Senator Reid Informal Statement

The following is a recounting of the protest that occurred on February 10, 2014, just before 2:00 pm. This recounting is given from the best my recall.

Around approximately 1:45 pm, I arrived at committee room 210 in the Senate Building (east building) to prepare for my committee meeting as chair of the Senate Education Standing Committee.

When I arrived, there were approximately seven people standing in front of the double doors of the committee room. Around them, in a half circle, were reporters and cameras recording the events as they unfolded. Not realizing exactly why the individuals were standing in front of the doors I approached them and reached to open the doors and they closed ranks and would not let me open the doors. I explained that I was on the committee and asked them if they were going to move aside and let me enter the room. They indicated that they were not going to move.

Recognizing that I could not get into the room without an altercation, I stepped away and I called Ric Cantrell, to advise him of the situation and to consult with him. He arrived and we discussed what should be done. I indicated to Ric that I wanted to start the committee meeting because of our full agenda of hearings on a number of bills that were coming before the committee. He called John Fellows to let him know of the situation. John arrived and advised us as to what the statute said regarding actions that preventing a legislator from doing his duty on behalf of the peoples business. He asked me if I wanted to enter the committee room to start committee business, I indicated that I did.

After my affirmative response we moved to the doors the protestors were blocking and John asked me again as we stood before them if I wanted to enter the committee room to start committee business. I answered in the affirmative. He asked the protestors if they were going to move aside so that I could enter, they indicated that they would not. John read to them the statute and informed them that they were breaking the law by preventing me from doing the people's business and that they would be arrested if they did not let me enter the committee room. They acknowledge that they understood but refused to let me enter the room, at which point the patrol officers detained them and moved them away from the door and out of the area.

I entered the committee room to prepare for the public hearings that I was to conduct.

Stuart C. Reid
Utah State Senate
Memo to File Monday, January 10, 2014, 2:47 p.m.

Around 1:45 p.m. on this date, Ric Cantrell, Chief Deputy of the Utah Senate, contacted me by telephone and asked about options if certain individuals (pro SB 100) were blocking the entrance to a Senate Committee room and not allowing senators or the public to enter or exit.

I informed him that, if the individuals were completely barring entrance to and exit from the room, the behavior was in violation of the law. He told me that it was occurring outside Senate Committee Room 210, in the Senate Building, and asked me to meet him there.

After I arrived at Senate Committee Room 210, I observed several individuals (6-7 per door) standing with linked arms completely blocking both public entrances to Room 210. Senator Reid, and what appeared to me members of the public, were seeking to enter the room and were prevented from doing so. Also present were several Senate sergeants at arms and 6-7 members of the Utah Highway Patrol. When Ric arrived, he, I, and Lieutenant Mitchell of the Highway Patrol discussed possible options to address the situation. After Ric consulted with Senate President Wayne Niederhauser, he informed Lieutenant Mitchell and me that we were to advise them that their activity was in violation of the law and ask them to disperse. If they declined to do so, they should be arrested.

Ric asked me, as general counsel to the Legislature, to inform them about their potential violation of the law and to ask them to disperse. I had a copy of Utah’s criminal code in my possession. I went to the individuals standing in front of the main door and read them the substance of two provisions of the Utah Criminal Code: Section 76-8-303, Protection of Legislature or public servants from meeting or organizing; and Section 76-8-301, Interference with Public Servants. I also informed them that a violation of 76-8-301 was a third degree felony and that the violation of 76-8-301 was a class B misdemeanor. Senator Reid and Senator Christensen were both present with me at the door seeking entry. I asked the individuals to move or disperse in order to allow the senators and the public to enter the committee room. One woman said that they just wanted my assurance that SB 100 would be heard. Another woman asked if they were being arrested. I again asked them to move. When they failed to do so, several members of the Highway Patrol arrested them.
76-8-301. Interference with public servant.

(1) An individual is guilty of interference with a public servant if the individual:
   (a) uses force, violence, intimidation, or engages in any other unlawful act with a purpose to interfere with a public servant performing or purporting to perform an official function;
   (b) knowingly or intentionally interferes with the lawful service of process by a public servant; or
   (c) on property that is owned, operated, or controlled by the state or a political subdivision of the state, willfully denies to a public servant lawful:
      (i) freedom of movement;
      (ii) use of the property or facilities; or
      (iii) ingress to or egress from the facilities.

(2) Interference with a public servant:
   (a) under Subsection (1)(a) or (b) is a class B misdemeanor; and
   (b) under Subsection (1)(c) is a class C misdemeanor.

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

Amended by Chapter 245, 2016 General Session

76-8-303. Prevention of Legislature or public servants from meeting or organizing.
   A person is guilty of a felony of the third degree if he intentionally and by force or fraud:
   (1) Prevents the Legislature, or either of the houses composing it, or any of the members thereof, from meeting or organizing; or
   (2) Prevents any other public servant from meeting or organizing to perform a lawful governmental function.

Enacted by Chapter 196, 1973 General Session

76-8-304. Disturbing Legislature or official meeting.

(1) A person is guilty of a class B misdemeanor if he intentionally:
   (a) disturbs the Legislature, or either of the houses composing it, while in session;
(b) commits any disorderly conduct in the immediate view and presence of either house of the Legislature, tending to interrupt its proceedings or impair the respect of its authority; or

(c) disturbs an official meeting or commits any disorderly conduct in immediate view and presence of participants in an official meeting tending to interrupt its proceedings.

(2) "Official meeting," as used in this section, means any lawful meeting of public servants for the purposes of carrying on governmental functions.

Amended by Chapter 30, 1992 General Session

76-9-102. Disorderly conduct.

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

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

(b) intending to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, the person:

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

(ii) makes unreasonable noises in a public place;

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

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

(2) "Public place," for the purpose of this section, means any place to which the public or a substantial group of the public has access and includes but is not limited to streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, public buildings and facilities, transport facilities, and shops.

(3) The mere carrying or possession of a holstered or encased firearm, whether visible or concealed, without additional behavior or circumstances that would cause a reasonable person to believe the holstered or encased firearm was carried or possessed with criminal intent, does not constitute a violation of this section. Nothing in this Subsection (3) may limit or prohibit a law enforcement officer from approaching or engaging any person in a voluntary conversation.

(4) Disorderly conduct is a class C misdemeanor if the offense continues after a request by a person to desist. Otherwise it is an infraction.

Amended by Chapter 245, 2016 General Session

76-9-103. Disrupting a meeting or procession.
(1) A person is guilty of disrupting a meeting or procession if, intending to prevent or disrupt a lawful meeting, procession, or gathering, he obstructs or interferes with the meeting, procession, or gathering by physical action, verbal utterance, or any other means.

(2) Disrupting a meeting or procession is a class B misdemeanor.

*Enacted by Chapter 196, 1973 General Session*
Senate Education Committee Incident

Probable violation of some or all of these criminal statutes:

76-8-303 (Third degree felony) Prevention of Legislature or public servants from meeting or organizing.

A person

Intentionally and by force or fraud:

Prevents the Legislature, the Senate or House, or any member of the Legislature from meeting or organizing; or

Prevents any public servant from meeting or organizing to perform a lawful government function.

Analysis: By blocking access to Senate Committee Room 210, the individuals intentionally used force to prevent two senators from meeting to perform a lawful government function.

76-8-301. (Class B misdemeanor) Interference with public servant

A person

Uses force, violence, intimidation, or engages in any other unlawful act

With the purpose of interfering with a public servant

Who is performing or purporting to perform an official function . . . .

Analysis: By blocking access to Senate Committee Room 210 and refusing to disperse and allow two state senators to enter the committee room, the individuals, by force or intimidation, purposely interfered with a public servant performing, or purporting to perform, an official function.

76-9-102. (Class C misdemeanor). Disorderly conduct.

A person

Intending to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk of public inconvenience, annoyance, or alarm . . . .

obstructs pedestrian traffic.

Analysis: By blocking access to Senate Committee Room 210, the individuals obstructed pedestrian traffic with the intent of causing public inconvenience, annoyance, or alarm and continued to do so after they were requested to disperse.

76-9-103. (Class B misdemeanor). Disrupting a meeting.

A person

Intending to prevent or disrupt a lawful meeting
Obstructs or interferes with the meeting by physical action, verbal utterance, or any other means.

Analysis: By blocking access to Senate Committee Room 210, the individuals, intending to prevent the Senate Education Committee from occurring or to disrupt it, obstructed or interfered with the meeting by physical action and, on information and belief, verbal utterance.
Recommendations:

Before an incident occurs:
- Think (consider scenarios and how you’d respond)
- Enact applicable statutes, rules, and policies

While an incident is occurring:
- Request security personnel to be present
- If in the middle of a meeting, immediately declare a recess
- Seek to Negotiate
- Try to ascertain motives/intent
- Suggest less disruptive alternatives
- Consult with appropriate legislative leader(s) and develop a plan (obtain their explicit permission)
- Encourage active defense of legislative prerogatives

Build a record:
- Before, during and after the incident

Consider the media:
- Optics
- Angle
- Record