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Here is the section of the DC Code on disorderly conduct, as you requested.

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1990, it was assigned Act No. 8-278 and transmitted to both Houses of Congress for its review.

Cited in Campbell v. District of Columbia, App. D.C., 32 A.2d 394 (1943); United States v. Vaughn, 117 WLR 441 (Super. Ct. 1989).

§ 22-1121. Disorderly conduct.

Whoever, with intent to provoke a breach of the peace, or under circumstances such that a breach of the peace may be occasioned thereby: (1) acts in such a manner as to annoy, disturb, interfere with, obstruct, or be offensive to others; (2) congregates with others on a public street and refuses to move on when ordered by the police; (3) shouts or makes a noise either outside or inside a building during the nighttime to the annoyance or disturbance of any considerable number of persons; (4) interferes with any person in any place by jostling against such person or unnecessarily crowding such person or by placing a hand in the proximity of such person's pocketbook, or handbag; or (5) causes a disturbance in any streetcar, railroad car, omnibus, or other public conveyance, by running through it, climbing through windows or upon the seats, or otherwise annoying passengers or employees, shall be fined not more than $250 or imprisoned not more than 90 days, or both. (June 29, 1953, 67 Stat. 98, ch. 159, § 211a; 1973 Ed., § 22-1121; May 21, 1994, D.C. Law 10-119, § 9(a), 41 DCR 1639.)

Cross references. — As to prohibition of defacement of public or private building or property, see § 22-3112.1.

As to prohibition of burning of cross or other religious symbol, see § 22-3112.2.

As to prohibition of wearing of masks for specified purposes, see § 22-3112.3.

As to penalties for violation of §§ 22-3112.1 to 22-3112.3, see § 22-3112.4.

Section references. — This section is referred to in § 22-109.

Effect of amendments. — D.C. Law 10-119 substituted "such person" for "him" in (4).

Legislative history of Law 10-118. — See note to § 22-1102.

This section does not violate due process clause of Fifth Amendment although it does not require proof of a breach of peace element; this section does no more than give police the right, within reasonable limitations, to keep the public sidewalks free of unnecessary obstructions and to prevent groups from congregating in such a way that a breach of peace might result. Scott v. District of Columbia, App. D.C., 184 A.2d 849 (1962).

Nor unreasonably suppress free communication of views. — The police have a duty to keep streets and sidewalks open for the movement of traffic; hence, the failure-to-move-on provision of this section is a reasonable regulation empowering the police to fulfill such a duty. The provision does no more than that, but, in applying it, the police must direct and control demonstrators only to the extent sufficient to protect legitimate state interests, such as, free circulation of traffic and free access to public buildings. In ordering obstructive demonstrators to "move on" the initial police objective must be merely to clear passage, not to disperse demonstrators or suppress the free communication of their views. Washington Mobilization Comm. v. Cullinane, 566 F.2d 107 (D.C. Cir. 1977).

This section must be strictly construed. Carey v. District of Columbia, App. D.C., 102 A.2d 314 (1954); United States v. Botts, 110 WLR 1257 (Super. Ct. 1982).

Breach of peace deemed element of offense. — One of the elements of offense of disorderly conduct is that the conduct must occur with intent to provoke a breach of the peace or occur under circumstances such that a breach of the peace may be occasioned thereby. District of Columbia v. Jordan, App. D.C., 232 A.2d 298 (1967); Hawkins v. United States, App. D.C., 399 A.2d 1306 (1979).

But specific intent not required. — Under this section, one lacking the intent to be disorderly may nevertheless be guilty if his conduct is such that a breach of peace may be occasioned thereby. Rockwell v. District of Columbia, App. D.C., 172 A.2d 549 (1961).

Nor proof of actual or impending breach of peace. — Proof of actual or impending breach of peace is not required for conviction of disorderly conduct. Scott v. District of Columbia, App. D.C., 184 A.2d 849 (1962); Stovall v. United States, App. D.C., 202 A.2d 390 (1964).

Neither an actual breach of the peace nor an intent to provoke a breach of peace is an esser-

tial element in the proof of disorderly conduct; it is sufficient that the alleged conduct be under circumstances such that a breach of the peace might be occasioned thereby. Rodgers v. United States, App. D.C., 290 A.2d 395 (1972); United States v. Botts, 110 WLR 1257 (Super. Ct. 1982).

As long as the alleged offensive conduct rises to the level that a breach of the peace might be provoked by the conduct, it is prohibited by statute. Chemsiah v. District of Columbia, App. D.C., 655 A.2d 1226, cert. denied, — U.S. —, 116 S. Ct. 76, 133 L. Ed. 2d 35 (1995).

And extreme conduct not necessary. — This section is violated when there is noisy, riotous, or inflammatory behavior provoking a breach of peace, but there can be a violation of this section without such extreme conduct. Scott v. District of Columbia, App. D.C., 184 A.2d 849 (1962).

Fixing one's pants over puddle of urine in hallway of partially occupied building at 7 p.m. is an act sufficiently annoying and offensive to others that might occasion a violation of this section. United States v. Williams, 754 F.2d 1001 (D.C. Cir. 1985).

Urination in secluded spot not within ambit of section. — Urination in a secluded spot in a parking lot at five o'clock in the morning does not fall within the ambit of this section. United States v. Botts, 110 WLR 1257 (Super. Ct. 1982).

Although protested speech and actions not violative of section. — The defendant's activities in counterpicketing another organization by carrying a sign demanding more police brutality for "Reds" and dragging what purported to be the flag of a foreign government on the ground in front of a crowd, which gave no open displays of anger or threats of violence, was within the protection of First Amendment and did not constitute disorderly conduct. Allen v. District of Columbia, App. D.C., 187 A.2d 888 (1963).

This section is not constitutionally an impermissible prohibition of an activity protected by the First Amendment. Rodgers v. United States, App. D.C., 290 A.2d 395 (1972).

Clause (4) provides notice to public and standards for officials. — The statutory language and history of clause (4) of this section provide potential defendants with sufficient notice and police and courts with adequate standards concerning what conduct is proscribed, viz., touching a person with intent to take that person's pocketbook or handbag and contents. In re A.B., App. D.C., 395 A.2d 59 (1978).

"Handbag" language promotes legislative purpose. — Clause (4)'s prohibition against placing a hand in the proximity of a person's pocketbook or handbag is conduct readily understood and comports with the apparent legislative intent to prevent pickpocketing by means of physically touching and then stealthily snatching a purse or pocketbook from the victim. In re A.B., App. D.C., 395 A.2d 59 (1978).

And phrase "jostling against" in clause (4) has established objective meaning and contemplates a rough physical touching of 1 individual by another. In re A.B., App. D.C., 395 A.2d 59 (1978).

Peeping in another's window deemed disorderly conduct. — Peeping in the window of an occupied, lighted apartment at 1:30 in the morning constitutes "disorderly conduct" within this breach of peace statute penalizing action tending to "disturb" or be "offensive" to others. Carey v. District of Columbia, App. D.C., 102 A.2d 314 (1954); District of Columbia v. Jordan, App. D.C., 282 A.2d 298 (1967).

Conviction where directive causes disorderly conduct. — The defendant in ordering his followers into a hostile audience to stop the heckling of a speech and the assault of 1 spectator as a direct result of the defendant's command to his followers, authorized a conviction of disorderly conduct. Rockwell v. District of Columbia, App. D.C., 172 A.2d 549 (1961).

Regulation of conduct of bus passengers. — The Washington Metropolitan Area Transit Regulation Compact does not have the authority to promulgate orders regulating the conduct of bus passengers. District of Columbia v. Jones, App. D.C., 287 A.2d 816 (1972).

Evidence sufficient to support conviction for disorderly conduct. — See Sams v. District of Columbia, App. D.C., 244 A.2d 479 (1968).

Cited in Frend v. United States, 100 F.2d 691 (D.C. Cir. 1938), cert. denied, 306 U.S. 640, 59 S. Ct. 488, 83 L. Ed. 1040 (1939); Heilman v. District of Columbia, App. D.C., 172 A.2d 141 (1961); Pinkney v. United States, 363 F.2d 696 (D.C. Cir. 1966); Feeley v. District of Columbia, 387 F.2d 216 (D.C. Cir. 1967); Smith v. District of Columbia, 387 F.2d 253 (D.C. Cir. 1967); Foster v. United States, 290 A.2d 176 (1972); Jones v. United States, App. D.C., 374 A.2d 854 (1977); District of Columbia v. Tschudin, App. D.C., 390 A.2d 986 (1978); Gueory v. District of Columbia, App. D.C., 408 A.2d 987 (1979); Ballard v. United States, App. D.C., 430 A.2d 483 (1981); In re L.M., App. D.C., 432 A.2d 692 (1981); Martin v. Malhoyt, 830 F.2d 237 (D.C. Cir. 1987); In re E.D.P., App. D.C., 573 A.2d 1307 (1990); United States v. Kennedy, 118 WLR 873 (Super. Ct. 1990); Rezvan v. District of Columbia, App. D.C., 582 A.2d 937 (1990); United States v. Bellamy, App. D.C., 619 A.2d 515 (1993).