

TITLE 18
CRIMES AND PUNISHMENTS

CHAPTER 64

RIOT, ROUT, UNLAWFUL ASSEMBLY, PRIZE FIGHTING, DISTURBING PEACE

18-6401. RIOT DEFINED. Any action, use of force or violence, or threat thereof, disturbing the public peace, or any threat to use such force or violence, if accompanied by immediate power of execution, by two (2) or more persons acting together, and without authority of law, which results in:

- (a) physical injury to any person; or
- (b) damage or destruction to public or private property; or
- (c) a disturbance of the public peace;

is a riot.

[18-6401, added 1972, ch. 336, sec. 1, p. 964; am. 1981, ch. 123, sec. 1, p. 211.]

18-6402. RIOT -- FELONY -- MISDEMEANOR -- PUNISHMENT. (1) A riot is a felony if:

(a) It occurs on or about the state penitentiary, a county or city jail, or any other penal facility in this state, or it involves the taking of one or more hostages. Violation of the provisions of this subsection is punishable by imprisonment in the state penitentiary for not less than five (5) years, no [nor] more than twenty (20) years or a fine not to exceed twenty-five thousand dollars (\$25,000), or both such fine and imprisonment.

(b) The destruction or damage to public or private property exceeds five hundred dollars (\$500). Violation of the provisions of this subsection is punishable by imprisonment in the state penitentiary for not more than five (5) years or a fine not to exceed ten thousand dollars (\$10,000), or both such fine and imprisonment.

(2) A riot is a misdemeanor in all other circumstances punishable by imprisonment in the city or county jail for not more than one (1) year and a fine not to exceed five thousand dollars (\$5,000).

[18-6402, added 1981, ch. 123, sec. 3, p. 211.]

18-6404. UNLAWFUL ASSEMBLY DEFINED. Whenever two or more persons assemble together to do an unlawful act, and separate without doing or advancing toward it, or do a lawful act in a violent, boisterous or tumultuous manner, such assembly is an unlawful assembly.

[18-6404, added 1972, ch. 336, sec. 1, p. 964.]

18-6405. PUNISHMENT FOR UNLAWFUL ASSEMBLY. Every person who participates in any unlawful assembly is guilty of a misdemeanor.

[18-6405, added 1972, ch. 336, sec. 1, p. 965; am. 1994, ch. 167, sec. 3, p. 375.]

18-6409. DISTURBING THE PEACE. (1) Every person who maliciously and willfully disturbs the peace or quiet of any neighborhood, family or person, by loud or unusual noise, or by tumultuous or offensive conduct, or by

threatening, traducing, quarreling, challenging to fight or fighting, or fires any gun or pistol, or uses any vulgar, profane or indecent language within the presence or hearing of children, in a loud and boisterous manner, is guilty of a misdemeanor.

(2) Every person who maliciously and willfully disturbs the dignity or reverential nature of any funeral, memorial service, funeral procession, burial ceremony or viewing of a deceased person is guilty of a misdemeanor.

[18-6409, added 1972, ch. 336, sec. 1, p. 965; am. 1972, ch. 381, sec. 14, p. 1102; am. 1994, ch. 167, sec. 4, p. 375; am. 2007, ch. 130, sec. 1, p. 387.]

18-6410. ASSEMBLY TO DISTURB PEACE -- REFUSAL TO DISPERSE. If two or more persons assemble for the purpose of disturbing the public peace, or committing any unlawful act, and do not disperse on being desired or commanded so to do by a public officer, the persons so offending are severally guilty of a misdemeanor.

[18-6410, added 1972, ch. 336, sec. 1, p. 965.]