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:


(1) [A person] An individual is guilty of riot if:

(a) simultaneously with two or more other [persons he] individuals, the individual
knowingly or recklessly engages in tumultuous or violent conduct [and thereby knowingly or recklessly] that creates a substantial risk of causing public alarm; [or]

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

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

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

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

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

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

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

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

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

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

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

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

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