

1 **DISRUPTION OF ACTIVITIES IN OR NEAR**

2 **SCHOOL BUILDING**

3 2004 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Carol Spackman Moss**

7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines a school as a public or private K-12 school;
- 14 ▶ creates the offense of disrupting school activities by conduct at or near the school
15 and not leaving when requested by the school administrator; and
- 16 ▶ provides for a class B penalty for the first and second offense, and a class A penalty
17 for any subsequent offenses.

18 **Monies Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 ENACTS:

24 **76-8-1401**, Utah Code Annotated 1953

25 **76-8-1402**, Utah Code Annotated 1953

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



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

29 **Part 14. Disruption of School Activities**

30 **76-8-1401. Definitions.**

31 As used in this part:

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

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

36 (a) is a public or private school; and

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

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

39 **76-8-1402. Disruption of activities in or near school building -- Failure to leave --**
40 **Reentry -- Penalties.**

41 (1) A person is guilty of an offense under Subsection (2):

42 (a) who comes into any school building or upon any school ground, or street, sidewalk,
43 or public way adjacent to any school building or ground;

44 (b) whose presence or acts interfere with the peaceful conduct of the activities of any
45 school or disrupt the school or its pupils or school activities; and

46 (c) who:

47 (i) remains upon the place under Subsection (1)(a) after being asked to leave by the
48 chief administrator of that school; or

49 (ii) enters again upon the place under Subsection (1)(a) within 72 hours after having
50 been asked to leave under Subsection (1)(c)(i).

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

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

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

Legislative Review Note
as of 10-1-03 9:41 AM

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

Office of Legislative Research and General Counsel

Fiscal Note**Disruption of Activities in or Near School Buildings***16-Jan-04***Bill Number HB0199***2:06 PM*

State Impact

No fiscal impact.

Individual and Business ImpactNo fiscal impact.

Office of the Legislative Fiscal Analyst