

CAPITOL PROTOCOL AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mark B. Madsen

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions related to security at the State Capitol.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits bringing alcohol for consumption onto the capitol hill complex;
- ▶ modifies parking provisions for the capitol hill complex;
- ▶ modifies the duties of the Utah Highway Patrol related to the capitol hill complex;
- ▶ changes the penalty for violating a rule adopted by the Capitol Preservation Board relating to the use of the capitol hill complex;
- ▶ modifies the activities that constitute "interfering with a public servant";
- ▶ modifies provisions related to disorderly conduct; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

32B-4-102, as enacted by Laws of Utah 2010, Chapter 276



- 28 [32B-4-415](#), as enacted by Laws of Utah 2010, Chapter 276
- 29 [41-6a-1401](#), as last amended by Laws of Utah 2011, Chapter 363
- 30 [53-8-105](#), as last amended by Laws of Utah 2005, Chapter 2
- 31 [63C-9-301](#), as last amended by Laws of Utah 2013, Chapter 310
- 32 [76-8-301](#), as last amended by Laws of Utah 1998, Chapter 72
- 33 [76-9-102](#), as last amended by Laws of Utah 2014, Chapter 143

34

35 *Be it enacted by the Legislature of the state of Utah:*

36 Section 1. Section **32B-4-102** is amended to read:

37 **32B-4-102. Definitions.**

38 ~~[Reserved]~~ As used in this chapter, "capitol hill complex" means the same as that term
39 is defined in Section [63C-9-102](#).

40 Section 2. Section **32B-4-415** is amended to read:

41 **32B-4-415. Unlawful bringing onto premises for consumption.**

42 (1) Except as provided in Subsection (4), a person may not bring an alcoholic product
43 for on-premise consumption onto the premises of:

- 44 (a) a retail licensee or person required to be licensed under this title as a retail licensee;
- 45 (b) an establishment that conducts a business similar to a retail licensee;
- 46 (c) an event where an alcoholic product is sold, offered for sale, or furnished under a
47 single event permit or temporary beer event permit issued under this title; ~~[or]~~
- 48 (d) an establishment open to the general public~~[-];~~ or
- 49 (e) the capitol hill complex.

50 (2) Except as provided in Subsection (4), the following may not allow a person to bring
51 onto its premises an alcoholic product for on-premise consumption or allow consumption of an
52 alcoholic product brought onto its premises in violation of this section:

- 53 (a) a retail licensee or a person required to be licensed under this title as a retail
54 licensee;
- 55 (b) an establishment that conducts a business similar to a retail licensee;
- 56 (c) a single event permittee or temporary beer event permittee;
- 57 (d) an establishment open to the general public; ~~[or]~~
- 58 (e) the State Capitol Preservation Board created in Section [63C-9-201](#); or

59 ~~(e)~~ (f) staff of a person listed in Subsections (2)(a) through ~~(d)~~ (e).

60 (3) Except as provided in Subsection (4)(c)(i)(A), a person may not consume an
61 alcoholic product in a limousine or chartered bus if the limousine or chartered bus drops off a
62 passenger at:

63 (a) a location from which the passenger departs in a private vehicle~~[-];~~ or

64 (b) the capitol hill complex.

65 (4) (a) A person may bring bottled wine onto the premises of the following and
66 consume the wine pursuant to Section 32B-5-307:

67 (i) a full-service restaurant licensee;

68 (ii) a limited restaurant licensee;

69 (iii) a club licensee; or

70 (iv) a person operating under a resort spa sublicense.

71 (b) A passenger of a limousine may bring onto, possess, and consume an alcoholic
72 product on the limousine if:

73 (i) the travel of the limousine begins and ends at:

74 (A) the residence of the passenger;

75 (B) the hotel of the passenger, if the passenger is a registered guest of the hotel; or

76 (C) the temporary domicile of the passenger; ~~and~~

77 (ii) the driver of the limousine is separated from the passengers by partition or other
78 means approved by the department~~[-];~~ and

79 (iii) the limousine is not located on the capitol hill complex.

80 (c) A passenger of a chartered bus may bring onto, possess, and consume an alcoholic
81 product on the chartered bus:

82 (i) (A) but may consume only during travel to a specified destination of the chartered
83 bus and not during travel back to the place where the travel begins; or

84 (B) if the travel of the chartered bus begins and ends at:

85 (I) the residence of the passenger;

86 (II) the hotel of the passenger, if the passenger is a registered guest of the hotel; or

87 (III) the temporary domicile of the passenger; ~~and~~

88 (ii) if the chartered bus has a nondrinking designee other than the driver traveling on
89 the chartered bus to monitor consumption~~[-];~~ and

90 (iii) if the chartered bus is not located on the capitol hill complex.

91 (5) A person may bring onto any premises, possess, and consume an alcoholic product
92 at a private event.

93 (6) Notwithstanding Subsection (5), private and public facilities may prohibit the
94 possession or consumption of alcohol on their premises.

95 [~~(6)~~] (7) The restrictions of Subsections (2) and (3) apply to a resort licensee or person
96 operating under a sublicense in relationship to:

97 (a) the boundary of a resort building; or

98 (b) a sublicense premises.

99 Section 3. Section **41-6a-1401** is amended to read:

100 **41-6a-1401. Standing or parking vehicles -- Restrictions and exceptions.**

101 (1) Except when necessary to avoid conflict with other traffic, or in compliance with
102 law, the directions of a peace officer, or a traffic-control device, a person may not:

103 (a) stop, stand, or park a vehicle:

104 (i) on the roadway side of any vehicle stopped or parked at the edge or curb of a street;

105 (ii) on a sidewalk;

106 (iii) within an intersection;

107 (iv) on a crosswalk;

108 (v) between a safety zone and the adjacent curb or within 30 feet of points on the curb
109 immediately opposite the ends of a safety zone, unless a different length is indicated by signs or
110 markings;

111 (vi) alongside or opposite any street excavation or obstruction when stopping, standing,
112 or parking would obstruct traffic;

113 (vii) on any bridge or other elevated structure, on a highway, or within a highway
114 tunnel;

115 (viii) on any railroad tracks;

116 (ix) on any controlled-access highway;

117 (x) in the area between roadways of a divided highway, including crossovers; or

118 (xi) any place where a traffic-control device prohibits stopping, standing, or parking;

119 (b) stand or park a vehicle, whether occupied or not, except momentarily to pick up or
120 discharge a passenger or passengers:

- 121 (i) in front of a public or private driveway;
- 122 (ii) within 15 feet of a fire hydrant;
- 123 (iii) within 20 feet of a crosswalk;
- 124 (iv) within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or
- 125 traffic-control signal located at the side of a roadway;
- 126 (v) within 20 feet of the driveway entrance to any fire station and on the side of a street
- 127 opposite the entrance to any fire station within 75 feet of the entrance when properly
- 128 signposted; [or]
- 129 (vi) at any place where a traffic-control device prohibits standing; or
- 130 (vii) at the capitol hill complex as defined in Section 63C-9-102 in a parking space
- 131 identified as reserved for specific users, without:
- 132 (A) approval by the executive director of the State Capitol Preservation Board created
- 133 in Section 63C-9-201; and
- 134 (B) a properly displayed placard or other identifying marker approved by the executive
- 135 director of the State Capitol Preservation Board to indicate this approval; or
- 136 (c) park a vehicle, whether occupied or not, except temporarily for the purpose of and
- 137 while actually engaged in loading or unloading property or passengers:
- 138 (i) within 50 feet of the nearest rail of a railroad crossing; or
- 139 (ii) at any place where traffic-control devices prohibit parking.
- 140 (2) A person may not move a vehicle that is not lawfully under the person's control into
- 141 any prohibited area or into an unlawful distance from the curb.
- 142 (3) This section does not apply to a tow truck motor carrier responding to a customer
- 143 service call if the tow truck motor carrier has already received authorization from the local law
- 144 enforcement agency in the jurisdiction where the vehicle to be towed is located.

Section 4. Section 53-8-105 is amended to read:

53-8-105. Duties of Highway Patrol.

In addition to the duties in this chapter, the Highway Patrol shall:

- 148 (1) enforce the state laws and rules governing use of the state highways;
- 149 (2) regulate traffic on all highways and roads of the state;
- 150 (3) assist the governor in an emergency or at other times at his discretion;
- 151 (4) in cooperation with federal, state, and local agencies, enforce and assist in the

152 enforcement of all state and federal laws related to the operation of a motor carrier on a
153 highway, including all state and federal rules and regulations;

154 (5) inspect certain vehicles to determine road worthiness and safe condition as
155 provided in Section [41-6a-1630](#);

156 (6) upon request, assist with any condition of unrest existing or developing on a
157 campus or related facility of an institution of higher education;

158 (7) assist the Alcoholic Beverage Control Commission in an emergency to enforce the
159 state liquor laws;

160 (8) provide security and protection for both houses of the Legislature while in session
161 as the speaker of the House of Representatives and the president of the Senate finds necessary;
162 [~~and~~]

163 (9) enforce the state laws and rules governing use of the capitol hill complex as defined
164 in Section [63C-9-102](#); and

165 [~~(9)~~] (10) carry out the following for the Supreme Court and the Court of Appeals:

166 (a) provide security and protection to those courts when in session in the capital city of
167 the state;

168 (b) execute orders issued by the courts; and

169 (c) carry out duties as directed by the courts.

170 Section 5. Section **63C-9-301** is amended to read:

171 **63C-9-301. Board powers -- Subcommittees.**

172 (1) The board shall:

173 (a) except as provided in Subsection (2), exercise complete jurisdiction and
174 stewardship over capitol hill facilities, capitol hill grounds, and the capitol hill complex;

175 (b) preserve, maintain, and restore the capitol hill complex, capitol hill facilities,
176 capitol hill grounds, and their contents;

177 (c) before October 1 of each year, review and approve the executive director's annual
178 budget request for submittal to the governor and Legislature;

179 (d) by October 1 of each year, prepare and submit a recommended budget request for
180 the upcoming fiscal year for the capitol hill complex to:

181 (i) the governor, through the Governor's Office of Management and Budget; and

182 (ii) the Legislature's appropriations subcommittee responsible for capitol hill facilities,

183 through the Office of Legislative Fiscal Analyst;

184 (e) review and approve the executive director's:

185 (i) annual work plan;

186 (ii) long-range master plan for the capitol hill complex, capitol hill facilities, and

187 capitol hill grounds; and

188 (iii) furnishings plan for placement and care of objects under the care of the board;

189 (f) approve all changes to the buildings and their grounds, including:

190 (i) restoration, remodeling, and rehabilitation projects;

191 (ii) usual maintenance program; and

192 (iii) any transfers or loans of objects under the board's care;

193 (g) define and identify all significant aspects of the capitol hill complex, capitol hill

194 facilities, and capitol hill grounds, after consultation with the:

195 (i) Division of Facilities Construction and Management;

196 (ii) State Library Division;

197 (iii) Division of Archives and Records Service;

198 (iv) Division of State History;

199 (v) Office of Museum Services; and

200 (vi) Arts Council;

201 (h) inventory, define, and identify all significant contents of the buildings and all

202 state-owned items of historical significance that were at one time in the buildings, after

203 consultation with the:

204 (i) Division of Facilities Construction and Management;

205 (ii) State Library Division;

206 (iii) Division of Archives and Records Service;

207 (iv) Division of State History;

208 (v) Office of Museum Services; and

209 (vi) Arts Council;

210 (i) maintain archives relating to the construction and development of the buildings, the

211 contents of the buildings and their grounds, including documents such as plans, specifications,

212 photographs, purchase orders, and other related documents, the original copies of which shall

213 be maintained by the Division of Archives and Records Service;

214 (j) comply with federal and state laws related to program and facility accessibility; and
215 (k) establish procedures for receiving, hearing, and deciding complaints or other issues
216 raised about the capitol hill complex, capitol hill facilities, and capitol hill grounds, or their
217 use.

218 (2) (a) Notwithstanding Subsection (1)(a), the supervision and control of the legislative
219 area, as defined in Section 36-5-1, is reserved to the Legislature; and

220 (b) the supervision and control of the governor's area, as defined in Section 67-1-16, is
221 reserved to the governor.

222 (3) (a) The board shall make rules to govern, administer, and regulate the capitol hill
223 complex, capitol hill facilities, and capitol hill grounds by following the procedures and
224 requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

225 (b) A violation of a rule relating to the use of the capitol hill complex adopted by the
226 board under the authority of this Subsection (3) is an infraction.

227 (c) If an act violating a rule under Subsection (3)(b) also amounts to an offense subject
228 to a greater penalty under this title, Title 32B, Alcoholic Beverage Control Act, Title 41, Motor
229 Vehicles, Title 76, Utah Criminal Code, or other provision of state law, Subsection (3)(b) does
230 not prohibit prosecution and sentencing for the more serious offense.

231 ~~[(b)-A]~~ (d) In addition to any punishment allowed under Subsections (3)(a) and (b), a
232 person who violates a rule adopted by the board under the authority of this Subsection (3) is
233 subject to a civil penalty not to exceed \$2,500 for each violation, plus the amount of any actual
234 damages, expenses, and costs related to the violation of the rule that are incurred by the state.

235 ~~[(e)]~~ (e) The board may take any other legal action allowed by law.

236 ~~[(d) If any violation of a rule adopted by the board is also an offense under Title 76,~~
237 ~~Utah Criminal Code, the violation is subject to the civil penalty, damages, expenses, and costs~~
238 ~~allowed under this Subsection (3) in addition to any criminal prosecution.]~~

239 ~~[(e)]~~ (f) The board may not apply this section or rules adopted under the authority of
240 this section in a manner that violates a person's rights under the Utah Constitution or the First
241 Amendment to the United States Constitution, including the right of persons to peaceably
242 assemble.

243 ~~[(f)]~~ (g) The board shall send proposed rules under this section to the legislative
244 general counsel and the governor's general counsel for review and comment before the board

245 adopts the rules.

246 (4) The board is exempt from the requirements of Title 63G, Chapter 6a, Utah
247 Procurement Code, but shall adopt procurement rules substantially similar to the requirements
248 of that chapter.

249 (5) (a) The board may:

250 (i) establish subcommittees made up of board members and members of the public to
251 assist and support the executive director in accomplishing the executive director's duties;

252 (ii) establish fees for the use of capitol hill facilities and capitol hill grounds;

253 (iii) assign and allocate specific duties and responsibilities to any other state agency, if
254 the other agency agrees to perform the duty or accept the responsibility;

255 (iv) contract with another state agency to provide services;

256 (v) delegate by specific motion of the board any authority granted to it by this section
257 to the executive director;

258 (vi) in conjunction with Salt Lake City, expend money to improve or maintain public
259 property contiguous to East Capitol Boulevard and capitol hill;

260 (vii) provide wireless Internet service to the public without a fee in any capitol hill
261 facility; and

262 (viii) when necessary, consult with the:

263 (A) Division of Facilities Construction and Management;

264 (B) State Library Division;

265 (C) Division of Archives and Records Service;

266 (D) Division of State History;

267 (E) Office of Museum Services; and

268 (F) Arts Council.

269 (b) The board's provision of wireless Internet service under Subsection (5)(a)(vii) shall
270 be discontinued in the legislative area if the president of the Senate and the speaker of the
271 House of Representatives each submit a signed letter to the board indicating that the service is
272 disruptive to the legislative process and is to be discontinued.

273 (c) If a budget subcommittee is established by the board, the following shall serve as ex
274 officio, nonvoting members of the budget subcommittee:

275 (i) the legislative fiscal analyst, or the analyst's designee, who shall be from the Office

276 of Legislative Fiscal Analyst; and

277 (ii) the executive director of the Governor's Office of Management and Budget, or the
278 executive director's designee, who shall be from the Governor's Office of Management and
279 Budget.

280 (d) If a preservation and maintenance subcommittee is established by the board, the
281 board may, by majority vote, appoint one or each of the following to serve on the
282 subcommittee as voting members of the subcommittee:

283 (i) an architect, who shall be selected from a list of three architects submitted by the
284 American Institute of Architects; or

285 (ii) an engineer, who shall be selected from a list of three engineers submitted by the
286 American Civil Engineers Council.

287 (e) If the board establishes any subcommittees, the board may, by majority vote,
288 appoint up to two people who are not members of the board to serve, at the will of the board, as
289 nonvoting members of a subcommittee.

290 (f) Members of each subcommittee shall, at the first meeting of each calendar year,
291 select one individual to act as chair of the subcommittee for a one-year term.

292 (6) (a) The board, and the employees of the board, may not move the office of the
293 governor, lieutenant governor, president of the Senate, speaker of the House of
294 Representatives, or a member of the Legislature from the State Capitol unless the removal is
295 approved by:

296 (i) the governor, in the case of the governor's office;

297 (ii) the lieutenant governor, in the case of the lieutenant governor's office;

298 (iii) the president of the Senate, in the case of the president's office or the office of a
299 member of the Senate; or

300 (iv) the speaker of the House of Representatives, in the case of the speaker's office or
301 the office of a member of the House.

302 (b) The board and the employees of the board have no control over the furniture,
303 furnishings, and decorative objects in the offices of the governor, lieutenant governor, or the
304 members of the Legislature except as necessary to inventory or conserve items of historical
305 significance owned by the state.

306 (c) The board and the employees of the board have no control over records and

307 documents produced by or in the custody of a state agency, official, or employee having an
308 office in a building on the capitol hill complex.

309 (d) Except for items identified by the board as having historical significance, and
310 except as provided in Subsection (6)(b), the board and the employees of the board have no
311 control over moveable furnishings and equipment in the custody of a state agency, official, or
312 employee having an office in a building on the capitol hill complex.

313 Section 6. Section **76-8-301** is amended to read:

314 **76-8-301. Interference with public servant.**

315 (1) ~~[A person]~~ An individual is guilty of interference with a public servant if ~~[he]~~ the
316 individual:

317 (a) uses force, violence, intimidation, or engages in any other unlawful act with a
318 purpose to interfere with a public servant performing or purporting to perform an official
319 function; ~~[or]~~

320 (b) knowingly or intentionally interferes with the lawful service of process by a public
321 servant~~[-];~~ or

322 (c) on property that is owned, operated, or controlled by the state or a political
323 subdivision of the state, willfully denies to a public servant:

324 (i) freedom of movement;

325 (ii) use of the property or facilities; or

326 (iii) ingress to or egress from the facilities.

327 (2) Interference with a public servant:

328 (a) under Subsection (1)(a) or (b) is a class B misdemeanor~~[-];~~ and

329 (b) under Subsection (1)(c) is a class C misdemeanor.

330 (3) For purposes of this section, "public servant" does not include jurors.

331 Section 7. Section **76-9-102** is amended to read:

332 **76-9-102. Disorderly conduct.**

333 (1) A person is guilty of disorderly conduct if:

334 (a) the person refuses to comply with the lawful order of a law enforcement officer to
335 move from a public place, or knowingly creates a hazardous or physically offensive condition,
336 by any act which serves no legitimate purpose; or

337 (b) intending to cause public inconvenience, annoyance, or alarm, or recklessly

338 creating a risk thereof, the person:

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

340 (ii) makes unreasonable noises in a public place;

341 (iii) makes unreasonable noises in a private place which can be heard in a public place;

342 or

343 (iv) obstructs vehicular or pedestrian traffic in a public place.

344 (2) "Public place," for the purpose of this section, means any place to which the public

345 or a substantial group of the public has access and includes but is not limited to streets,

346 highways, and the common areas of schools, hospitals, apartment houses, office buildings,

347 public buildings and facilities, transport facilities, and shops.

348 (3) The mere carrying or possession of a holstered or encased firearm, whether visible

349 or concealed, without additional behavior or circumstances that would cause a reasonable

350 person to believe the holstered or encased firearm was carried or possessed with criminal

351 intent, does not constitute a violation of this section. Nothing in this Subsection (3) may limit

352 or prohibit a law enforcement officer from approaching or engaging any person in a voluntary

353 conversation.

354 (4) Disorderly conduct is a class C misdemeanor if the offense continues after a request

355 by a person to desist. Otherwise it is an infraction.

Legislative Review Note
Office of Legislative Research and General Counsel