

26 Section 1. Section 76-9-101 is amended to read:

27 **76-9-101. Riot -- Penalties.**

28 (1) ~~[A person]~~ An individual is guilty of riot if the individual:

29 (a) simultaneously with two or more other ~~[persons he]~~ individuals engages in
30 ~~[tumultuous or]~~ violent conduct ~~[and thereby]~~, knowingly or recklessly ~~[creates]~~ creating a
31 substantial risk of causing public alarm; ~~[or]~~

32 (b) ~~[he]~~ assembles with two or more other ~~[persons]~~ individuals with the purpose of
33 engaging, soon thereafter, in ~~[tumultuous or]~~ violent conduct, knowing, that two or more other
34 ~~[persons]~~ individuals in the assembly have the same purpose; or

35 (c) ~~[he]~~ assembles with two or more other ~~[persons]~~ individuals with the purpose of
36 committing an offense against a person, or the property of another person who ~~[he]~~ the
37 individual supposes to be guilty of a violation of law, believing that two or more other
38 ~~[persons]~~ individuals in the assembly have the same purpose.

39 (2) ~~[Any person]~~ Any individual who refuses to comply with a lawful order to
40 withdraw ~~[given to him immediately]~~ prior to, during, or immediately following a violation of
41 Subsection (1) is guilty of riot. It is no defense to a prosecution under this Subsection (2) that
42 withdrawal must take place over private property; provided, however, that ~~[no persons so]~~ an
43 individual ~~§~~ [withdrawing] who withdraws ~~←§~~ [shall] in compliance with an order to withdraw
43a may not incur criminal
44 or civil liability by virtue of acts reasonably necessary to accomplish the withdrawal.

45 ~~[(3) Riot is a felony of the third degree if, in the course of and as a result of the~~
46 ~~conduct, any person suffers bodily injury, or substantial property damage, arson occurs or the~~
47 ~~defendant was armed with a dangerous weapon, as defined in Section 76-1-601; otherwise it is~~
48 ~~a class B misdemeanor.]~~

49 (3) Except as provided in Subsection (4), riot is a class B misdemeanor.

50 (4) Riot is a third degree felony if, in the course of the conduct:

51 (a) the individual causes substantial or serious bodily injury;

52 (b) the individual causes substantial property damage or commits arson; or

53 (c) the individual was in possession of a dangerous weapon as defined in Section
54 76-1-601.

55 (5) An individual arrested for a violation of Subsection (4) may not be released from
56 custody before the individual appears before a magistrate or a judge.

57 (6) The court shall order a defendant convicted under Subsection (4) to pay restitution
 58 as calculated in accordance with Section [77-38a-302](#).

59 Section 2. Section **77-20-1** is amended to read:

60 **77-20-1. Right to bail -- Pretrial status order -- Denial of bail -- Detention hearing**
 61 **-- Motion to modify.**

62 (1) As used in this chapter:

63 (a) "Bail bond agency" means the same as that term is defined in Section [31A-35-102](#).

64 (b) "Financial condition" or "monetary bail" means any monetary condition that may be
 65 imposed under Section [77-20-4](#) to secure an individual's pretrial release.

66 (c) "Pretrial release" or "bail" means release of an individual charged with or arrested
 67 for a criminal offense from law enforcement or judicial custody during the time the individual
 68 awaits trial or other resolution of the criminal charges.

69 (d) "Pretrial status order" means an order issued by the court exercising jurisdiction
 70 over an individual charged with a criminal offense that sets the terms and conditions of the
 71 individual's pretrial release or denies pretrial release and orders that the individual be detained
 72 pending resolution of the criminal charges.

73 (e) "Surety" and "sureties" mean a surety insurer or a bail bond agency.

74 (f) "Surety insurer" means the same as that term is defined in Section [31A-35-102](#).

75 (2) An individual charged with or arrested for a criminal offense shall be admitted to
 76 bail as a matter of right, except if the individual is charged with **§→ [a] ←§** :

77 (a) capital felony, when the court finds there is substantial evidence to support the
 78 charge;

79 (b) felony committed while on probation or parole, or while free on bail awaiting trial
 80 on a previous felony charge, when the court finds there is substantial evidence to support the
 81 current felony charge;

82 (c) felony when there is substantial evidence to support the charge and the court finds
 83 by clear and convincing evidence that the individual would constitute a substantial danger to
 84 any other individual or to the community, or is likely to flee the jurisdiction of the court, if
 85 released on bail;

86 (d) felony when the court finds there is substantial evidence to support the charge and
 87 the court finds by clear and convincing evidence that the individual violated a material

88 condition of release while previously on bail; [or]

89 (e) domestic violence offense if the court finds:

90 (i) that there is substantial evidence to support the charge; and

91 (ii) by clear and convincing evidence, that the individual would constitute a substantial
92 danger to an alleged victim of domestic violence if released on bail; or

93 ~~(f) §→ [violation of Subsection 76-9-101(4) if the court finds that there is substantial~~
94 ~~evidence to support the charge and, by clear and convincing evidence, that the individual is~~
95 ~~unlikely to appear for a subsequent court appearance] a felony violation of Section 76-9-101 if~~
95a ~~there is substantial evidence to support the charge and the court finds by clear and convincing~~
95b ~~evidence that the individual is not likely to appear for a subsequent court appearance ←§ .~~

96 (3) (a) A court exercising jurisdiction over an individual charged with or arrested for a
97 criminal offense shall issue a pretrial status order designating the conditions to be imposed
98 upon the individual's release or ordering that the individual be detained under this section
99 during the time the individual awaits trial or other resolution of the criminal charges.

100 (b) A court granting pretrial release shall impose the least restrictive reasonably
101 available conditions of release on the individual who is the subject of the pretrial status order
102 that the court determines will reasonably ensure:

103 (i) the individual's appearance in court when required;

104 (ii) the safety of any witnesses or victims of the offense allegedly committed by the
105 individual;

106 (iii) the safety and welfare of the public; and

107 (iv) that the individual will not obstruct or attempt to obstruct the criminal justice
108 process.

109 (c) (i) The court shall issue the pretrial status order without unnecessary delay.

110 (ii) If a prosecutor files a motion for detention under Subsection (6), the court may
111 delay issuing the pretrial status order until after hearing the motion to detain if the court finds:

112 (A) the prosecutor's motion states a reasonable case for detention; and

113 (B) detaining the defendant until after the motion is heard is in the interests of justice
114 and public safety.

115 (4) (a) Except as otherwise provided in this section, Section 76-9-101, or Section
116 78B-7-802, the court shall order that an individual charged with a criminal offense be released
117 on the individual's own recognizance, on condition that the individual appear at all required
118 court proceedings, if the court finds that additional conditions are not necessary to reasonably