

2008 -- S 2916

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LC02160
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2008

A N A C T

RELATING TO CRIMINAL OFFENSES -- DISORDERLY CONDUCT

Introduced By: Senators McCaffrey, and Perry

Date Introduced: April 01, 2008

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-45-1 of the General Laws in Chapter 11-45 entitled "Disorderly
2 Conduct" is hereby amended to read as follows:

3 **11-45-1. Disorderly conduct.** -- (a) A person commits disorderly conduct if he or she
4 intentionally, knowingly, or recklessly:

5 (1) Engages in fighting or threatening, or in violent or tumultuous behavior;

6 (2) In a public place or near a private residence that he or she has no right to occupy,
7 disturbs another person by making loud and unreasonable noise which under the circumstances
8 would disturb a person of average sensibilities;

9 (3) Directs at another person in a public place offensive words which are likely to
10 provoke a violent reaction on the part of the average person so addressed;

11 (4) Alone or with others, obstructs a highway, street, sidewalk, railway, waterway,
12 building entrance, elevator, aisle, stairway, or hallway to which the public or a substantial group
13 of the public has access or any other place ordinarily used for the passage of persons, vehicles, or
14 conveyances;

15 (5) Engages in conduct which obstructs or interferes physically with a lawful meeting,
16 procession, or gathering;

17 (6) Enters upon the property of another and for a lascivious purpose looks into an
18 occupied dwelling or other building on the property through a window or other opening; or

19 (7) Who without the knowledge or consent of the individual, looks for a lascivious

1 purpose through a window, or any other opening into an area in which another would have a
2 reasonable expectation of privacy, including, but not limited to, a restroom, locker room, shower,
3 changing room, dressing room, bedroom, or any other such private area, notwithstanding any
4 property rights the individual may have in the location in which the private area is located.

5 ~~(8) Exposes his or her genitals to the view of another person under circumstances in~~
6 ~~which his or her conduct is likely to cause affront, distress, or alarm to the other person.~~

7 (b) Any person, including a police officer, may be a complainant for the purposes of
8 instituting action for any violation of this section.

9 (c) Any person found guilty of the crime of disorderly conduct shall be imprisoned for a
10 term of not more than six (6) months, or fined not more than five hundred dollars (\$500), or both.

11 (d) Where the provisions of "The Domestic Violence Prevention Act", chapter 29 of title
12 12, are applicable, the penalties for violation of this section shall also include the penalties as
13 provided in section 12-29-5.

14 (e) In no event shall subdivisions (a)(2) -- (5) of this section be construed to prevent
15 lawful picketing or lawful demonstrations including, but not limited to, those relating to a labor
16 dispute.

17 ~~(f) In no event shall the provisions of this section be construed to apply to breast feeding~~
18 ~~in public.~~

19 SECTION 2. Chapter 11-45 of the General Laws entitled "Disorderly Conduct" is hereby
20 amended by adding thereto the following section:

21 **11-45-2. Indecent exposure - Disorderly conduct. -- (a) A person commits indecent**
22 **exposure/disorderly conduct when for the purpose of sexual arousal, gratification or stimulation,**
23 **such person intentionally, knowingly, or recklessly;**

24 **(1) Exposes his or her genitals to the view of another under circumstances in which his or**
25 **her conduct is likely to cause affront, distress, or alarm to that person;**

26 **(b) Any person, including a police officer, may be a complainant for the purposes of**
27 **instituting action for any violation of this section;**

28 **(c) Any person found guilty of, or pleads nolo contendere to the crime of indecent**
29 **exposure/disorderly conduct, shall be imprisoned for a term of not more than one year, or fined**
30 **not more than one thousand dollars (\$1,000), or both;**

31 **(d) Counseling- Every person convicted of, or placed on probation for a violation of this**
32 **section, may be ordered to attend appropriate professional counseling to address his or her**
33 **behavior;**

34 **(e) Where the provisions of "The Domestic Violence Prevention Act", chapter 12-29 are**

1 applicable, the penalties for a violation of this section shall also include the penalties as provided
2 in section 12-29-5;

3 (f) In no event shall the provisions of this section be construed to apply to breastfeeding
4 in public.

5 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would create the offense of indecent exposure/disorderly conduct as a
2 misdemeanor offense punishable by imprisonment of not more than one year, or a fine of not
3 more than one thousand dollars (\$1,000), or both.

4 This act would take effect upon passage.

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