

**76-9-904 Failure to disperse -- Penalties.**

- (1)
- (a) Failure to comply with an order issued under Subsection 76-9-903(1)(b) to disperse is a class B misdemeanor of failure to disperse.
  - (b) Any second and subsequent violation of Subsection (1)(a) is a class B misdemeanor of failure to disperse and is subject to a fine of not less than \$100, unless the court finds mitigating circumstances justifying a lesser punishment and makes that finding a part of the court record.
- (2)
- (a) A person is guilty of a class B misdemeanor of subsequent failure to disperse who:
    - (i) is present in a public place with or as part of a group of two or more persons, and that group includes one or more persons a peace officer reasonably believes to be a member of a criminal street gang; and
    - (ii) is within sight or hearing of a location where a law enforcement officer issued an order to the person to disperse under Section 76-9-903 within the prior eight hours.
  - (b) A violation of Subsection (2)(a) is subject to a fine of not less than \$100, unless the court finds mitigating circumstances justifying a lesser punishment and makes that finding a part of the court record.

Enacted by Chapter 86, 2009 General Session