

**Representative Carl Wimmer** proposes the following substitute bill:

**DISORDERLY CONDUCT AMENDMENTS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Carl Wimmer**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies offenses against public order and decency in the Utah Criminal Code.

**Highlighted Provisions:**

This bill:

- ▶ provides that the offense of disorderly conduct does not mean the possession of a dangerous weapon without additional behavior which is threatening; and
- ▶ makes technical corrections.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-9-102**, as last amended by Laws of Utah 1999, Chapter 20

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

Section 1. Section **76-9-102** is amended to read:

**76-9-102. Disorderly conduct.**

**1st Sub. H.B. 301**



- 26 (1) A person is guilty of disorderly conduct if the person:  
27 (a) [~~he~~] refuses to comply with the lawful order of the police to move from a public  
28 place, or knowingly creates a hazardous or physically offensive condition[;] by any act which  
29 serves no legitimate purpose; or  
30 (b) [~~intending~~] intends to cause public inconvenience, annoyance, or alarm, or  
31 recklessly [~~creating a risk thereof, he~~] creates a risk of public inconvenience or alarm, by:  
32 (i) [~~engages~~] engaging in fighting or in violent, tumultuous, or threatening behavior;  
33 (ii) [~~makes~~] making unreasonable noises in a public place;  
34 (iii) [~~makes~~] making unreasonable noises in a private place which can be heard in a  
35 public place; or  
36 (iv) [~~obstructs~~] obstructing vehicular or pedestrian traffic.  
37 (2) [~~"Public place," for the purpose of this section,]~~ As used in this section, "public  
38 place" means any place to which the public or a substantial group of the public has access and  
39 includes [~~but is not limited to~~] streets, highways, and the common areas of schools, hospitals,  
40 apartment houses, office buildings, transport facilities, and shops.  
41 (3) (a) Disorderly conduct is an infraction except under Subsection (3)(b).  
42 (b) Disorderly conduct is a class C misdemeanor if the offense continues after a request  
43 by a person to desist. [~~Otherwise it is an infraction.~~]  
44 (4) Disorderly conduct does not mean the possession of a dangerous weapon whether  
45 visible or concealed without additional behavior which is threatening.