

# S.B. 16

## PROHIBITED GANG ACTIVITY

Representative **David Litvack** proposes the following amendments:

1. *Page 1, Line 15:*

- 15 ▶ provides that a peace officer may order those members of a group who are engaged in gang loitering to disperse if the group includes

2. *Page 1, Lines 19 through 20:*

- ▶ requires that only officers who have been trained regarding criminal gang issues and racial profiling enforce the provision of this bill;
- 19 ▶ requires that the officer warn the members of the group subject to being dispersed ~~{-group-}~~ that failure to disperse is subject to arrest;
- 20 ▶ requires municipal and county legislative bodies ~~{-to-}~~ that designate areas in their

3. *Page 1, Lines 22 through 23:*

- 22 disperse :
- to consult with persons who have experience regarding criminal gangs; and
  - provide for a public hearing on the proposed designated areas ;
- 23 ▶ provides that failure to disperse upon the order of an officer is a class B

4. *Page 3, Line 70:*

- 70 (c) conceal illegal activities.
- (3) "Law enforcement officer" or "officer" means an officer who has successfully completed training under Section 76-9-907.

5. *Page 5, Lines 141 through 143:*

- 141 one or more other persons who are also engaging in gang loitering in any public place where gang loitering is prohibited under Section
- 142 76-9-905, the police officer shall , regarding the persons engaging in gang loitering under this Subsection (1) :
- 143 (a) inform ~~{-all the-}~~ these persons that they are within an area in which loitering by a group

6. *Page 5, Line 143:*

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143 (a) inform all the persons engaging in gang loitering that they are within an area in which loitering  
by a group

7. Page 5, Line 145:

145 (b) order ~~{all the}~~ these persons ~~{in the group}~~ to disperse and remove themselves from  
within

8. Page 5, Line 147:

147 (c) inform ~~{the}~~ these persons that any person ~~{in the group}~~ ordered to disperse  
will be subject to being charged

9. Page 5, Line 150:

150 (2) The officer under Subsection (1) shall also advise the persons under Subsection (1) whom the  
officer is

10. Page 7, Lines 187 through 188:

187 legislative body shall :  
(i) consult, as appropriate, with persons who are knowledgeable about the  
188 effects of gang activity in areas where Section 76-9-903 may be enforced ; and  
(ii) place each proposed designated area on the agenda of a public meeting of the legislative body  
and allow public comment at the meeting regarding each area .

11. Page 7, Line 198:

198 for periodic review and update of area designations it makes under Subsection (1). :  
(4) The legislative body shall include as a part of each designation of an area under this part a  
description of the area included in the designation, including a description of the borders of the  
area.  
(5) Each area designated under this section shall be posted in a manner that is legible and that the  
reasonable person can understand, and that:  
(a) advises that the area is subject to enforcement under this part;  
(b) provides a description of the area included in the designation, including its borders; and  
(c) provide a brief description of enforcement actions a person may be subject to while within the  
designated area.

12. Page , Lines 209 through 211:

209 (1) The sheriff or chief of police implementing this part shall ensure that all officers  
210 charged with enforcing this part successfully complete appropriate training on identification of

211 gang members and criminal street gangs and the departmental policy regarding racial profiling .

(2) As used in this section, "racial profiling" means the practice of including racial or ethnic characteristics in determining whether a person is considered likely to commit a particular type of criminal offense.