

Senator Jon J. Greiner proposes the following substitute bill:

DISRUPTION OF SCHOOL ACTIVITIES

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carol Spackman Moss

Senate Sponsor: Jon J. Greiner

LONG TITLE

General Description:

This bill modifies the Criminal Code regarding disruption of a school.

Highlighted Provisions:

This bill:

- ▶ provides a definition of school property, which includes certain areas where school programs or activities are being conducted;
- ▶ provides that it is a class A misdemeanor to enter onto school property in order to evade law enforcement;
- ▶ provides that not knowing the property is school property is not a defense;
- ▶ requires that the defendant reimburse the school for the costs of responding to the defendant's presence on school property; and
- ▶ provides that this offense is a separate offense from other offenses that involve failure to stop for an officer.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 ENACTS:

27 **76-8-1403**, Utah Code Annotated 1953



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

30 Section 1. Section **76-8-1403** is enacted to read:

31 **76-8-1403. Evading law enforcement while on school property -- Penalty --**

32 **Restitution.**

33 (1) As used in this section:

34 (a) "School" means any public or private kindergarten, elementary, or secondary school
35 through grade 12, including all buildings and property of the school.

36 (b) "School property" means real property:

37 (i) that is owned or occupied by a public or private school; or

38 (ii) (A) that is temporarily occupied by students for a school-related activity or
39 program; and

40 (B) regarding which, during the time the activity or program is being conducted, the
41 main use of the real property is allocated to participants in the activity or program.

42 (2) A person is guilty of the class A misdemeanor of evading law enforcement while on
43 school property, if the person enters onto school property when:

44 (a) students are attending the school or students are participating in any school-related
45 activity or program on school property; and

46 (b) the person is in the act of fleeing or evading, or attempting to flee or evade, pursuit
47 or apprehension by any peace officer.

48 (3) It is not a defense that the person did not know that the person had entered onto
49 school property.

50 (4) As a part of the sentence for violation of this section, the court shall order the
51 defendant to reimburse the school for costs incurred by the school in responding to the
52 defendant's presence on the school property.

53 (5) The offense under this section of evading law enforcement while on school
54 property is a separate offense from a violation of:

55 (a) Section 41-6a-210, regarding failure to respond to an officer's signal to stop; or

56 (b) Section 76-8-305.5, regarding failure to stop at the command of a law enforcement

57 officer.

H.B. 244 1st Sub. (Buff) - Disruption of School Activities

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
