

Representative Paul Ray proposes the following substitute bill:

DISORDERLY CONDUCT AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: Curtis S. Bramble

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

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



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

27 **76-9-102. Disorderly conduct.**

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

29 (a) ~~he~~ 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) engages in fighting or in violent, tumultuous, ~~H→~~ ~~[or]~~ ~~←H~~ threatening ~~H→~~ ,
34a or other ←H behavior H→ which would cause a reasonable person to fear for the safety
34b of any person ←H ;

35 (ii) makes unreasonable noises in a public place;

36 (iii) makes unreasonable noises in a private place which can be heard in a public place;

37 or

38 (iv) obstructs vehicular or pedestrian traffic.

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

43 (3) The mere carrying or possession of a holstered or encased firearm, whether visible
44 or concealed, without additional behavior or circumstances that would cause a reasonable
45 person to believe the holstered or encased firearm was carried or possessed unlawfully or with
46 criminal intent, does not constitute a violation of this section. For purposes of this

46a ~~H→~~ [subsection] section ←H ,

47 ~~H→~~ the belief of ←H a reasonable H→ [belief] person ←H may not be based on a mistake of law.

47a ~~H→~~ Nothing in this subsection may limit or prohibit a law enforcement officer from
47b approaching and engaging any person in a voluntary conversation. ←H

48 ~~(3)~~ (4) Disorderly conduct is a class C misdemeanor if the offense continues after a
49 request by a person to desist. Otherwise it is an infraction.