

1 Introduced by Committee on Judiciary

2 Date:

3 Subject: Crimes and criminal procedure; breach of the peace; disorderly
4 conduct

5 Statement of purpose of bill as introduced: This bill proposes to decriminalize
6 disorderly conduct offenses that involve disruption of any lawful assembly or
7 obstruction of pedestrian or vehicular traffic. Those offenses become civil
8 violations and law enforcement officers may issue a civil ticket to any person
9 in violation of those provisions. Continued engagement in those activities after
10 a law enforcement officer cites a person for such conduct would be a crime for
11 which the person could be arrested and removed from the scene.

12 An act relating to disorderly conduct

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. 13 V.S.A. § 1026 is amended to read:

15 § 1026. DISORDERLY CONDUCT

16 (a) A person is guilty of disorderly conduct if he or she, with intent to cause
17 public inconvenience or annoyance, or recklessly creates a risk thereof:

18 (1) engages in fighting or in violent, tumultuous, or threatening
19 behavior;

20 (2) makes unreasonable noise;

1 (3) in a public place, uses abusive or obscene language;

2 (4) without lawful authority, disturbs any lawful assembly or meeting of
3 persons; ~~or~~

4 (5) obstructs vehicular or pedestrian traffic; or

5 (6) upon receiving a civil citation pursuant to subdivision (b)(2)(A) of
6 this section, continues to engage in conduct in violation of subdivision (4) or
7 (5) of this subsection.

8 (b)(1) A person who ~~is convicted of disorderly conduct~~ violates
9 subdivision (a)(1), (2), or (3) of this section shall be imprisoned for not more
10 than 60 days or fined not more than \$500.00, or both. A person who is
11 convicted of a second or subsequent offense under ~~this~~ subdivision (a)(1), (2),
12 or (3) of this section shall be imprisoned for not more than 120 days or fined
13 not more than \$1,000.00, or both.

14 (2) A person who violates subdivision (a)(4) or (5) of this section:

15 (A) for a first or second offense, commits a civil violation and shall
16 be assessed a civil penalty of not more than \$100.00; and

17 (B) for a third or subsequent offense, shall be imprisoned for not
18 more than 60 days or fined not more than \$500.00, or both.

19 (3) A person who violates subdivision (a)(6) of this section shall be
20 imprisoned for not more than 30 days or fined not more than \$250.00, or both.

1 Sec. 2. EFFECTIVE DATE

2 This act shall take effect on July 1, 2020.