

**Representative Carol Spackman Moss** proposes the following substitute bill:

**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



26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51

---

---

*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.