

**DISORDERLY CONDUCT AMENDMENTS**

1999 GENERAL SESSION

STATE OF UTAH

**Sponsor: Afton B. Bradshaw**

AN ACT RELATING TO CRIMINAL LAW; AMENDING THE DEFINITION OF  
DISORDERLY CONDUCT BY DELETING ABUSIVE OR OBSCENE LANGUAGE, IN  
COMPLIANCE WITH A UTAH SUPREME COURT RULING; MAKING TECHNICAL  
CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE.

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

AMENDS:

**76-9-102**, as enacted by Chapter 196, Laws of Utah 1973

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

Section 1. Section **76-9-102** is amended to read:

**76-9-102. Disorderly conduct.**

(1) A person is guilty of disorderly conduct if:

(a) ~~[He]~~ he refuses to comply with the lawful order of the police to move from a public place, or knowingly creates a hazardous or physically offensive condition, by any act which serves no legitimate purpose; or

(b) ~~[Intending]~~ intending to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, he:

(i) ~~[He]~~ engages in fighting or in violent, tumultuous, or threatening behavior; ~~[or]~~

(ii) ~~[He]~~ makes unreasonable noises in a public place; ~~[or]~~

(iii) ~~[He]~~ makes unreasonable noises in a private place which can be heard in a public place; or

~~[(iv) He engages in abusive or obscene language or makes obscene gestures in a public place; or]~~

~~[(v) He]~~ (iv) obstructs vehicular or pedestrian traffic.

28           (2) "Public place," for the purpose of this section, means any place to which the public or  
29 a substantial group of the public has access and includes but is not limited to streets, highways, and  
30 the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and  
31 shops.

32           (3) Disorderly conduct is a class C misdemeanor if the offense continues after a request  
33 by a person to desist. Otherwise it is an infraction.

34           Section 2. **Effective date.**

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

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**Legislative Review Note**  
**as of 1-5-99 3:27 PM**

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

**Office of Legislative Research and General Counsel**