

ROADWAY OBSTRUCTION AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill makes the obstruction of traffic during a riot a third degree felony and, under certain circumstances, absolves motor vehicle operators from criminal liability for injuries and death caused as a result of fleeing from a riot.

Highlighted Provisions:

This bill:

- ▶ makes the intentional obstruction of traffic during a riot a third degree felony;
- ▶ eliminates criminal responsibility of a motor vehicle driver for injury and death caused while the motor vehicle driver is fleeing from a riot, if:
 - the motor vehicle driver is under a reasonable belief that fleeing is necessary to protect the motor vehicle driver from serious injury or death; and
 - the motor vehicle driver was exercising due care at the time of the death or injury; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

*Be it enacted by the Legislature of the state of Utah:*Section 1. Section **76-9-101** is amended to read:**76-9-101. Riot -- Penalties.**(1) ~~[A person]~~ An individual is guilty of riot if:(a) simultaneously with two or more other ~~[persons he]~~ individuals, the individual

33 ~~knowingly or recklessly~~ engages in tumultuous or violent conduct [~~and thereby knowingly or~~
34 ~~recklessly~~] that creates a substantial risk of causing public alarm; [~~or~~]

35 (b) [~~he~~] the individual assembles with two or more other [~~persons~~] individuals with the
36 purpose of engaging[~~, soon thereafter,~~] in tumultuous or violent conduct, knowing, that two or
37 more other [~~persons~~] individuals in the assembly have the same purpose; or

38 (c) [~~he~~] the individual assembles with two or more other [~~persons~~] individuals with the
39 purpose of committing an offense against a person or property of another [~~who he~~] whom the
40 individual supposes to be guilty of a violation of law, believing that two or more other
41 [~~persons~~] individuals in the assembly have the same purpose.

42 (2) (a) [~~Any person~~] An individual who refuses to comply with a lawful order to
43 withdraw given [~~to him immediately prior to~~] immediately before, during, or immediately
44 following a violation of Subsection (1) is guilty of riot.

45 (b) It is no defense to a prosecution under this Subsection (2) that withdrawal must take
46 place over private property[~~, provided, however, that no persons so~~].

47 (c) Individuals withdrawing [~~shall~~] in compliance with Subsection (2)(a) do not incur
48 criminal or civil liability [~~by virtue of acts~~] by acting in a manner reasonably necessary to
49 accomplish the withdrawal.

50 (3) Except as provided in Subsection (4), riot is a class B misdemeanor.

51 [~~(3)~~] (4) Riot, as described in Subsection (1), is a felony of the third degree if, in the
52 course of and as a result of the conduct[~~;~~]:

53 (a) any person suffers bodily injury, or substantial property damage[~~;~~];

54 (b) arson occurs [~~or the defendant was~~]; or

55 (c) the individual intentionally obstructs traffic or is armed with a dangerous weapon,
56 as defined in Section 76-1-601[~~, otherwise it is a class B misdemeanor~~].

57 (5) A motor vehicle operator who unintentionally causes injury or death to an
58 individual is not criminally liable for the injury or death, if:

59 (a) the injury or death occurs while the motor vehicle operator is fleeing from a riot,
60 under a reasonable belief that fleeing is necessary to protect the motor vehicle operator from
61 serious injury or death; and

62 (b) the motor vehicle driver exercises due care at the time of the death or injury.