

2014 -- H 7379

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO CRIMINAL OFFENSES -- DISORDERLY CONDUCT

Introduced By: Representatives Almeida, Diaz, Slater, O'Brien, and Marshall

Date Introduced: February 06, 2014

Referred To: House Judiciary

(Public Defender)

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~~
4 notwithstanding any property rights the individual may have in the location in which the private
5 area is located.

6 (8) [Deleted by P.L. 2008, ch. 183, section 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, pursuant to subsection
10 (a)(6) or (a)(7) of this section or, any other subsection when the provisions of The Domestic
11 Violence Prevention Act, chapter 29 of title 12, are applicable, shall be imprisoned for a term of
12 not more than six (6) months, or fined not more than five hundred dollars (\$500), or both. Any
13 person found guilty of the crime of disorderly conduct pursuant to subsections (a)(1)-(5) of this
14 section shall be fined not more than five hundred dollars (\$500).

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

18 SECTION 2. 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 provide that a person found guilty of disorderly conduct for certain
2 actions involving lascivious purposes or a violation of the Domestic Violence Prevention Act
3 would be subject to imprisonment for up to six (6) months or fined up to five hundred dollars
4 (\$500), or both, while persons found guilty of disorderly conduct for other actions would only be
5 subject to a fine of up to five hundred dollars (\$500).

6 This act would take effect upon passage.

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