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**DISORDERLY CONDUCT AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Paul Ray**

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

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**LONG TITLE**

**General Description:**

This bill includes displaying a dangerous weapon under certain circumstances in the definition of disorderly conduct.

**Highlighted Provisions:**

This bill:

- ▶ provides that displaying a dangerous weapon in public under certain circumstances may be disorderly conduct; and
- ▶ confirms that merely displaying a dangerous weapon in public without other behavior is not disorderly conduct.

**Money 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.**



28 (1) A person is guilty of disorderly conduct if:

29 (a) ~~the~~ the person refuses to comply with the lawful order of ~~the police~~ a law  
30 enforcement officer to move from a public place, or knowingly creates a hazardous or  
31 physically offensive condition, by any act which serves no legitimate purpose; or

32 (b) intending to cause public inconvenience, annoyance, or alarm, or recklessly  
33 creating a risk thereof, ~~he~~ the person:

34 (i) displays a dangerous weapon in a public place under circumstances that would  
35 cause a reasonable person to fear for the safety of any person;

36 ~~(i)~~ (ii) engages in fighting or in violent, tumultuous, or threatening behavior;

37 ~~(ii)~~ (iii) makes unreasonable noises in a public place;

38 ~~(iii)~~ (iv) makes unreasonable noises in a private place which can be heard in a public  
39 place; or

40 ~~(iv)~~ (v) obstructs vehicular or pedestrian traffic.

41 (2) "Public place," for the purpose of this section, means any place to which the public  
42 or a substantial group of the public has access and includes but is not limited to streets,  
43 highways, and the common areas of schools, hospitals, apartment houses, office buildings,  
44 transport facilities, and shops.

45 (3) The otherwise lawful possession of a dangerous weapon, whether visible or  
46 concealed, without additional behavior, does not constitute a hazardous or physically offensive  
47 condition, threatening behavior, or a cause for public inconvenience, annoyance, or alarm  
48 under Subsection (1).

49 ~~(3)~~ (4) Disorderly conduct is a class C misdemeanor if the offense continues after a  
50 request by a person to desist. Otherwise it is an infraction.