

## Protesting outside an official's home targeted by Utah lawmaker

'There's a major difference between petitioning the government and harassing a family,' Rep. Wilcox says

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<https://www.deseret.com/utah/2021/2/2/22262533/legislature-lawmaker-wants-criminalize-protests-targeting-homes-anti-mask-protesters>



Protesters march toward state epidemiologist Dr. Angela Dunn's house during a peaceful protest in Salt Lake City on Thursday, Oct. 29, 2020. *Yukai Peng, Deseret News*

SALT LAKE CITY — After [anti-mask protesters targeted the homes of state epidemiologist Dr. Angela Dunn, now-Gov. Spencer Cox, and former Gov. Gary Herbert](#) last year, a Utah lawmaker wants to draw a clear, statewide legal line against those types of demonstrations.

"We have a right, obviously, under the First Amendment, to petition our government for a redress of grievances," Rep. Ryan Wilcox, R-Ogden, told the Deseret News on Tuesday. "But there's a major difference between petitioning the government and harassing a family."

Wilcox is sponsoring [HB291](#), which would make "targeted residential picketing" — a protest "specifically directed or focused toward a residence, or one or more occupants of the residence" — a class B misdemeanor, which is punishable under Utah law by up to six months in jail or fines of up to \$1,000.

Cities including Orem and Salt Lake City already have ordinances that prohibit targeting a person's home as part of a protest, but Wilcox wants to make it a statewide offense.

"We shouldn't be harassing people at their homes," Wilcox said.

Wilcox expects that his bill will draw critics claiming it will infringe on constitutional rights, but he said he's modeling his bill after a Brookfield, Wisconsin, ordinance upheld by a [1988 U.S. Supreme Court case](#). His bill, which he called "carefully tailored," would outlaw protests targeting a person's home, specifically protests on sidewalks or streets in front of the home or within 100 feet of the property line of the home.

HB291 explicitly exempts "general picketing that proceeds through residential neighborhoods or that proceeds past residences." That means protests such as one that took place last year in Cottonwood Heights when protesters demonstrating against police brutality marched through a neighborhood wouldn't be prohibited, Wilcox said.

That protest in [Cottonwood Heights started as a peaceful march but ended up resulting in clashes between some protesters and officers](#) after police tried to prevent the group from walking in the residential roads.



Aaron James is taken into custody after police and marchers collided in the streets of Cottonwood Heights on Sunday, Aug. 2, 2020. The protesters were marching on 6710 South when police blocked them at Cristobal Street and a confrontation ensued. Police said eight or nine protesters were arrested. *Scott G Winterton, Deseret News* Wilcox's bill would also apply to any Utahn's home, not just public servants or elected officials. "It's not about elected officials," he said. "It's really about peace and tranquility for everyone in their home." No matter whether someone is an elected official or a private citizen, Wilcox said, "there's a line between an official and their family."

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"In Utah, that's a sacred space when you talk about your home and your family," Wilcox said, adding that he wished protesting at individuals' homes was "less common," but the events of last year made it clear that it's become a problem.

It's "one thing when people are civically engaged," Wilcox said. "It's quite another when they cross those boundaries and threaten your families and your neighbors. We should be seeking as a society, as a people, to live a higher standard than that."

The left-leaning group Alliance for a Better Utah is supportive of the general aim of the bill, but opposes its criminal penalty.

"Like most Utahns, we support the right to protest and generally oppose most anti-protest bills. However, last year, far-right protesters crossed a line by showing up at the homes of public servants like Dr. Angela Dunn and then-Lt. Gov. Cox," Lauren Simpson, policy director for the group, said in a prepared statement Tuesday.

"Those invasive and inappropriate actions made it clear that Utah needs some boundaries that balance the right to protest with the right to privacy for public servants and their families," she said. "That being said, Utah also shouldn't be working to put more people in jail. The criminal punishment allowed by this bill seems excessive, and we hope lawmakers downgrade it."

John Mejia, legal director for the American Civil Liberties Union of Utah, also had misgivings with the class B misdemeanor penalty.

"Regardless of whether this type of speech regulation is permissible, we think that Utah lawmakers should avoid creating new crimes around the edge of constitutionally protected expressive activities," Mejia said in a prepared

statement. "We believe noncriminal penalties can be effective and are always worth considering in place of creating criminal punishments that could put more people in jail."

Wilcox said he included the class B misdemeanor in his bill as a penalty that's not too harsh, but not too lenient so it's "serious enough hopefully it has a deterring effect."

The bill was unveiled publicly Monday and has not yet been scheduled for a hearing.