
39 volunteer agency organized to deal with emergencies.

40 (2) Giving a false alarm is a class [B] A misdemeanor.

41 Section 3. **Effective date.**

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

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**Legislative Review Note**  
**as of 9-25-01 9:12 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**