

**DISORDERLY CONDUCT MODIFICATIONS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis S. Bramble**

House 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;
- ▶ confirms that merely displaying a dangerous weapon in public without other behavior is not disorderly conduct;
- ▶ adds a requirement that an arrest made for disorderly conduct related to the display of a dangerous weapon be reported to the Concealed Firearm Review Board;
- ▶ requires the Concealed Firearm Review Board to submit an annual written report to the Law Enforcement and Criminal Justice Interim Committee on arrests made for disorderly conduct related to the display of a dangerous weapon;
- ▶ enacts a sunset review date; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **53-5-703**, as last amended by Laws of Utah 2010, Chapters 62, 286, and 324

31 **63I-1-253**, as last amended by Laws of Utah 2012, Chapter 369

32 **76-9-102**, as last amended by Laws of Utah 1999, Chapter 20

33 ENACTS:

34 **63I-1-276**, Utah Code Annotated 1953

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

37 Section 1. Section **53-5-703** is amended to read:

38 **53-5-703. Board -- Membership -- Compensation -- Terms -- Duties.**

39 (1) There is created within the bureau the Concealed Firearm Review Board.

40 (2) (a) The board is comprised of not more than five members appointed by the  
41 commissioner on a bipartisan basis.

42 (b) The board shall include a member representing law enforcement and at least two  
43 citizens, one of whom represents sporting interests.

44 (3) (a) Except as required by Subsection (3)(b), as terms of current board members  
45 expire, the commissioner shall appoint each new member or reappointed member to a four-year  
46 term.

47 (b) Notwithstanding the requirements of Subsection (3)(a), the commissioner shall, at  
48 the time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
49 board members are staggered so that approximately half of the board is appointed every two  
50 years.

51 (4) When a vacancy occurs in the membership for any reason, the replacement shall be  
52 appointed for the unexpired term.

53 (5) A member may not receive compensation or benefits for the member's service, but  
54 may receive per diem and travel expenses in accordance with:

55 (a) Section **63A-3-106**;

56 (b) Section **63A-3-107**; and

57 (c) rules made by the Division of Finance pursuant to Sections **63A-3-106** and  
58 **63A-3-107**.

59 (6) The board shall meet at least quarterly, unless the board has no business to conduct  
60 during that quarter.

61 (7) The board, upon receiving a timely filed petition for review, shall review within a  
62 reasonable time the denial, suspension, or revocation of a permit or a temporary permit to carry  
63 a concealed firearm.

64 (8) The board shall submit an annual written report to the Law Enforcement and  
65 Criminal Justice Interim Committee before November 1 regarding the number of arrests made  
66 in accordance with Subsection 76-9-102(4).

67 Section 2. Section **63I-1-253** is amended to read:

68 **63I-1-253. Repeal dates, Titles 53, 53A, and 53B.**

69 The following provisions are repealed on the following dates:

70 (1) Section **53-3-232**, Conditional licenses, is repealed July 1, 2015.

71 (2) Subsection 53-5-703(8) is repealed July 1, 2016.

72 ~~[(2)]~~ (3) Title 53A, Chapter 1a, Part 6, Public Education Job Enhancement Program is  
73 repealed July 1, 2020.

74 ~~[(3)]~~ (4) The State Instructional Materials Commission, created in Section **53A-14-101**,  
75 is repealed July 1, 2016.

76 ~~[(4)]~~ (5) Subsections **53A-16-113**(3) and (4) are repealed December 31, 2016.

77 ~~[(5)]~~ (6) Section **53A-16-114** is repealed December 31, 2016.

78 ~~[(6)]~~ (7) Section **53A-17a-163**, Performance-based Compensation Pilot Program is  
79 repealed July 1, 2016.

80 ~~[(7)]~~ (8) Subsection **53C-3-203**(4)(b)(vii), which provides for the distribution of money  
81 from the Land Exchange Distribution Account to the Geological Survey for test wells, other  
82 hydrologic studies, and air quality monitoring in the West Desert, is repealed July 1, 2020.

83 Section 3. Section **63I-1-276** is enacted to read:

84 **63I-1-276. Repeal dates -- Title 76.**

85 Subsection 76-9-102(4) is repealed July 1, 2016.

86 Section 4. Section **76-9-102** is amended to read:

87 **76-9-102. Disorderly conduct.**

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

89 (a) ~~[(a)]~~ the person refuses to comply with the lawful order of ~~[(the police)]~~ a law

90 enforcement officer to move from a public place, or knowingly creates a hazardous or  
 91 physically offensive condition, by any act which serves no legitimate purpose; or  
 92 (b) intending to cause public inconvenience, annoyance, or alarm, or recklessly  
 93 creating a risk thereof, ~~[he]~~ the person:

94 (i) displays a dangerous weapon in a public place under circumstances that would  
 95 cause a reasonable person to fear for the safety of any person;  
 96 ~~[(i)]~~ (ii) engages in fighting or in violent, tumultuous, or threatening behavior;  
 97 ~~[(ii)]~~ (iii) makes unreasonable noises in a public place;  
 98 ~~[(iii)]~~ (iv) makes unreasonable noises in a private place which can be heard in a public  
 99 place; or  
 100 ~~[(iv)]~~ (v) obstructs vehicular or pedestrian traffic.

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

105 (3) The mere possession of a dangerous weapon, whether visible or concealed, does  
 106 not constitute an offense under Subsection (1).

107 (4) A law enforcement agency shall report an arrest made for disorderly conduct  
 108 described in Subsection (1)(b)(i) to the Concealed Firearm Review Board, created in Section  
 109 53-5-703, within 30 days.

110 ~~[(3)]~~ (5) Disorderly conduct is a class C misdemeanor if the offense continues after a  
 111 request by a person to desist. Otherwise it is an infraction.

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**Legislative Review Note**  
 as of 9-17-13 3:15 PM

**Office of Legislative Research and General Counsel**