

**DISRUPTION OF ACTIVITIES IN OR NEAR
SCHOOL BUILDING**

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Carol Spackman Moss

LONG TITLE

General Description:

This bill creates the offense of interfering with the peaceful activities of a school for kindergarten through 12th grade.

Highlighted Provisions:

This bill:

- ▶ defines a school as a public or private K-12 school;
- ▶ creates the offense of disrupting school activities by conduct near the school and not

leaving when requested by the school administrator; and

- ▶ provides for a class B misdemeanor penalty for the first and second offense, and a class A misdemeanor penalty for any subsequent offenses.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

76-8-1401, Utah Code Annotated 1953

76-8-1402, Utah Code Annotated 1953

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

Section 1. Section **76-8-1401** is enacted to read:

Part 14. Disruption of School Activities

76-8-1401. Definitions.

As used in this part:

(1) "Chief administrator" means the principal of a school or the chief administrator of a school that does not have a principal, and includes the administrator's designee or representative.

(2) "School" means an elementary school or a secondary school that:

(a) is a public or private school; and

(b) provides instruction for one or more of the grades kindergarten through 12.

Section 2. Section **76-8-1402** is enacted to read:

76-8-1402. Disruption of activities in or near school building -- Failure to leave -- Reentry -- Penalties.

(1) In the absence of a local ordinance or other controlling law governing the conduct described in this Subsection (1), a person is guilty of an offense under Subsection (2) who, while on a street, sidewalk, or public way adjacent to any school building or ground:

(a) by his or her presence or acts, materially disrupts the peaceful conduct of school activities; and

(b) remains upon the place under Subsection (1)(a) after being asked to leave by the chief administrator of that school.

(2) (a) A violation of Subsection (1) is subject to the penalties under Subsection (2)(b) unless the violation constitutes another offense subject to a greater penalty.

(b) (i) The first and second violation of Subsection (1) are class B misdemeanors.

(ii) A third and any subsequent violations of Subsection (1) are class A misdemeanors.