COA Opinion: Ordinance prohibiting disruption of university employees in not unconstitutional on its face

22. June 2011 By Jason Byrne

On June 21, 2011, the Court of Appeals approved its May 2011 per curiam opinion in *People v. Rapp*, No. 294630, for publication. Based upon an individual's allegedly aggressive behavior towards a Michigan State University parking enforcement employee, a District Court had convicted that person of a misdemeanor for violating an ordinance that stated "no person shall disrupt the normal activity…of any person firm or agency while that person, firm or agency, is carrying out service activity or agreement for or with [Michigan State University]." On appeal the Circuit Court concluded that, according to the protections of the First Amendment, the ordinance was unconstitutionally overbroad on its face. In this opinion, the Court of Appeals reverses the Circuit Court's holding and finds that the ordinance is not facially overbroad. The Court noted that, unlike the case relied upon by the Circuit Court (*City of Houston v. Hill*, 482 US 451 (1987)) which prohibited interruption of a police officer's duties, the ordinance in this case prohibited acts which "disrupt" - which is defined as causing "disorder" and "confusion." Because of the level of conduct required, which is not solely focused on speech, the Court found the ordinance to be constitutional on its face. It did, however, remand the case to the Circuit Court for a determination of whether the ordinance was applied unconstitutionally in this situation, and to address the other issues raised by the defendant in his initial appeal.