

Introduced: 3/28/73  
Referred: Judiciary

1 IN THE HOUSE

BY HARTIG AND HACKNEY

2 HOUSE BILL NO. 391

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to disorderly conduct; and providing  
7 for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 11.45.030 is repealed and re-enacted to read:

10 Sec. 11.45.030. DISORDERLY CONDUCT. (a) A person who does any  
11 of the following is guilty of disorderly conduct:

12 (1) in a public place repeatedly or continuously shouts,  
13 blows a horn, plays a musical or recording or amplifying instrument,  
14 or otherwise generates loud noises intending to disturb or acting with  
15 reckless disregard for the peace and privacy of others, or, in a  
16 private place, engages in the same conduct with the same intent or  
17 reckless disregard, having been informed by another that the conduct  
18 is disturbing the peace and privacy of others not in the same place;

19 (2) in a public place when a criminal offense has occurred,  
20 refuses to comply with a lawful order of the police to disperse, or  
21 in a private place refuses to comply with an order of the police to  
22 leave a premises in which he has neither a right of occupancy nor the  
23 express invitation to remain of the person having the right of  
24 possession;

25 (3) in a public or private place addresses language to  
26 anyone present which would be likely to provoke a violent reaction in  
27 a person of ordinary sensibility;

28 (4) in a public or private place challenges another to  
29 fight, or engages in fighting other than in self-defense; or

1 (5) in a public or private place knowingly or recklessly  
2 creates a hazardous condition for others by an act which has no legal  
3 justification or excuse.

4 (b) Upon conviction, a person who is guilty of disorderly conduct  
5 is punishable by a fine of not more than \$1,000, or by imprisonment  
6 for not more than 30 days, or by both.

7 (c) In a prosecution under (a)(1) of this section

8 (1) if the loud noise constitutes speech, the content of  
9 speech or evidence of specific words used by the defendant is admissible  
10 in evidence against him only as permitted by court rule;

11 (2) "loud noise" in a public place means noise which is  
12 loud enough to inhibit the ability of the average person in the same  
13 place to speak freely without leaving the public place;

14 (3) "loud noise" in a private place means noise which is  
15 loud enough to awaken the average person sleeping in a place other  
16 than the private place.

17 (d) In this section a "public place" is a place where the public  
18 is permitted to assemble, enter or pass through, whether publicly or  
19 privately maintained, including but not limited to places of accommoda-  
20 tion, transportation, business and entertainment, or any other place  
21 which is not a private place.

22 \* Sec. 2. This Act takes effect on the day after its passage and approval  
23 or on the day it becomes law without approval.  
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