

2024 -- H 7309

LC003892

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO CRIMINAL OFFENSES -- DISORDERLY CONDUCT

Introduced By: Representatives Batista, Potter, Felix, Giraldo, J. Lombardi, Alzate, Kislak, and Cruz

Date Introduced: January 26, 2024

Referred To: House 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.**

4 (a) A person commits disorderly conduct if he or she intentionally, knowingly, or
5 recklessly:

6 (1) Engages in fighting or threatening, or in violent or tumultuous behavior in such a way
7 that creates an actual public disturbance as evidenced by situations that include, but are not limited
8 to, a gathering of people drawn to and watching the conduct, stopping, impeding or causing traffic,
9 or creating similar public disturbances;

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

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

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

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

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

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

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

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

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

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

15 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO CRIMINAL OFFENSES -- DISORDERLY CONDUCT

1 This act would define, under the disorderly conduct statute, engaging in fighting or
2 threatening, or in violent or tumultuous behavior to include and specify it as conduct that creates
3 an actual public disturbance as evidenced by situations that include, but are not limited to, a
4 gathering of people drawn to and watching the conduct, stopping, impeding or causing traffic, or
5 creating similar public disturbances. This act would also prohibit police from being the complainant
6 for purposes of instituting action for a violation of § 11-45-1 (disorderly conduct).

7 This act would take effect upon passage.

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