Introduced by Committee on Judiciary

Date:

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

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

An act relating to disorderly conduct

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

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

§ 1026. DISORDERLY CONDUCT

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

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

(2) makes unreasonable noise;
(3) in a public place, uses abusive or obscene language;

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

(5) obstructs vehicular or pedestrian traffic; or

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

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

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

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

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

(3) A person who violates subdivision (a)(6) of this section shall be imprisoned for not more than 30 days or fined not more than $250.00, or both.
Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2020.