

2015 -- S 0129

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO CRIMINAL OFFENSES - DISORDERLY CONDUCT - UNLAWFUL
INTERFERENCE WITH TRAFFIC

Introduced By: Senators Raptakis, Lombardo, McCaffrey, Lombardi, and Jabour

Date Introduced: January 22, 2015

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

1 (7) Who without the knowledge or consent of the individual, looks for a lascivious
2 purpose through a window, or any other opening into an area in which another would have a
3 reasonable expectation of privacy, including, but not limited to, a restroom, locker room, shower,
4 changing room, dressing room, bedroom, or any other such private area, notwithstanding any
5 property rights the individual may have in the location in which the private area is located.

6 (8) [Deleted by P.L. 2008, ch. 183, § 1].

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

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

16 **11-45-3. Unlawful interference with traffic.** – (a) A person commits the crime of
17 unlawful interference with traffic if he or she intentionally, knowingly, or recklessly:

18 (1) Stands, sits, kneels, or otherwise loiters on any federal or state highway under such
19 circumstances that said conduct could reasonably be construed as interfering with the lawful
20 movement of traffic; or

21 (2) Stands, sits, kneels, or otherwise loiters on any federal or state highway causing the
22 interruption, obstruction, distraction, or delay of any motorist operating a motor vehicle upon said
23 highway.

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

26 (c) Any person who violates subsection (a) above is guilty of a felony and shall, upon
27 conviction, be sentenced for a first violation of this section, to a term of imprisonment of not less
28 than one year nor more than three (3) years at the adult correctional institution. Not less than the
29 first sixty (60) days of said sentence shall be ineligible for the benefit of suspension, deferral, or
30 probation.

31 (d) Any person who violates subsection (a) above is guilty of a felony and shall, upon
32 conviction, be sentenced for a second violation of this section, to a term of imprisonment of not
33 less than three (3) years nor more than five (5) years at the adult correctional institution. Not less
34 than the first one year of said sentence shall be ineligible for the benefit of suspension, deferral,

1 or probation.

2 (e) Any person who violates subsection (a) above is guilty of a felony and shall, upon
3 conviction, be sentenced for a third violation of this section, to a term of imprisonment of not less
4 the five (5) years nor more than ten (10) years at the adult correctional institution. Not less than
5 the first two (2) years of said sentence shall be ineligible for the benefit of suspension, deferral, or
6 probation.

7 (f) When the death of any person ensues as a proximate result of the interruption,
8 obstruction, distraction, or delay of an emergency vehicle caused by conduct violating the
9 provisions of subsection (a) above, the person violating this section shall be guilty of "unlawful
10 interference with traffic, resulting in death" and shall, upon conviction, be sentenced to a term of
11 imprisonment of not less than five (5) years nor more than thirty (30) years at the adult
12 correctional institution. Not less than the first five (5) years of said sentence shall be ineligible for
13 the benefit of suspension, deferral, or probation.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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- 1 This act would criminalize and set mandatory minimum sentences for the unlawful
- 2 interference with traffic upon the federal and state highways of this state.
- 3 This act would take effect upon passage.

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