

Effective 5/12/2020

76-9-102 Disorderly conduct.

(1) As used in this section:

(a) "Official meeting" means:

- (i) a meeting, as defined in Section 52-4-103;
- (ii) a meeting of the Legislature, the Utah Senate, the Utah House of Representatives, a legislative caucus, or any committee, task force, working group, or other organization in the state legislative branch; or
- (iii) a meeting of an entity created by the Utah Constitution, Utah Code, Utah administrative rule, legislative rule, or a written rule or policy of the Legislative Management Committee.

(b) "Public place" means a place to which the public or a substantial group of the public has access, including:

- (i) streets or highways; and
- (ii) the common areas of schools, hospitals, apartment houses, office buildings, public buildings, public facilities, transport facilities, and shops.

(2) An individual is guilty of disorderly conduct if:

- (a) the individual refuses to comply with the lawful order of a law enforcement officer to move from a public place or an official meeting, or knowingly creates a hazardous or physically offensive condition, by any act that serves no legitimate purpose; or
- (b) intending to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk of public inconvenience, annoyance, or alarm, the person:
 - (i) engages in fighting or in violent, tumultuous, or threatening behavior;
 - (ii) makes unreasonable noises in a public place or an official meeting;
 - (iii) makes unreasonable noises in a private place which can be heard in a public place or an official meeting; or
 - (iv) obstructs vehicular or pedestrian traffic in a public place or an official meeting.

(3) The mere carrying or possession of a holstered or encased firearm, whether visible or concealed, without additional behavior or circumstances that would cause a reasonable person to believe the holstered or encased firearm was carried or possessed with criminal intent, does not constitute a violation of this section. Nothing in this Subsection (3) may limit or prohibit a law enforcement officer from approaching or engaging any person in a voluntary conversation.

(4) An individual who violates this section is guilty of:

- (a) except as provided in Subsection (4)(b), (c), or (d), an infraction;
- (b) except as provided in Subsection (4)(c) or (d), a class C misdemeanor, if the violation occurs after the individual has been asked to cease conduct prohibited under this section;
- (c) except as provided in Subsection (4)(d), a class B misdemeanor, if:
 - (i) the violation occurs after the individual has been asked to cease conduct prohibited under this section; and
 - (ii) within five years before the day on which the individual violates this section, the individual was previously convicted of a violation of this section; or
- (d) a class A misdemeanor, if:
 - (i) the violation occurs after the individual has been asked to cease conduct prohibited under this section; and
 - (ii) within five years before the day on which the individual violates this section, the individual was previously convicted of two or more violations of this section.

Amended by Chapter 394, 2020 General Session